

Letter of Craig R. Bucki Dated September 2, 2022

Exhibit A

From: Peter A. Devlin <pdevlin@wmhlaw.com>
Sent: Thursday, September 1, 2022 3:07 PM
To: Eric Hecker; SFC-Part63-Clerk@nycourts.gov; Drudolf@nycourts.gov; Mjgolia@nycourts.gov
Cc: slerner@commoncause.org; dhill@graubard.com; jlessem@graubard.com; seth.farber@ag.ny.gov; Alex Goldenberg; aaron@nyelectionlaw.com; Alice Reiter; ereich@graubard.com; Craig R. Bucki; Jim Walden; kevin.murphy@elections.ny.gov; brian.quail@elections.ny.gov; Steven B. Salcedo; aaron.suggs@elections.ny.gov; Rebecca A. Valentine
Subject: RE: Letter re Nichols et al v. Hochul et al., Index No. 154213/2022

Your Honor,

Petitioners will defer to Common Cause to address any concerns the Court may have with the form of Common Cause's *amicus* submission. We write to respond to the Senate Majority Leader's request that the Court disregard the submission.

Whether this Court considers a submission from a party seeking to be heard *amicus curiae* rests solely in the Court's discretion. Siegel, N.Y. Prac. § 525 (6th ed.). And where, as here, a case involves "questions of important public interest," then "leave is generally granted to file a brief as *amicus curiae*." *Colmes v. Fisher*, 151 Misc. 222, 223 (Sup. Ct., Erie County 1934).

As the Court likely knows, Common Cause is a nonprofit and nonpartisan organization built on grassroots support. It is committed to good government and fair elections and has been an advocate for fair redistricting in New York, giving voice to New Yorkers who would otherwise not be heard. For an *amicus* submission, the organization's letter could not be more apt.

Further, Respondents are not prejudiced. Considering that the Independent Redistricting Commission (IRC) must show cause two weeks from now—on September 16 per the Court's recent order—why the IRC should not be added as a party, Respondents have ample time to respond to Common Cause's submission if they so choose before this Court decides the issues on remand.

Petitioners thus respectfully urge the Court to consider Common Cause's views.

Sincerely,

Peter A. Devlin (he/him)
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From: Eric Hecker <ehecker@chwllp.com>
Sent: Thursday, September 1, 2022 11:07 AM
To: SFC-Part63-Clerk@nycourts.gov; Drudolf@nycourts.gov; Mjgolia@nycourts.gov
Cc: slerner@commoncause.org; dhill@graubard.com; jlessem@graubard.com; seth.farber@ag.ny.gov; Alex Goldenberg <agoldenberg@chwllp.com>; aaron@nyelectionlaw.com; Alice Reiter <areiter@chwllp.com>; ereich@graubard.com; Craig Bucki <cbucki@phillipslytle.com>; Jim Walden <jwalden@wmhlaw.com>; kevin.murphy@elections.ny.gov; brian.quail@elections.ny.gov; ssalcedo@phillipslytle.com; aaron.suggs@elections.ny.gov; rvalentine@phillipslytle.com; Peter A. Devlin <pdevlin@wmhlaw.com>
Subject: Re: Letter re Nichols et al v. Hochul et al., Index No. 154213/2022

External Email - Caution before clicking links.

Apologies, I am resending the email I just sent a moment ago, but this time copying all counsel of record on NYSCEF. Counsel, please see below.

Eric Hecker
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Tel: 212.620.2600
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Pronouns: he/him/his

From: Eric Hecker <ehecker@chwllp.com>
Date: Thursday, September 1, 2022 at 11:01 AM
To: SFC-Part63-Clerk@nycourts.gov <SFC-Part63-Clerk@nycourts.gov>, Drudolf@nycourts.gov <Drudolf@nycourts.gov>, Mjgolia@nycourts.gov <Mjgolia@nycourts.gov>
Cc: slerner@commoncause.org <slerner@commoncause.org>, jwalden@wmhlaw.com <jwalden@wmhlaw.com>, pdevlin@wmhlaw.com <pdevlin@wmhlaw.com>, aaron.keith.suggs@elections.ny.gov <aaron.keith.suggs@elections.ny.gov>, Craig Bucki <cbucki@phillipslytle.com>, Alex Goldenberg <agoldenberg@chwllp.com>, Alice Reiter <areiter@chwllp.com>
Subject: Re: Letter re Nichols et al v. Hochul et al., Index No. 154213/2022

Justice Love's Chambers:

I represent the Senate Majority Leader in this proceeding.

It just came to my attention that the Executive Director of Common Cause, Susan Lerner, attempted to submit a purported amicus letter brief by email last week. Not only was it improper of her to submit by email without filing it through NYSCEF, she failed to copy me or my colleagues even though we are counsel of record for a Respondent who has appeared. Below is the email exchange, which I just received this morning.

We respectfully ask the Court to disregard Ms. Lerner's improper purported submission, and we respectfully ask all counsel to be vigilant not to engage in any communications with the Court without copying all counsel of record.

Respectfully submitted,

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Pronouns: he/him/his

From: Susan Lerner <slerner@commoncause.org>
Sent: Wednesday, August 24, 2022 2:01 PM
To: SFC-Part63-Clerk@nycourts.gov
Cc: Jim Walden <jwalden@wmhlaw.com>; Peter A. Devlin <pdevlin@wmhlaw.com>;
aaron.keith.suggs@elections.ny.gov; cbucki@phillipslytle.com; Esq. <ssalcedo@phillipslytle.com>
Subject: Letter re Nichols et al v. Hochul et al., Index No. 154213/2022

External Email - Caution before clicking links.

Attached please find our letter submitted as amicus in the above matter.

Susan Lerner

Susan Lerner
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