

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

VITO J. FOSSELLA, *et al.*,

Plaintiffs,

-against-

ERIC ADAMS, *et al.*,

Defendants.

Motion Sequence No. 4

Index No. 85007/2022

**AFFIRMATION IN RESPONSE
TO PLAINTIFFS' AND CO-
DEFENDANTS' RESPECTIVE
MOTIONS FOR
SUMMARY JUDGMENT**

JERRY H. GOLDFEDER, an attorney duly admitted to practice before the Courts of the State of New York, under penalty of perjury, hereby affirms the following to be true:

1. I am a Special Counsel at Stroock & Stroock & Lavan LLP, and my firm represents, along with co-counsel Holtzman Vogel Baran Torchinsky & Josefiak PLLC, The Board of Elections in the City of New York (“City BOE”). We submit this Affirmation in response to Plaintiffs’ and Co-Defendants’ respective motions for summary judgment relating to the validity of Local Law 11 of 2022.

2. The City BOE takes no position with respect to said motions, intending to fully comply with its obligations under this law if it is upheld, constrained only by the authority and obligations of the New York State Board of Elections under the New York State Election Law; the constraints relating thereto are articulated in the City BOE’s Memorandum of Law in support of its motion to join the New York State Board of Elections as a necessary and indispensable party, which is annexed hereto as Exhibit A and incorporated by reference herein.

3. In addition, although Co-Defendants have not sought relief with respect to the City BOE’s cross-claim in its Answer, they have advised this Court that Section 2 of Local Law 11 “does not create a ‘rebuttable presumption’ that a criminal violation has occurred and Charter

§ 1057-ss does not create a criminal violation for failing to meet the deadline set forth in [Local Law] 11 § 2.” Co-Defendants’ concession on this issue is contained in their Memorandum of Law in support of their motion for summary judgment, and the pertinent section is annexed hereto as Exhibit B and incorporated by reference herein.

Dated: May 26, 2022
New York, NY

/s/ Jerry H. Goldfeder
JERRY H. GOLDFEDER

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WORD COUNT CERTIFICATION

I hereby certify that this affirmation complies with Rule 202.8-b of the Uniform Civil Rules for the Supreme Court and the County Court. This certificate certifies that the document complies with the word count limit. Compliance relied on the word count of the word-processing system used to prepare the document. The total number of the words in this affirmation, exclusive of the caption and signature block, is 288 words.

Date: New York, New York
May 26, 2022

/s/ Jerry Goldfeder
JERRY H. GOLDFEDER

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