

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

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TIM HARKENRIDER, GUY C. BROUGHT, :
LAWRENCE CANNING, PATRICIA CLARINO, :
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA :
FANTON, JERRY FISHMAN, JAY FRANTZ, :
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN :
ROWLEY, JOSEPHINE THOMAS, AND :
MARIANNE VOLANTE, :

Index No. E2022-0116CV
(J. McAllister)

**ANSWER TO
AMENDED PETITION**

Amended Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT :
GOVERNOR AND PRESIDENT OF THE SENATE :
BRIAN A. BENJAMIN, SENATE MAJORITY :
LEADER AND PRESIDENT PRO TEMPORE OF :
THE SENATE ANDREA STEWART-COUSINS, :
SPEAKER OF THE ASSEMBLY CARL HEASTIE, :
NEW YORK STATE BOARD OF ELECTIONS, AND :
THE NEW YORK STATE LEGISLATIVE TASK :
FORCE ON DEMOGRAPHIC RESEARCH AND :
REAPPORTIONMENT, :

Respondents.

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Respondent Speaker of the Assembly Carl Heastie (“Assembly Speaker”) and the Assembly majority, by their attorneys, Graubard Miller, answer the Amended Petition as follows:

1. Deny the allegation of paragraph 1 of the Amended Petition.
2. As and for their answer to the allegation of paragraph 2 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

3. Decline to respond to the allegation of paragraph 3 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

4. As and for their answer to the allegation of paragraph 4 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

5. As and for their answer to the allegation of paragraph 5 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

6. Deny the allegation of paragraph 6 of the Amended Petition.

7. Deny the allegation of paragraph 7 of the Amended Petition.

8. Deny the allegation of paragraph 8 of the Amended Petition.

9. Deny the allegation of paragraph 9 of the Amended Petition.

10. Deny the allegation of paragraph 10 of the Amended Petition.

11. Deny the allegation of paragraph 11 of the Amended Petition.

12. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 12 of the Amended Petition.

13. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 13 of the Amended Petition.

14. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 14 of the Amended Petition.

15. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 15 of the Amended Petition.

16. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 16 of the Amended Petition.

17. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 17 of the Amended Petition.

18. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 18 of the Amended Petition.

19. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 19 of the Amended Petition.

20. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 20 of the Amended Petition.

21. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 21 of the Amended Petition.

22. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 22 of the Amended Petition.

23. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 23 of the Amended Petition.

24. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 24 of the Amended Petition.

25. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 25 of the Amended Petition.

26. Decline to respond to the allegation of paragraph 26 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

27. Decline to respond to the allegation of paragraph 27 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

28. Decline to respond to the allegation of paragraph 28 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

29. Admit the allegation of paragraph 29 of the Amended Petition.

30. Decline to respond to the allegation of paragraph 30 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

31. Decline to respond to the allegation of paragraph 31 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

32. Decline to respond to the allegation of paragraph 32 of the Amended Petition in that said paragraph sets forth only a legal conclusion and not an averment of fact.

33. Decline to respond to the allegation of paragraph 33 of the Amended Petition in that said paragraph sets forth only a legal conclusion and not an averment of fact.

34. As and for their answer to the allegation of paragraph 34 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

35. As and for their answer to the allegation of paragraph 35 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

36. As and for their answer to the allegation of paragraph 36 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

37. Deny the allegation of paragraph 37 of the Amended Petition except admit that at all relevant times, the Legislature has been responsible for enacting redistricting legislation.

38. As and for their answer to the allegation of paragraph 38 of the Amended Petition, respectfully refer the Court to the relevant sections of the New York Constitution referenced by implication therein for the contents thereof.

39. Deny the allegation of paragraph 39 of the Amended Petition except admit that the Speaker of the Assembly appoints certain members of LATFOR.

