

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 day of May, 2022.

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

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,

Petitioners,

v.

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.

Index No. E2022-0116CV

**ORDER TO SHOW CAUSE
REGARDING GARY
GREENBERG'S EMERGENCY
MOTION FOR LEAVE TO
INTERVENE**

WHEREAS, Gary Greenberg seeks leave to intervene in this action on the ground that (1) he has an absolute statutory right to seek relief regarding apportionment of New York Assembly districts, (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 Gary Greenberg, the Proposed Petition in Intervention, the

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

1. Granting Gary Greenberg 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 State Assembly 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 State Assembly 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 date that this Court otherwise deems appropriate;
 - d. applying the same remedial procedures this Court has ordered in this action with respect to Congressional and State Senate apportionment and redistricting to State Assembly apportionment and redistricting, including the creation and adoption of a new, constitutionally and legally compliant

State Assembly map;

- e. adopting appropriate measures and processes with respect to Congressional, State Assembly, State Senate, and state-wide office:
 - i. to remediate signatures on petitions that are no longer valid under N.Y. Elec. Law § 6-138 or other state law;
 - ii. to allow existing candidates with invalid signatures to obtain new signatures; and
 - iii. to allow new candidates to obtain signatures to qualify for primary elections;
 - f. suspending or enjoining the operation of any other state laws, or vacating any certifications or other official acts of the acts of the New York State 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 __, 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 __, 2022, at __; and

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 __, 2022

ENTER:

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