

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,

Index No. E2022-0116CV

McAllister, J.S.C.

Return Date:
March 3, 2022

Petitioner,

-against-

**NOTICE OF MOTION
TO DISMISS**

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.

PLEASE TAKE NOTICE that upon the February 7, 2022 Order to Show Cause, the Petition, and all supporting papers in this matter, the Affirmation of Heather L. McKay, sworn to February 24, 2022, with accompanying Exhibits 1-5, and the Memorandum of Law in Opposition to the Petition and in Support of the Motion to Dismiss by the respondents, Governor Kathy Hochul and Lieutenant Governor and President of the Senate Brian A. Benjamin (collectively, “Executive Respondents”), the Executive Respondents, will move this Court on the 3rd day of March, 2022,¹ at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order dismissing this Petition and all claims against them pursuant to CPLR §§ 3211(a)(7) & (8), and declaring that L.2021, c. 633, § 1 and the 2022 Congressional maps are constitutional, and

¹ The return date of this motion is set to the agreed upon adjourned date of the return date in this proceeding pursuant to CPLR § 406.

for such other and further relief as this Court deems just and proper.

DATED: Rochester, New York
February 24, 2022

LETITIA JAMES
Attorney General State of New York
Attorney for Executive Respondents

BY:
/s/ Heather L. McKay
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Via NYSCEF