40. As and for their answer to the allegation of paragraph 40 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

41. As and for their answer to the allegation of paragraph 41 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

42. As and for their answer to the allegation of paragraph 42 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

43. As and for their answer to the allegation of paragraph 43 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

44. Deny the allegation of paragraph 44 of the Amended Petition.

45. Deny the allegation of paragraph 45 of the Amended Petition.

46. As and for their answer to the allegation of paragraph 46 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

47. As and for their answer to the allegation of paragraph 47 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

48. As and for their answer to the allegation of paragraph 48 of the Amended Petition, respectfully refer the Court to the relevant sections of the New York Constitution referenced by implication therein for the contents thereof and otherwise deny the allegation of said paragraph.

49. As and for their answer to the allegation of paragraph 49, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

50. As and for their answer to the allegation of paragraph 50 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

51. As and for their answer to the allegation of paragraph 51 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

52. As and for their answer to the allegation of paragraph 52 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

53. As and for their answer to the allegation of paragraph 53 of the Amended Petition, respectfully refer the Court to the relevant sections of the New York Constitution referenced by implication therein for the contents thereof and otherwise deny the allegation of said paragraph.

54. As and for their answer to the allegation of paragraph 54 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

55. As and for their answer to the allegation of paragraph 55 of the Amended Petition, respectfully refer the Court to the relevant sections of the New York Constitution referenced by implication therein for the contents thereof and otherwise deny the allegation of said paragraph.

56. As and for their answer to the allegation of paragraph 56 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

57. Deny the allegation of paragraph 57 of the Amended Petition.

58. As and for their answer to the allegation of paragraph 58 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

59. As and for their answer to the allegation of paragraph 59 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

60. Deny the allegation of paragraph 60 of the Amended Petition.

61. As and for their answer to the allegation of paragraph 61 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof.

62. Deny the allegation of paragraph 62 of the Amended Petition.

63. As and for their answer to the allegation of paragraph 63 of the Amended Petition, admit that between 2020 and 2020 the populations of New York's congressional

districts change and otherwise decline to respond to the allegation of said paragraph in that said paragraph sets forth a legal conclusion and not an averment of fact.

64. Admit the allegation of paragraph 64 of the Amended Petition.

65. As and for their answer to the allegation of paragraph 65 of the Amended Petition, admit that the 2012 congressional map does not comply with the new population goal and otherwise deny the allegation of said paragraph.

66. As and for their answer to the allegation of paragraph 66 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

67. Admit the allegation of paragraph 67 of the Amended Petition.

68. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 68 of the Amended Petition.

69. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 69 of the Amended Petition.

70. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 70 of the Amended Petition.

71. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 71 of the Amended Petition.

72. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 72 of the Amended Petition.

73. As and for their answer to the allegation of paragraph 73 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

74. Decline to respond to the allegation of paragraph 74 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

75. Decline to respond to the allegation of paragraph 75 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

76. Decline to respond to the allegation of paragraph 76 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

77. Decline to respond to the allegation of paragraph 77 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

78. Decline to respond to the allegation of paragraph 78 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

79. Decline to respond to the allegation of paragraph 79 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

80. As and for their answer to the allegation of paragraph 80 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof, except admit that New York now has 26 congressional districts.

81. As and for their answer to the allegation of paragraph 81 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

82. As and for their answer to the allegation of paragraph 82 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

83. Admit the allegation of paragraph 83 of the Amended Petition.

84. As and for their answer to the allegation of paragraph 84 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except admit that David Imamura, Eugene Benger, John Flateau, Elaine Frazier, and Ivelisse Cuevas-Molina are members of the IRC.

85. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 85 of the Amended Petition, except admit that Jack Martins, John Conway, Charles Nesbitt, Willis Stephens, and Ross Brady are members of the IRC.

