

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF STEUBEN

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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  
VIOLANTE,

Steuben County Index  
No. E2022-0116CV

Motion Sequence No. 9

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.

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**AFFIRMATION OF ERIC HECKER IN OPPOSITION TO PETITIONERS'  
MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING RE REMEDY**

ERIC HECKER, ESQ., hereby affirms under penalty of perjury that the following is true  
and correct:

1. I am an attorney duly licensed to practice law in New York State, and I am a member of Cuti Hecker Wang LLP, counsel for Respondents Senate Majority Leader and President *Pro Tempore* of the Senate Andrea Stewart-Cousins and the New York State Senate Majority's appointees to the New York State Legislative Task Force on Demographic Research

and Reapportionment (collectively, the “Senate Respondents”). I submit this Affirmation in opposition to Petitioners’ proposed Order to Show Cause regarding Petitioners’ request for leave to file supplemental briefing on the timing and scope of a “remedy.” Dkt. Nos. 198-99.

2. Now is not the time to talk about remedies. We are in the middle of a trial. Were the Petitioners to prevail, there would be a stay of any such order during the appellate process that would ensue. And even if the appellate process were somehow to conclude quickly, the 2022 election process already is underway, candidates are collecting signatures in the duly enacted districts as we speak, and military primary ballots must be finalized, printed, and mailed to servicemembers by May 14, 2022, with significant steps that must be completed before then. The Court already has recognized that “it is highly unlikely that a new viable map could be drawn and be in place within a few weeks or even a couple of months, therefore striking these maps would more likely than not leave New York State without any duly elected Congressional delegates.” *See* Tr. at 70. Nothing has changed since March 3, 2022 to undermine this Court’s reasoning.

3. We respectfully submit that the Court should not entertain briefing on the “remedy” issue at this time. If the Court disagrees and directs the parties to submit further briefing, Senate Respondents reserve all of their rights and will respond as directed in due course.

4. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 15, 2022  
New York, New York

/s/ Eric Hecker

Eric Hecker, Esq.  
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*Attorneys for Respondent Senate  
Majority Leader Andrea Stewart-Cousins  
and the New York State Senate Majority's  
appointees to the New York State Legislative  
Task Force on Demographic Research and  
Reapportionment*