

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN**

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

**Affirmation in Opposition to
Motion to Intervene**

Index No. E2022-0116CV

McAllister, J.S.C.

Return Date:
May 19, 2022

Heather L. McKay, an attorney admitted to practice before the Courts of the State of New York, hereby states under penalties of perjury:

1. I am an Assistant Attorney General in the New York State Attorney General’s Office, attorney for Respondents Governor Hochul and Lt. Governor Benjamin (the “Executive Respondents”) in this matter.
2. I make this declaration in opposition to the pending motion to intervene by Larry Sharpe, Diane Sare, Cody Anderson, and Mark Braiman. *See* NYSCEF No. 541 (“Motion #14”).
3. Attached hereto and made a part hereof as **Exhibit 1** is a true and correct copy of the Order entered by Hon. Phillip M. Halpern in the Southern District of New York denying a TRO to plaintiffs Joshua Eisen and Gary Greenburg on July 27, 2020.

4. For the reasons detailed in their accompanying memorandum of law, the Executive Respondents oppose the motion to intervene and respectfully request that it be denied in its entirety.

Dated: May 18, 2022
Rochester, NY

s/ Heather L. McKay
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