86. Deny the allegation of paragraph 86 of the Amended Petition.

87. As and for their answer to the allegation of paragraph 87 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

88. As and for their answer to the allegation of paragraph 88 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

89. As and for their answer to the allegation of paragraph 89 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

90. As and for their answer to the allegation of paragraph 90 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

91. As and for their answer to the allegation of paragraph 91 of the Amended Petition, respectfully refer the Court to the alleged statement referenced therein for the contents thereof and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

92. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 92 of the Amended Petition.

93. As and for their answer to the allegation of paragraph 93 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

94. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 94 of the Amended Petition.

95. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 95 of the Amended Petition.

96. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 96 of the Amended Petition.

97. As and for their answer to the allegation of paragraph 97 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

98. As and for their answer to the allegation of paragraph 98 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof

and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

99. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 99 of the Amended Petition.

100. Deny the allegation of paragraph 100 of the Amended Petition

101. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 101 of the Amended Petition.

102. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 102 of the Amended Petition, except admit that two redistricting plans were sent to the Assembly.

103. Deny the allegation of paragraph 103 of the Amended Petition.

104. As and for their answer to the allegation of paragraph 104 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except admit that the plans submitted to the Assembly were not adopted by the Assembly.

105. Decline to respond to the allegation of paragraph 105 of the Amended Petition in that said allegation is not directed to Assembly Speaker and/or the Assembly majority.

106. Deny the allegation of paragraph 106 of the Amended Petition, except admit that on January 10, 2022, the Legislature informed the IRC in writing that the Legislature had failed to adopt either plan submitted by the IRC on January 3, 2022.

107. As and for their answer to the allegation of paragraph 107 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

108. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 108 of the Amended Petition, except deny that the Democratic members refused to meet to discuss bipartisan maps.

109. As and for their answer to the allegation of paragraph 109 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except admit that Assembly Speaker announced he had appointed Kenneth Zebrowski to be the temporary co-chair of LATFOR.

110. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 110 of the Amended Petition, except admit that a second set of redistricting maps was not submitted to the Legislature.

111. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 111 of the Amended Petition except deny that “the Democratic members refus[ed] to engage with anything other than their partisan maps,” as alleged in said paragraph.

112. Deny the allegation of paragraph 112 of the Amended Petition, except admit that a second set of redistricting maps was not submitted to the Legislature.

113. Deny the allegation of paragraph 113 of the Amended Petition.

114. Deny allegation of paragraph 114 of the Amended Petition except admit that the Legislature exercised its constitutional right and duty to adopt a redistricting plan.

115. As and for their answer to the allegation of paragraph 115 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

116. As and for their answer to the allegation of paragraph 116 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof

and otherwise deny the allegation of said paragraph, except admit that the Legislature exercised its constitutional right and duty to adopt a redistricting plan.

117. As and for their answer to the allegation of paragraph 117 of the Amended Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

118. As and for their answer to the allegation of paragraph 118 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

119. As and for their answer to the allegation of paragraph 119 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except admit that the Legislature exercised its constitutional right and duty to adopt a redistricting plan.

