

At IAS Part __ of the Supreme Court of the State of New York, held in and for the County of Steuben, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 14 day of March, 2022.

PRESENT: _____

HON. PATRICK F. McALLISTER, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

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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

**ORDER TO SHOW CAUSE
FOR ADVERSE
INFERENCES FROM
RESPONDENTS AND
THEIR AGENTS' FAILURE
TO APPEAR FOR NOTICED
DEPOSITIONS**

Petitioners,

-against-

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.

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UPON reading of the Affirmation of Bennet J. Moskowitz dated March 11, 2022, and the exhibits annexed thereto, and Petitioners' Memorandum of Law in support of their Motion For The Court To Draw Adverse Inferences From Respondents' And Their Agents' Failure to Appear for Properly Noticed Depositions; and all of the pleadings and proceedings heretofore had herein, it is hereby:

ORDERED that Respondents or their counsel appear and show cause before this Court, at IAS Part __, Room ____, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 16th day of March, 2022, at 9:30 a.m., or as soon thereafter as counsel can be heard, why an Order should not be issued granting Petitioners' Motion for Adverse Inferences from Respondents and Third-Parties' Failure to Appear for Properly Noticed Depositions; and it is


FURTHER ORDERED that Petitioners shall serve a copy of this Order and all papers in support thereof upon counsel for Respondents and counsel of record for the Attorney General by NYSCEF on or before the 14 day of March, 2022; and it is

FURTHER ORDERED that Respondents shall serve any papers in opposition to Petitioners' Motion for Adverse Inferences from Respondents and Third-Parties' Failure to Appear for Properly Noticed Depositions by NYSCEF no later than the 15 day of March, 2022; and it is

FURTHER ORDERED that Petitioners shall serve any reply papers in further support of their Motion for Adverse Inferences from Respondents and Third-Parties' Failure to Appear for Properly Noticed Depositions by NYSCEF no later than the ___ day of March, 2022.

Signe Donevich 14, 2022

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Hon Patrick F. McAllister
Acting Supreme Court Justice