

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

Index No. E2022-0116CV

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

Petitioners,

-against-

ORDER

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.

PRESENT: Hon. Patrick F. McAllister
Acting Supreme Court Justice

The Legislature has failed to submit revised maps as ordered by this court. Instead the Respondents filed an appeal that stayed this court's order. The court has reviewed the Decision of Hon. Stephen K. Lindley, Justice of the Supreme Court dated April 8, 2022. Based on that Decision this court has retained Jonathan Cervas to serve as special master to prepare and draw a new neutral, non-partisan Congressional map. The court is taking this action because the case is one in which the parties desire and the public need requires a speedy determination of the controversy over a non-partisan Congressional map. The statutory filing period for declaration of Congressional candidacy has already expired. However, a new period can be designated in the event the Court of Appeals upholds the decision to strike the currently enacted map. In discussing the matter with Dr. Jonathan Cervas the court has prepared the following time line:

The parties, any other interested parties, and any person seeking to participate as an intervenor or *amicus curiae* shall file and submit any proposed complete Congressional Map or any proposed single congressional district map, or any community of interest map to the court and Dr. Cervas for consideration by April 22, 2022:

The parties, any other interested parties, and any person, shall submit any reply or response to the opposing parties' submission to the court and the special master by April 29, 2022;

The parties, any other interested parties, and any person shall appear before Dr. Jonathan Cervas for a hearing on May 6, 2022 at 9:30 a.m. in person at the Steuben County Courthouse in Bath, New York;

Dr. Jonathan Cervas shall complete his proposed 2022 preliminary Congressional redistricting map by May 16, 2022;

The parties, and any other interested parties and any person shall submit any written opposition to the proposed map by May 20, 2022; and

The final non-partisan Congressional redistrict map shall be issued by May 24, 2022;

The information collected by, or submitted to, the IRC including any minutes of public hearings shall be made available to Dr. Jonathan Cervas and his research assistants;

The State of New York shall pay to Dr. Cervas a total sum not to exceed \$90,000.00 as and for the work on preparing the Congressional map for 2022. Dr. Cervas shall submit a voucher for payment upon completion of his work at a rate of \$450.00 per hour. Dr. Cervas shall be free to retain assistants to help him in preparing the map. The payment for the assistants shall be through Dr. Cervas and be included within the \$90,000.00 cap.

NOW, therefore, upon consideration of all papers and proceedings heretofore had herein, and after due deliberation, it is

Dated: April 18, 2022



Hon. Patrick F. McAllister
Acting Supreme Court Justice

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