120. Deny the allegation of paragraph 120 of the Amended Petition.

121. As and for their answer to the allegation of paragraph 121 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

122. As and for their answer to the allegation of paragraph 122 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

123. Deny the allegation of paragraph 123 of the Amended Petition.

124. Deny the allegation of paragraph 124 of the Amended Petition.

125. Deny the allegation of paragraph 125 of the Amended Petition.

126. Deny the allegation of paragraph 126 of the Amended Petition.

127. Deny the allegation of paragraph 127 of the Amended Petition.

128. Deny the allegation of paragraph 128 of the Amended Petition.

129. Deny the allegation of paragraph 129 of the Amended Petition.

130. Deny the allegation of paragraph 130 of the Amended Petition.

131. As and for their answer to the allegation of paragraph 131 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

132. Deny the allegation of paragraph 132 of the Amended Petition.

133. Deny the allegation of paragraph 133 of the Amended Petition.

134. Deny the allegation of paragraph 134 of the Amended Petition.

135. As and for their answer to the allegation of paragraph 135 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

136. As and for their answer to the allegation of paragraph 136 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

137. As and for their answer to the allegation of paragraph 137 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

138. Deny the allegation of paragraph 138 of the Amended Petition.

139. As and for their answer to the allegation of paragraph 139 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

140. As and for their answer to the allegation of paragraph 140 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

141. As and for their answer to the allegation of paragraph 141 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

142. As and for their answer to the allegation of paragraph 142 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

143. Deny the allegation of paragraph 143 of the Amended Petition.

144. Deny the allegation of paragraph 144 of the Amended Petition.

145. As and for their answer to the allegation of paragraph 145 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

146. As and for their answer to the allegation of paragraph 146, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

147. As and for their answer to the allegation of paragraph 147 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

148. As and for their answer to the allegation of paragraph 148 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

149. Deny the allegation of paragraph 149 of the Amended Petition.

150. As and for their answer to the allegation of paragraph 150 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

151. As and for their answer to the allegation of paragraph 151 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

152. As and for their answer to the allegation of paragraph 152 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

153. As and for their answer to the allegation of paragraph 153 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

154. As and for their answer to the allegation of paragraph 154 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

155. As and for their answer to the allegation of paragraph 155 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

156. As and for their answer to the allegation of paragraph 156 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

157. As and for their answer to the allegation of paragraph 157 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

158. Deny the allegation of paragraph 158 of the Amended Petition.

159. As and for their answer to the allegation of paragraph 159 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

160. As and for their answer to the allegation of paragraph 160 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

161. As and for their answer to the allegation of paragraph 161 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

162. As and for their answer to the allegation of paragraph 162 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

163. As and for their answer to the allegation of paragraph 163 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

164. Deny the allegation of paragraph 164 of the Amended Petition.

165. As and for their answer to the allegation of paragraph 165 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

166. As and for their answer to the allegation of paragraph 166 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

167. As and for their answer to the allegation of paragraph 167 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

168. Deny the allegation of paragraph 168 of the Amended Petition.

169. As and for their answer to the allegation of paragraph 169 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

170. As and for their answer to the allegation of paragraph 170 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

171. As and for their answer to the allegation of paragraph 171 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

172. As and for their answer to the allegation of paragraph 172 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

173. As and for their answer to the allegation of paragraph 173 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

174. As and for their answer to the allegation of paragraph 174 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

175. As and for their answer to the allegation of paragraph 175 of the Amended Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

176. Deny the allegation of paragraph 176 of the Amended Petition.

177. As and for their answer to the allegation of paragraph 177 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except admit that the Assembly majority voted in favor of the redistricting legislation that was enacted into law.

178. Deny the allegation of paragraph 178 of the Amended Petition, except admit that all Republican Assembly members and legislators and Democratic Assemblymembers Simcha Eichenstein and Marcela Mitaynes voted against the congressional maps.

