

STATE OF NEW YORK
SUPREME COURT: COUNTY OF STEUBEN

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR. STEVEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALEN NEWPHEW,
SUSAN ROWLEY, JOSEPHINE THOMAS, and
MARIANNE VOLANTE,

Index No. E2022-0116CV

Petitioners,

-against-

**ORDER TO SHOW CAUSE
REGARDING TYRRELL
BEN-AVI'S EMERGENCY
MOTION FOR LEAVE TO
INTERVENE**

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
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

WHEREAS, Tyrrell Ben-Avi seeks leave to intervene in this action on the grounds that (1) he has an absolute statutory right to seek relief regarding apportionment of New York Congressional maps, (2) his interests are or may be inadequately represented by the existing parties and he is or may be bound by the judgment, and (3) his claim has common questions of law or fact with those pending before this Court;

UPON the Affirmation of Tyrrell Ben-Avi, the Proposed Petition in Intervention, the

ORDER TO SHOW CAUSED



E2022-0116CV
05/23/2022 02:14 PM

Judith M. Hunter, County Clerk

Clerk: HA

accompanying Memorandum of Law, and upon all of the pleadings and proceedings heretofore had herein;

LET Respondents or their counsel show cause before this Court, at IAS Part , Room

, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the day of *26th*

May, 2022, at *9:30 a.m.*, or as soon thereafter as counsel can be heard, why an Order should not be *Virtual Appearance Permitted*

entered:

1. Granting Tyrrell Ben-Avi leave to intervene pursuant to CPLR 1012 and/or CPLR

1013;

2. Upon grant of intervention:

a. declaring pursuant to CPLR § 3001 that the 2022 New York State Congressional map, see

2021–2022 N.Y. Reg. Sess. Leg. Bills A.9040-A and A.9168, is void based

upon the procedural flaws in its adoption previously set forth by the Court

of Appeals;

b. enjoining Respondents to adjourn the primary election date for the New

York Assembly from June 28, 2022, to August 23, 2022 (thus, aligning the

primary election date for the United States Senate with the adjourned primary

election dates for the State Senate and U.S. Congress);

c. enjoining the deadline for military and overseas ballots to July 8, 2022, or a

Board of Elections or other governmental body, that would undermine this

Court's ability to offer effective and complete relief to Petitioner for the

November 2022 elections and related primaries; and

3. granting such other and further relief as is just and proper.

IT IS HEREBY ORDERED that service of a copy of this Order and accompanying documents be served on counsel to all parties via NYSCEF, on or before May 18, 2022; and it is further

ORDERED that Petitioners and Respondents shall file a copy with this Court of their opposition papers, if any, via NYSCEF, on or before May 24, 2022, at 5:00 PM; and

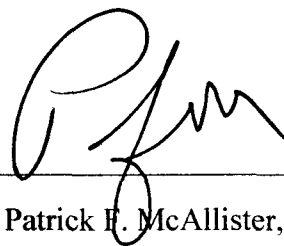
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~~**ORDERED** that Greenberg shall file a copy with this Court of any reply papers via ECF on or before May , 2022, at .~~

DATED: Bath, New York

May 13, 2022

ENTER:



Hon. Patrick F. McAllister, A.J.S.C.