

Bennet J. Moskowitz

bennet.moskowitz@troutman.com

April 19, 2022

VIA NYSCEF

Honorable Patrick F. McAllister
Supreme Court, Steuben County
3 East Pulteney Square
Bath, New York 14810

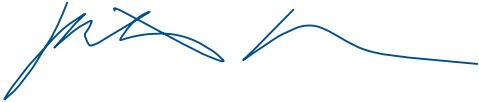
Re: *Harkenrider, et al. v. Hochul, et al.*, Index No. E2022-0116CV (Sup. Ct. Steuben Cnty.)

Dear Justice McAllister:

This Court's Order of yesterday provided that "[t]he 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." NYSCEF No.258 at 2. Misha Tseytlin, lead counsel for Petitioners, has a previously scheduled oral argument before the U.S. Court of Appeals for the D.C. Circuit on May 6, 2022, in the case of *Cherokee County Cogeneration v. FERC*, No.21-1163 (D.C. Cir.). Furthermore, Mr. Tseytlin also has a previously scheduled oral argument before the U.S. Court of Appeals for the Fourth Circuit on May 3, 2022, in the case of *Henderson v. The Source For Public Data*, No.21-1678 (4th Cir.).

Given these previously scheduled oral arguments, Petitioners respectfully request that this Court consider rescheduling the May 6 Hearing for May 9, 2022, which is only one business day later. Importantly, however, Petitioners strongly believe that this Court should not delay in any way the ultimate resolution remedial proceedings, given the press of time. Thus, if this Court believes it impossible to move the May 6 Hearing to May 9 without delaying the ultimate resolution of remedial proceedings, Petitioners would withdraw this request and would make arrangements for different counsel to participate at the May 6 Hearing.

Sincerely,



Bennet J. Moskowitz



Misha Tseytlin

cc: All Counsel of Record (via NYSCEF)