

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE**

<p>ORAL CLARKE, ROMANCE REED, GRACE PEREZ, PETER RAMON, ERNEST TIRADO, and DOROTHY FLOURNOY</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">against</p> <p>TOWN OF NEWBURGH and TOWN BOARD OF THE TOWN OF NEWBURGH,</p> <p style="text-align: center;">Defendants.</p>	<p>Index No.: EF002460-2024</p> <p>Hon. Maria S. Vazquez-Doles</p> <p>Mot. Seq. No. 6</p>
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**MEMORANDUM OF LAW OF THE ACLU OF SOUTHERN CALIFORNIA, THE
ACLU OF NORTHERN CALIFORNIA, AND CAMPAIGN LEGAL CENTER FOR
LEAVE TO PARTICIPATE AS AMICI CURIAE**

The ACLU of Southern California, the ACLU of Northern California, and Campaign Legal Center (collectively, “proposed *amici*”) submit this motion, by order to show cause, and memorandum of law for leave to participate in this action as *amici curiae* in opposition to Defendants’ motion for summary judgment.

INTEREST OF AMICI CURIAE

Campaign Legal Center (CLC) is a nonpartisan, nonprofit organization dedicated to advancing democracy through law. Through its extensive work on redistricting and voting rights, CLC seeks to ensure that every U.S. resident receives fair representation at federal, state, and local levels. CLC has supported the enactment of state-level voting rights acts in Connecticut, Minnesota, New York, Oregon, Virginia, and Washington, as well as proposed acts in Maryland, Michigan, and New Jersey. CLC served as counsel for the plaintiffs in the first case brought under the WVRA and has also litigated numerous cases under the federal Voting Rights Act.

The American Civil Liberties Union (ACLU) is a nationwide, nonprofit, nonpartisan membership organization dedicated to the defense and promotion of the guarantees of individual rights and liberties embodied in the federal constitution. The ACLU of Southern California and the ACLU of Northern California (together, the “ACLU California Affiliates”) are regional affiliates that have litigated vote dilution cases in support of these constitutional principles, including cases under the CVRA. The ACLU California Affiliates were one of the original supporters of the CVRA’s enacting legislation and have since supported and sponsored legislation to expand and improve the law.

ARGUMENT

As recognized by the New York Attorney General, the judicial construction of the New York Voting Rights Act (NYVRA) is a question of important public interest with ramifications far beyond this individual case. NYSCEF No. 25 at 2. Political subdivisions across the State will likely look to this Court's decision regarding the constitutionality of the NYVRA for guidance. *See id.*

“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 192, 196 (Sup. Ct., N.Y. Cnty. 2003) (citation omitted). This case has significant implications for New York residents whose voting rights are protected by the NYVRA, and for voters across the country whose rights are safeguarded by similar state voting rights acts. The proper resolution of this case is of great interest to proposed *amici*, which have specifically drafted their brief to address the constitutionality of the NYVRA's vote dilution provisions which are similar to the vote dilution provisions in the California Voting Rights Act and the Washington Voting Rights Act.

Amici's expertise in the area of voting rights should be of assistance to the Court given their extensive work supporting the enactment of state voting rights act as well as advocating and litigating under state voting rights acts. *See id.* (noting that a court may call upon *amici* to give testimony where they are “uniquely qualified”).

While the parties are ably represented by counsel, the Court would benefit from the perspective of the proposed *amici* as to the public interest implications of this case, as they are nonprofit organizations with significant experience in the voting rights space. *Cf. Anschutz Expl. Corp. v. Town of Dryden*, 35 Misc. 3d 450, 454 (Sup. Ct., Tompkins Cnty. 2012) (“Although the parties have very capably advanced their respective positions, there is no prejudice to them in permitting the proposed amici to be heard on this case of first impression involving a matter of

important public interest.”) *aff’d sub nom. Norse Energy Corp. USA v. Town of Dryden*, 108 A.D.3d 25 (3d Dep’t 2013), *aff’d sub nom. Wallach v. Town of Dryden*, 23 N.Y.3d 728 (2014).

Finally, the Court’s acceptance of the proposed amicus brief would not “substantially prejudice the rights of the parties,” *Kruger*, 1 Misc. 3d at 198, because all parties have consented to its filing. *See* Affirmation of Julia A. Gomez in Support of Order to Show Cause of the ACLU of Southern California, the ACLU of Northern California, and Campaign Legal Center for Leave to Participate as *Amici Curiae*, dated October 10, 2024 ¶3.

CONCLUSION

For the foregoing reasons, the Court should grant *amici’s* order to show cause for leave to file an *amici* brief in opposition to Defendants’ motion for summary judgment. *E.g.*, *Kruger*, 1 Misc. 3d at 196 (“There are few cases addressing such applications in the trial court, in part because the parties may stipulate to amicus curiae status.”).

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CERTIFICATION

In accordance with Rule 202.8-b of the Uniform Civil Rules for the Supreme Court and the County Court, I hereby certify that this MEMORANDUM OF LAW OF THE ACLU OF SOUTHERN CALIFORNIA, THE ACLU OF NORTHERN CALIFORNIA, AND CAMPAIGN LEGAL CENTER FOR LEAVE TO PARTICIPATE AS AMICI CURIAE contains 735 words, exclusive of caption, cover page, and signature block, as established using the word count function of Microsoft Word.

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