

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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

Index No. 904972-22

ORDER TO SHOW CAUSE

Petitioners,

Oral argument requested

For an Order and Judgment 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.

-----X
UPON reading and filing the annexed Amended Verified Petition of Petitioners Anthony
S. Hoffmann, Marco Carrión, Courtney Gibbons, Lauren Foley, Mary Kain, Kevin Meggett,
Reverend Clinton Miller, Seth Pearce, Verity Van Tassel Richards, and Nancy Van Tassel, dated
August 4, 2022, and the Affirmation of James R. Peluso and the exhibits attached thereto, and the
accompanying Memorandum of Law, dated August 4, 2022, and upon due consideration:

LET THE RESPONDENTS OR RESPONDENTS' COUNSEL SHOW CAUSE before
this court, at the Albany County Courthouse located at 16 Eagle Street, Albany, New York, on

September 9, 2022, at 9:30 a.m., or as soon thereafter as counsel may be heard, why a judgment should not be entered in this proceeding:

1. Granting judgment, pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”), compelling the New York State Independent Redistricting Commission and its commissioners to fulfill their constitutional duty under Article III, Sections 4 and 5 of the New York Constitution by submitting a second round of proposed congressional and state legislative districting plans for consideration by the Legislature, in order to ensure that a lawful plan is in place immediately following the 2022 elections and can be used for subsequent elections this decade; and

2. Grant such other and further relief as this Court may find just and proper.

And it is further ORDERED, that service of a copy of this order, together with the papers upon which is granted, on the Attorney General, 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, or counsel thereof, by electronic mail service, on or before the 5th day of August, 2022, be deemed good and sufficient service upon Respondents thereof; and it is further

ORDERED that Respondents’ answering papers shall be filed on or before the 23rd day of August, 2022; and it is further

ORDERED that Petitioners’ reply papers, if any, shall be filed on or before the 2nd day of September, 2022.

ENTER:

HON. PETER A. LYNCH, J.S.C.

EMERY CELLI BRINCKERHOFF
& ABADY, LLP

/s/ Matthew D. Brinckerhoff
Matthew D. Brinckerhoff
Andrew G. Celli
600 Fifth Avenue, 10th Floor
New York, NY 10020
Tel.: (212) 763-5000
mbrinckerhoff@ecbawm.com
acelli@ecbawm.com

DREYER BOYAJIAN LLP

/s/ James R. Peluso
James R. Peluso
75 Columbia Street
Albany, NY 12210
Tel.: (518) 463-7784
jpeluso@dblawnny.com

ELIAS LAW GROUP LLP

/s/ Aria C. Branch
Aria C. Branch*
Harleen K. Gambhir*
Aaron M. Mukerjee
10 G St NE, Ste 600
Washington, DC 20002
Tel.: (202) 968-4490
abranh@elias.law
hgambhir@elias.law
amukerjee@elias.law

Jonathan P. Hawley*
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Tel.: (206) 656-0177
jhawley@elias.law

**Pro hac vice applications forthcoming*