

April 28, 2022

By E-Filing

Hon. 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

Dear Justice McAllister:

We represent the Senate Majority Leader in this special proceeding. We write to ask the Court to reconsider its recently-issued Order (NYSCEF Doc. No. 291) in two critical respects.

First, with respect to the Court's statement that "[t]he time to file proposed Congressional maps has already expired," the Court of Appeals expressly held on page 32 of its Opinion that on remand, the Special Master shall consider "any submissions any party wishes to promptly offer." We intend to submit a proposed Congressional plan by no later than April 30, 2022, which is the deadline the Appellate Division had set, and we are hopeful that we will be able to submit it by tomorrow.¹

Second, we respectfully request that the Court move the deadline for submitting proposed Senate plans forward one day from May 5 to May 4. The hearing before the Special Master is scheduled for May 6, the day after the submission deadline the Court set. We respectfully suggest that it would be better

¹ We note that when the Appellate Division ruled on April 21, it expressly struck the thirteenth decretal paragraph in this Court's March 31 Order, which was the paragraph directing the appointment of the Special Master, and the Appellate Division expressly held on page 8 of its Order that the matter would not be remitted to this Court until after April 30. Accordingly, on April 22 – the deadline for submitting proposed Congressional plans that this Court had set on March 31 – the special master process was on hold, and the matter was not before this Court. In any event, even if there were some other way to read the Appellate Division's order that it was "vacating the . . . 13th decretal paragraph[]" of this Court's March 31 Order, the Court of Appeals expressly directed that the parties shall be permitted to submit proposed remedial plans "prompt[ly]" after its decision.

for everyone – including the parties on both sides, members of the public, and the Special Master – if everyone has a full day to consider the Senate submissions and to prepare to participate in the May 6 hearing meaningfully. If Senate plans are not submitted until May 5, there will not be adequate time to analyze the submitted plans and prepare comments for a hearing scheduled for the very next morning.

We thank the Court for its consideration of this submission.

Respectfully submitted,



Eric Hecker

cc: All Counsel of Record