

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

Anthony S. Hoffmann; Marco Carrion; Courtney Gibbons;
Lauren Foley; Mary Kain; Kevin Meggett; Clinton Miller;
Seth Pearce; Verity Van Tassel Richards; and Nancy Van
Tassel,

Petitioners,

For an Order and Judgement Pursuant to Article 78 of the
New York Civil Practice Law and Rules

- against -

The New York State Independent Redistricting
Commission; Independent Redistricting Commission
Chairperson David Imamura; Independent Redistricting
Commissioner Ross Brady; Independent Redistricting
Commissioner John Conway III; Independent Redistricting
Commissioner Ivelisse Cuevas-Molina; Independent
Redistricting Commissioner Elaine Frazier; Independent
Redistricting Commissioner Lisa Harris; Independent
Redistricting Commissioner Charles Nesbitt; and
Independent Redistricting Commissioner Willis H.
Stephens,

Respondents.

Index No.: 904972/22

**AFFIRMATION IN
SUPPORT OF
MOTION TO DISMISS**

Timothy Hill, Esq., an attorney duly admitted to practice law before the Courts of the
State of New York, hereby affirms the following statement to be true:

1. I am a partner at the firm Messina Perillo Hill LLP, attorneys of record for
Respondents, INDEPENDENT REDISTRICTING COMMISSIONERS: COMMISSIONER
ROSS BRADY, COMMISSIONER JOHN CONWAY III; COMMISSIONER LISA HARRIS,
COMMISSIONER CHARLES NESBITT; and COMMISSIONER WILLIS H. STEPHENS (the
“Moving Respondents”). As such, I am fully familiar with the facts and circumstances set forth
herein.

2. This affirmation is submitted in support of the Moving Respondents' motion made pursuant to CPLR 7803 and 7804(f) and CPLR 3211(a)(5)(7), seeking an order dismissing the Petitioners' amended verified petition (the "Petition").

3. A true copy of the Petition is annexed hereto as Exhibit A.

4. Moving Respondents' legal arguments in support of this motion to dismiss are set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss and in Opposition to Order to Show Cause, dated August 26, 2022 (the "Memorandum of Law"). The Memorandum of Law and the arguments therein are hereby incorporated herein as if expressly set forth. The Court is respectfully referred to said Memorandum of Law and the arguments therein in support of dismissal.

5. Finally, the Moving Respondents respectfully reserve the right to answer the underlying Petition if this motion to dismiss is denied, in whole or in part. See CPLR 7804(f) & CPLR 3211(f).

WHEREFORE, for the reasons set forth herein and in the Memorandum of Law, Moving Respondents respectfully request an order pursuant to CPLR § 7804(f) and CPLR § 3211(a), dismissing the Amended Verified Petition in its entirety, denying the relief requested therein, and granting such other and further relief as the Court may deem just and proper together with costs and disbursements herein.

Dated: Sayville, New York
August 26, 2022

Timothy Hill /s/
TIMOTHY HILL
MESSINA PERILLO HILL, LLP
285 W. Main Street, Suite 203
Sayville, New York 11782
Attorneys for Moving Respondents

To: All counsel via NYSECF

CERTIFICATION PURSUANT TO 22 NYCRR § 202.8-b

I, Timothy Hill, Esq., an attorney duly admitted to practice law before the Courts of the State of New York, hereby certify that the within Affirmation submitted and filed in the above-captioned proceeding contains 555 words, excluding the parts exempted by § 202.8-b(b) and, as such, complies with the word count limits set forth in 22 NYCRR § 202.8-b.

In preparing this certification, I relied on the word count of the word processing system (Microsoft Word) used to prepare the document.

Dated: Sayville, New York
August 26, 2022

Timothy Hill

TIMOTHY HILL, ESQ