

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BROOKLYN BRANCH OF THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE,,

Plaintiff,

- against -

PETER S. KOSINSKI, in his official capacity as Co-
Chair of the State Board of Elections, *et al.*,

Defendants.

-----x

**DECLARATION FO
STEPHEN KITZINGER IN
SUPPORT OF MOTION
TO DISMISS**

21 CV 7667 (KPF)

STEPHEN KITZINGER, pursuant to 28 U.S.C. § 1746, declares under penalty

of perjury, that:

1. I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for the Board Defendants.

As such, I am familiar with the facts of this case.

2. I submit this declaration in support of the Board's motion to dismiss the Complaint.

3. The City Board Defendants adopt in whole the arguments put forth by the State Board of Elections Defendants in their motion to dismiss the complaint pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure (Dkt. 32-1).

4. For the reasons set forth therein, the City Board Defendants respectfully request that this Court enter an Order dismissing the complaint and for such other and further relief as is just and proper.

Dated: New York, New York
March 1, 2022

s/Stephen Kitzinger
Stephen Kitzinger
Assistant Corporation Counsel

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