

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF ALBANY

---

Anthony S. Hoffmann; Marco Carrion; Courtney Gibbons;  
 Lauren Foley; Mary Kain; Kevin Meggett; Clinton Miller;  
 Seth Pearce; Verity Van Tassel Richards; and Nancy Van  
 Tassel,

Petitioners,

For an Order and Judgement Pursuant to Article 78 of the  
 New York Civil Practice Law and Rules

- against -

The New York State Independent Redistricting  
 Commission; Independent Redistricting Commission  
 Chairperson David Imamura; Independent Redistricting  
 Commissioner Ross Brady; Independent Redistricting  
 Commissioner John Conway III; Independent Redistricting  
 Commissioner Ivelisse Cuevas-Molina; Independent  
 Redistricting Commissioner Elaine Frazier; Independent  
 Redistricting Commissioner Lisa Harris; Independent  
 Redistricting Commissioner Charles Nesbitt; and  
 Independent Redistricting Commissioner Willis H.  
 Stephens,

Respondents.

---

Index No.: 904972-22

NOTICE OF MOTION  
TO DISMISS

**PLEASE TAKE NOTICE** that upon the Affirmation of Timothy Hill, Esq., dated August 26, 2022 and the Memorandum of Law in Support of even date, Respondents, Independent Redistricting Commissioners: Ross Brady; John Conway III; Lisa Harris; Charles Nesbitt and Willis H. Stephens, (hereinafter the “Moving Respondents”) will move this Court, at the Courthouse located at 16 Eagle Street, Albany, New York, on the 12th day of April, 2022, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order pursuant to CPLR 7804(f) and CPLR 3211(a)(5)(7), dismissing the Amended Verified Petition in its entirety, with prejudice, on the grounds that the amended verified petition fails to state a claim, that mandamus does not lie, that the

petition is untimely, and that the relief is not available as against the individual Moving Respondents, together with such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to CPLR §7804 (c) and (f), this motion is made upon notice within the time for Moving Respondents to file their answer.

**PLEASE TAKE FURTHER NOTICE** that in the event this motion is denied, in whole or in part, Moving Respondents reserve the right to answer the Verified Petition.

**PLEASE TAKE FURTHER NOTICE** that pursuant to CPLR §2214(b), answering papers, if any, shall be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: Sayville, New York  
August 26, 2022

Timothy Hill /s/  
TIMOTHY HILL  
MESSINA PERILLO HILL, LLP  
285 W. Main Street, Suite 203  
Sayville, New York 11782  
[thill@mphlawgroup.com](mailto:thill@mphlawgroup.com)  
*Attorneys for Moving Respondents*

*To: All counsel via NYSECF*