

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FOURTH DEPARTMENT

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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
VOLANTE,

Steuben Co. Index No.
E2022-0116CV

Petitioners,

-against-

**AFFIRMATION
IN SUPPORT**

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY
LEADER AND PRESIDENT PRO TEMPORE OF
THE SENATE ANDREA STWEART-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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JAMES M. McGUIRE, an attorney duly admitted to practice before the
Courts of the State of New York, hereby affirms the following to be true under
penalties of perjury pursuant to CPLR 2106:

1. I am a partner of the law firm Holwell Shuster & Goldberg, LLP, attorneys for the proposed amicus curiae the League of Women Voters of the State of New York (the “League”).

2. I submit this affirmation in support of the League’s motion for an order: (a) granting the League permission to file an amicus brief (a copy of which is annexed hereto as Exhibit A) in the instant appeal in support of an argument made by the Petitioners; and (b) granting such other relief as this Court may deem just and proper.

3. As set forth in the accompanying affidavit of Laura L. Bierman, sworn to on April 14, 2022, the League is an organization that has been in existence for more than 80 years and has championed for decades the cause of redistricting reform in New York State through an amendment to the New York Constitution. The League, having supported and educated the voters about the 2014 Amendment at issue in this appeal, has a strong interest in the outcome of this appeal. In particular, the League has a strong interest in the proper interpretation of the provisions of the Amendment addressing the allocation of remedial authority between the Judiciary and the Legislature for constitutional violations of the process requirements of the Amendment, requirements the League believes are of crucial importance to the long-standing and imperative goal of ending the gerrymandering that has plagued the voters of New York State for decades.

4. The League respectfully submits that its motion should be granted because, *inter alia*, (a) the League – as demonstrated in the accompanying proposed brief – can identify law or arguments that might otherwise escape the Court’s consideration; and (b) the League’s proposed brief would otherwise be of assistance to the Court in deciding this appeal.

5. Amicus curiae may assist a court with the law, facts, or circumstances of a case (see *Matter of Temco Serv. Inc. v Liu*, 39 Misc 3d 1240[A] [Sup Ct, NY County 2013]; *Kruger v Bloomberg*, 1 Misc 3d 192, 195-196 [Sup Ct, NY County 2003]).

6. “In cases involving questions of important public interest[,] leave is generally granted to file a brief as amicus curiae” (*Kruger v. Bloomberg*, 1 Misc 3d at 196).

7. Here, the League’s proposed amicus brief will assist the Court by, *inter alia*, focusing on the express language of the Amendment on the necessary process for redistricting legislation and the allocation of authority between the Judiciary and the Legislature with respect to violations of the Amendment’s process requirements.

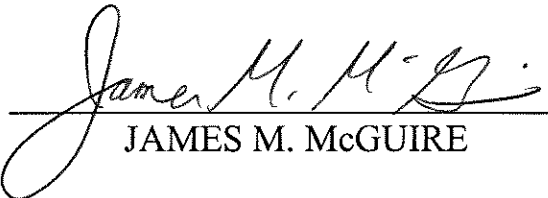
8. No party or counsel for any party contributed content to the League’s brief or participated in the preparation of the brief in any other manner; and no person or entity, including Holwell Shuster and Goldberg, which is assisting the League *pro bono*, contributed money for such purpose.

9. As noted, a copy of the League's proposed amicus brief is attached hereto as Exhibit A.

10. I am authorized to inform the Court that: the Attorney General, on behalf of Governor Hochul and Lieutenant Governor and President of the Senate, consents to the entry of an order granting this motion; and counsel for the Petitioners also consents to such an order; and the Senate Majority Leader and President Pro Tempore of the Senate, Andrea Stewart-Cousins and Speaker of the Assembly, Carl Heastie, take no position on this motion. I made inquiry by email yesterday to counsel for the New York State Board of Elections, but have not received a response.

11. Based upon all of the foregoing, I respectfully request that the League's motion be granted in its entirety.

Dated: New York, New York
April 14th, 2022



JAMES M. McGUIRE