

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

ORAL CLARKE, ROMANCE REED,  
GRACE PEREZ, PETER RAMON, ERNEST  
TIRADO, and DOROTHY FLOURNOY

Plaintiffs,

- against -

TOWN OF NEWBURGH and TOWN  
BOARD OF THE TOWN OF NEWBURGH,

Defendants.

Index No. EF002460-2024

Hon. Maria S. Vazquez-Doles

Mot. Seq. No. 3

**AFFIRMATION IN SUPPORT OF MOTION, BY ORDER TO SHOW CAUSE, OF THE  
ATTORNEY GENERAL OF THE STATE OF NEW YORK FOR LEAVE TO  
PARTICIPATE AS *AMICUS CURIAE***

DEREK BORCHARDT, an attorney duly admitted to practice law before the courts of the State of New York, hereby affirms under penalty of perjury:

1. I am an Assistant Attorney General in the Office of Letitia James, Attorney General of the State of New York. I make this affirmation on personal knowledge in support of the Attorney General’s motion, by order to show cause, for leave to file a memorandum of law as *amicus curiae* (“amicus brief”) in opposition to defendants’ motion to dismiss.

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

3. Before filing this motion by order to show cause, on April 26, 2024, I asked the parties to this action whether they would consent to the relief requested herein. The plaintiffs consented, and the defendants stated that they “take no position.”

4. Appended as **Exhibit A** is the Attorney General’s proposed *amicus* brief in opposition to defendants’ motion to dismiss. For the reasons set forth in the memorandum of law

filed on this same date, the Attorney General requests that the Court grant her leave to file the appended *amicus* brief.

I affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: April 30, 2024  
New York, New York

By: /s/ Derek Borchardt  
Derek Borchardt