179. Deny the allegation of paragraph 179 of the Amended Petition.

180. Deny the allegation of paragraph 180 of the Amended Petition.

181. As and for their answer to the allegation of paragraph 181 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

182. As and for their answer to the allegation of paragraph 182 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

183. As and for their answer to the allegation of paragraph 183 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

184. As and for their answer to the allegation of paragraph 184 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

185. As and for their answer to the allegation of paragraph 185 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

186. As and for their answer to the allegation of paragraph 186 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

187. As and for their answer to the allegation of paragraph 187 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

188. As and for their answer to the allegation of paragraph 188 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

189. As and for their answer to the allegation of paragraph 189 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

190. Deny the allegation of paragraph 190 of the Amended Petition.

191. As and for their answer to the allegation of paragraph 191 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

192. As and for their answer to the allegation of paragraph 192 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

193. As and for their answer to the allegation of paragraph 193 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

194. As and for their answer to the allegation of paragraph 194 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

195. As and for their answer to the allegation of paragraph 195 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

196. As and for their answer to the allegation of paragraph 196 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

197. As and for their answer to the allegation of paragraph 197 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

198. As and for their answer to the allegation of paragraph 198 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

199. As and for their answer to the allegation of paragraph 199 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

200. As and for their answer to the allegation of paragraph 200 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

201. As and for their answer to the allegation of paragraph 201 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

202. As and for their answer to the allegation of paragraph 202 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

203. As and for their answer to the allegation of paragraph 203 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

204. As and for their answer to the allegation of paragraph 204 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

205. As and for their answer to the allegation of paragraph 205 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

206. As and for their answer to the allegation of paragraph 206 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

207. As and for their answer to the allegation of paragraph 207 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

208. As and for their answer to the allegation of paragraph 208 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

209. As and for their answer to the allegation of paragraph 209 of the Amended Petition, respectfully refer the Court to the 2022 Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

210. Deny the allegation of paragraph 210 of the Amended Petition.

211. Deny the allegation of paragraph 211 of the Amended Petition.

212. As and for their answer to the allegation of paragraph 212 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof including the votes thereon, and otherwise deny the allegation of said paragraph.

213. Deny the allegation of paragraph 213 of the Amended Petition.

214. As and for their answer to the allegation of paragraph 214 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

215. As and for their answer to the allegation of paragraph 215 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

216. As and for their answer to the allegation of paragraph 216 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

217. As and for their answer to the allegation of paragraph 217 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof including the action taken thereon by Governor Hochul, and otherwise deny the allegation of said paragraph.

218. Deny the allegation of paragraph 218 of the Amended Petition.

219. Deny the allegation of paragraph 219 of the Amended Petition.

220. Deny the allegation of paragraph 220 of the Amended Petition.

221. Deny the allegation of paragraph 221 of the Amended Petition, except admit that voters elect their chosen representatives.

222. Deny the allegation of paragraph 222 of the Amended Petition.

223. Deny the allegation of paragraph 223 of the Amended Petition.

224. Deny the allegation of paragraph 224 of the Amended Petition.

225. As and for their answer to the allegation of paragraph 225 of the Amended Petition, respectfully refer the Court to the Congressional district map referenced therein for the

contents thereof and otherwise deny the allegation of said paragraph, except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

226. As and for their answer to the allegation of paragraph 226 of the Amended Petition, respectfully refer the Court to the Congressional district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

227. As and for their answer to the allegation of paragraph 227 of the Amended Petition, respectfully refer the Court to the Congressional district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

228. As and for their answer to the allegation of paragraph 228 of the Amended Petition, respectfully refer the Court to the Congressional district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

229. As and for their answer to the allegation of paragraph 229 of the Amended Petition, respectfully refer the Court to the Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

230. As and for their answer to the allegation of paragraph 230 of the Amended Petition, respectfully refer the Court to the Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

231. As and for their answer to the allegation of paragraph 231 of the Amended Petition, respectfully refer the Court to the Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except lack knowledge or information sufficient to form a belief as to the truth of the allegation as to where the Petitioner or Petitioners named therein reside.

232. As and for their answer to the allegation of paragraph 232 of the Amended Petition, respectfully refer the Court to the Senate district map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except as to where the Petitioner or Petitioners named therein reside.

233. Lack knowledge or information sufficient to form a belief as to the truth of the first sentence and deny the second sentence of the allegation of paragraph 233 of the Amended Petition.

234. As and for their answer to the allegation of paragraph 234 of the Amended Petition, repeat their answers to the allegations of paragraphs 1 through 233 of the Amended Petition as though set forth at length herein.

235. As and for their answer to the allegation of paragraph 235 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

236. As and for their answer to the allegation of paragraph 236 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

237. As and for their answer to the allegation of paragraph 237 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

238. Deny the allegation of paragraph 238 of the Amended Petition.

239. Deny the allegation of paragraph 239 of the Amended Petition, except admit that the IRC did not send a second proposed plan or plans for a vote by the Legislature within fifteen days of the Legislature's rejection of the first proposed plans.

