

At IAS Part \_\_ of the Supreme Court of the State of New York, held in and for the County of Steuben, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 14 day of March, 2022.

**PRESENT:** \_\_\_\_\_

**HON. PATRICK F. McALLISTER, J.S.C.**

**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,**

**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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Index No. E2022-0116CV

**ORDER TO SHOW CAUSE  
FOR ADVERSE  
INFERENCES FROM  
RESPONDENTS AND  
THEIR AGENTS' FAILURE  
TO APPEAR FOR NOTICED  
DEPOSITIONS**

UPON reading of the Affirmation of Bennet J. Moskowitz dated March 11, 2022, and the exhibits annexed thereto, and Petitioners' Memorandum of Law in support of their Motion For The Court To Draw Adverse Inferences From Respondents' And Their Agents' Failure to Appear for Properly Noticed Depositions; and all of the pleadings and proceedings heretofore had herein, it is hereby:

**ORDERED** that Respondents or their counsel appear and show cause before this Court, at IAS Part \_\_, Room \_\_\_\_, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 16th day of March, 2022, at 9:30 a.m., or as soon thereafter as counsel can be heard, why an Order should not be issued granting Petitioners' Motion for Adverse Inferences from Respondents and Third-Parties' Failure to Appear for Properly Noticed Depositions; and it is


**FURTHER ORDERED** that Petitioners shall serve a copy of this Order and all papers in support thereof upon counsel for Respondents and counsel of record for the Attorney General by NYSCEF on or before the 14 day of March, 2022; and it is

**FURTHER ORDERED** that Respondents shall serve any papers in opposition to Petitioners' Motion for Adverse Inferences from Respondents and Third-Parties' Failure to Appear for Properly Noticed Depositions by NYSCEF no later than the 15 day of March, 2022; and it is

**FURTHER ORDERED** that Petitioners shall serve any reply papers in further support of their Motion for Adverse Inferences from Respondents and Third-Parties' Failure to Appear for Properly Noticed Depositions by NYSCEF no later than the \_\_\_\_ day of March, 2022.

Signe docket 14, 2022

Enter

  
Hon. Patrick J. McAllister  
Acting Supreme Court Justice