



Phillips Lytle LLP

Via NYSCEF

May 24, 2022

Hon. Patrick F. McAllister
Acting New York State Supreme Court Justice
Steuben County Supreme Court
3 East Pulteney Square
Bath, New York 14810

Re: *Matter of Harkenrider v. Hochul* (Steuben County Index No. E2022-0116CV)

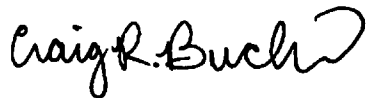
Dear Justice McAllister:

As co-counsel to New York State Assembly Speaker Carl Heastie, we oppose the motion to intervene filed by Mark Braiman (the "Braiman Motion") (Dkt. No. 583). The motion is untimely, and the Speaker reiterates the timeliness arguments he made in opposition to the three motions to intervene filed by Gavin Wax, Gary Greenberg, Benjamin Carlisle, and others from May 1 through 3, 2022 (Dkt. Nos. 325, 326, 360).

This Court denied those three motions as untimely (Dkt. No. 520 at pp. 4-5), and the Braiman Motion is even less timely. Two unsuccessful motions to intervene in this proceeding are particularly relevant: one filed by Mr. Carlisle and others (Dkt. No. 326), and another filed by Larry Sharpe and others (Dkt. No. 541). Those motions did not challenge an additional map; rather, they sought to influence the rules governing this year's elections. The Braiman Motion seeks to do likewise, and should be denied for the same reasons (*see* Dkt. No. 520 at 4-5; Dkt. No. 668).

Respectfully,

Phillips Lytle LLP

by 

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