240. Deny the allegation of paragraph 240 of the Amended Petition.

241. Deny the allegation of paragraph 241 of the Amended Petition.

242. Deny the allegation of paragraph 242 of the Amended Petition.

243. Deny the allegation of paragraph 243 of the Amended Petition.

244. Deny the allegation of paragraph 244 of the Amended Petition.

245. Deny the allegation of paragraph 245 of the Amended Petition.

246. As and for their answer to the allegation of paragraph 246 of the Amended Petition, repeat their answers to the allegations of paragraphs 1 through 245 of the Amended Petition as though set forth at length herein.

247. As and for their answer to the allegation of paragraph 247 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

248. As and for their answer to the allegation of paragraph 248 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

249. As and for their answer to the allegation of paragraph 249 of the Amended Petition, respectfully refer the Court to the document referenced therein by implication for the contents thereof and otherwise deny the allegation of said paragraph.

250. Deny the allegation of paragraph 250 of the Amended Petition.

251. Deny the allegation of paragraph 251 of the Amended Petition.

252. Deny the allegation of paragraph 252 of the Amended Petition.

253. Deny the allegation of paragraph 253 of the Amended Petition, except that admit that the 2012 congressional map is inapplicable in 2022 because the 2022 census resulted in the loss of one New York congressional seat.

254. Deny the allegation of paragraph 254 of the Amended Petition.

255. Deny the allegation of paragraph 255 of the Amended Petition.

256. As and for their answer to the allegation of paragraph 256 of the Amended Petition, repeat their answers to the allegations of paragraphs 1 through 255 of the Amended Petition as though set forth at length herein.

257. As and for their answer to the allegation of paragraph 257 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

258. As and for their answer to the allegation of paragraph 258 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

259. As and for their answer to the allegation of paragraph 259 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

260. Deny the allegation of paragraph 260 of the Amended Petition.

261. Deny the allegation of paragraph 261 of the Amended Petition.

262. As and for their answer to the allegation of paragraph 262 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

263. Deny the allegation of paragraph 263 of the Amended Petition.

264. As and for their answer to the allegation of paragraph 264 of the Amended Petition, repeat their answers to the allegations of paragraphs 1 through 263 of the Amended Petition as though set forth at length herein.

265. Decline to respond to the allegation of paragraph 265 of the Amended Petition in that said paragraph set forth only a legal conclusion and not an averment of fact.

266. Decline to respond to the allegation of paragraph 266 of the Amended Petition in that said paragraph set forth only a legal conclusion and not an averment of fact.

267. As and for their answer to the allegation of paragraph 267 of the Amended Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

268. Deny the allegation of paragraph 268 of the Amended Petition.

269. Deny the allegation of paragraph 269 of the Amended Petition.

270. Deny the allegation of paragraph 270 of the Amended Petition.

271. Decline to respond to the allegation of paragraph 271 of the Amended Petition in that said paragraph set forth only a legal conclusion and not an averment of fact.

272. Deny the allegation of paragraph 272 of the Amended Petition.

273. Deny the allegation of paragraph 273 of the Amended Petition.

274. Deny the allegation of paragraph 274 of the Amended Petition.

AFFIRMATIVE DEFENSES

1. The Court lacks subject matter jurisdiction over the claims set forth in the Amended Petition.

2. Petitioners lack standing to assert the claims set forth in the Amended Petition.

3. The claims set forth in the Amended Petition are nonjusticiable.

WHEREFORE, Respondent demands judgment as follows:


A. Dismissal of the Amended Petition with prejudice;

B. The costs and disbursements of this proceeding; and

C. Such other and further relief as the Court deems just and equitable.

Dated: New York, New York
March 10, 2022

GRAUBARD MILLER

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