

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,

v.

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.

Index No. E2022-0116CV

**EMERGENCY AFFIDAVIT OF
GARY GREENBERG**

STATE OF NEW YORK)

ss.:

COUNTY OF ALBANY)

GARY GREENBERG, being duly sworn, deposes and says:

1. I am a citizen of the State of New York, and a registered voter residing in New Baltimore, which is located in Greene County. I am a former New York state political candidate, who may in the future run again for State office.

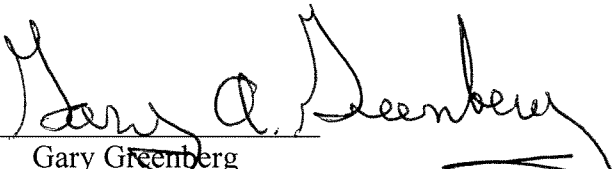
2. I make this Affidavit, based upon my personal knowledge, in support of the motion by Order to Show Cause to intervene and file the proposed Petition in Intervention on my behalf.

A copy of the proposed Petition in Intervention is annexed as Exhibit 1.

3. I am moving by Order to Show Cause so that the relief sought in the Order to Show Cause and the proposed Petition in Intervention can be pursued expeditiously in light of the upcoming electoral deadlines. Those deadlines include the current June 28, 2022 primary election date for the Assembly, the current May 13, 2022 deadline to mail military and overseas ballots, and other associated deadlines. All such deadlines should be adjourned in line with this Court's April 29, 2022 Order, which adjourned (1) the congressional and State Senate elections to August 23, 2022 and (2) the military and overseas ballot mailing deadline to July 8, 2022.

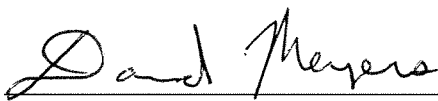
4. I also seek to intervene because (1) as set forth in the accompanying Memorandum of Law, the existing Petitioners are not adequately protecting my rights and those of the People of New York to have the Assembly election conducted based on electoral (re)districting adopted in the constitutionally-prescribed manner rather than the unconstitutional manner invalidated by the Court of Appeals, and (2) proceeding by plenary action in my county of residence would both be an inefficient use of judicial resources, and not reasonably calculated to secure the relief sought herein in timely fashion.

5. No prior request has been made for the relief requested herein.



Gary Greenberg

Sworn to before me this
3 day of May, 2022



Notary Public

David Meyers
Notary Public, State of New York
No. 01ME6393504
Qualified in Albany County
Commission Expires June 17, 2023 2