

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF RICHMOND

VITO J. FOSSELLA, NICHOLAS A. LANGWORTHY, JOSEPH BORELLI, NICOLE MALLIOTAKIS, ANDREW LANZA, MICHAEL REILLY, MICHAEL TANNOUSIS, INNA VERNIKOV, DAVID CARR, JOANN ARIOLA, VICKIE PALADINO, ROBERT HOLDEN, GERARD KASSAR, VERALIA MALLIOTAKIS, MICHAEL PETROV, WAFIK HABIB, PHILLIP YAN HING WONG, NEW YORK REPUBLICAN STATE COMMITTEE, and REPUBLICAN NATIONAL COMMITTEE,

Index No. 85007/2022

Plaintiffs,

**Hon. Ralph J. Porzio**

-against-

ERIC ADAMS, in his official capacity as Mayor of New York City, BOARD OF ELECTIONS IN THE CITY OF NEW YORK, CITY COUNCIL OF THE CITY OF NEW YORK,

Defendants.

---

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the attached Affirmation of Michael Y. Hawrylchak, dated May 9, 2022, and the exhibits annexed thereto; the Affidavit of Vito J. Fossella, dated May 9, 2022; the Affidavit of Nicholas A. Langworthy, dated May 9, 2022; the Affidavit of Joseph Borelli, dated May 9, 2022; the Affidavit of Michael Reilly, dated May 9, 2022; the Affidavit of Michael Tannousis, dated May 9, 2022; the Affidavit of Robert Holden, dated May 9, 2022; the Affidavit of Gerard Kassar, dated May 9, 2022; the Affidavit of Phillip Yan Hing Wong, dated May 9, 2022; and the Affidavit of Elliott Echols, dated May 6, 2022; Plaintiffs' Statement of Material Facts, dated May 9, 2022; and the accompanying Memorandum of Law, dated May 9, 2022; and upon all the prior pleadings and proceedings in this action, Plaintiffs will move this

Court at 2:30 p.m. on June 7, 2022, or as soon thereafter as counsel can be heard, at the Staten Island Courthouse located at 26 Central Avenue, Rm. 340 Staten Island, NY 10301, for an Order granting summary judgment to Plaintiffs and (1) declaring that Local Law No. 11 of 2022 is illegal, null, and void because it violates the State Constitution, the State Election Law, and the State Municipal Home Rule Law, and (2) permanently enjoining the Defendants from taking any steps to implement and/or enforce said law.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's April 13, 2022 Order (NYSCEF No. 52), opposition papers and cross-motions, if any, must be filed on or before May 27, 2022.

Dated: May 9, 2022  
Albany, New York

O'CONNELL AND ARONOWITZ

By: s/ Michael Y. Hawrylchak  
Michael Y. Hawrylchak  
Attorneys for Plaintiffs  
54 State Street  
Albany, New York 12207  
(518) 462-5601

TO: Aimee K. Lulich, Esq. (via email and CEF)  
Jerry H. Goldfeder, Esq. (via email and CEF)  
Michael G. Mallon, Esq. (via email and CEF)  
Shauneida, Navarrete, Esq. (via email and CEF)  
Joseph J. Cycon, Esq. (via email and CEF)  
Edward M. Wenger, Esq. (via email and CEF)  
Fulvia L. Vargas-De León, Esq. (via email and CEF)  
Cesar Z. Ruiz, Esq. (via email and CEF)