

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

(J. McAllister)

ANSWER

Respondents Speaker of the Assembly Carl Heastie ("Assembly Speaker") and the
Assembly Majority, by their attorneys, Graubard Miller, answer the Petition as follows:

1. Deny the allegation of paragraph 1 of the Petition.
2. Deny the allegation of paragraph 2 of the Petition except admit that Sections 4 and 5 of Article III of the New York Constitution were amended in 2014.
3. As and for their answer to the allegation of paragraph 3 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

4. Deny the allegation of paragraph 4 of the Petition.
5. Deny the allegation of paragraph 5 of the Petition except admit that the proposed constitutional amendment referred to therein did not pass.
6. Deny the allegation of paragraph 6 of the Petition.
7. Deny the allegation of paragraph 7 of the Petition.
8. Deny the allegation of paragraph 8 of the Petition.
9. Deny the allegation of paragraph 9 of the Petition.
10. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 10 of the Petition.
11. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 11 of the Petition.
12. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 12 of the Petition.
13. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 13 of the Petition.
14. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 14 of the Petition.
15. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 15 of the Petition.
16. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 16 of the Petition.
17. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 17 of the Petition.

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

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

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

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

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

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

24. Decline to respond to the allegation of paragraph 24 of the Petition in that said allegation is not directed to Assembly Speaker or the Assembly majority.

25. Decline to respond to the allegation of paragraph 25 of the Petition in that said allegation is not directed to Assembly Speaker or the Assembly majority.

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

27. Admit the allegation of paragraph 27 of the Petition.

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

29. Decline to respond to the allegation of paragraph 29 of the Petition in that said allegation is not directed to Assembly Speaker or the Assembly majority.

30. Decline to respond to the allegation of paragraph 30 of the Petition in that said paragraph sets forth only a legal conclusion and not an averment of fact.

31. Decline to respond to the allegation of paragraph 31 of the Petition in that said paragraph sets forth only a legal conclusion and not an averment of fact.

32. As and for their answer to the allegation of paragraph 32 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

33. As and for their answer to the allegation of paragraph 33 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

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

35. Deny the allegation of paragraph 35 of the Petition except admit that at all times before and after 2014 the Legislature has had responsibility for redistricting.

36. As and for their answer to the allegation of paragraph 36 of the Petition, respectfully refer the Court to the relevant sections of the New York Constitution referenced by implication therein for the contents thereof.

37. Deny the allegation of paragraph 37 of the Petition except admit that the Speaker of the Assembly appoints certain members of LATFOR.

38. As and for their answer to the allegation of paragraph 38 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

39. As and for their answer to the allegation of paragraph 39 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

42. Deny the allegation of paragraph 42 of the Petition.

43. Deny the allegation of paragraph 43 of the Petition.

44. As and for their answer to the allegation of paragraph 44 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

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

46. As and for their answer to the allegation of paragraph 46 of the 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.

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

48. As and for their answer to the allegation of paragraph 48 of the Petition, respectfully refer the Court to the document referenced 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 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

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

51. Deny the allegation of paragraph 51 of the Petition.

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

55. Deny the allegation of paragraph 55 of the Petition.

56. As and for their answer to the allegation of paragraph 56 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

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

58. As and for their answer to the allegation of paragraph 58 of the 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 Petition, respectfully refer the Court to the documents referenced therein for the contents thereof.

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

61. As and for their answer to the allegation of paragraph 61 of the Petition, admit that between 2010 and 2020 the population within New York's congressional districts changed and otherwise deny the allegation of said paragraph.

62. Admit the allegation of paragraph 62 of the Petition.
63. Deny the allegation of paragraph 63 of the Petition, except admit that the prior congressional map does not comply with the new population target.
64. Deny the allegation of paragraph 64 of the Petition except respectfully refer the Court to the case referenced therein for the terms thereof.
65. Admit the allegation of paragraph 65 of the Petition.
66. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 66 of the Petition.
67. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 67 of the Petition.
68. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 68 of the Petition.
69. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 69 of the Petition.
70. As and for their answer to the allegation of paragraph 70 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.
71. As and for their answer to the allegation of paragraph 71 of the Petition, respectfully refer the Court to the U.S. Census Bureau release referenced therein for the contents thereof but admit that New York presently has 26 congressional districts.
72. As and for their answer to the allegation of paragraph 72 of the Petition, respectfully refer the Court to the U.S. Census Bureau release referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

74. Admit the allegation of paragraph 74 of the Petition.

75. As and for their answer to the allegation of paragraph 75 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof, admit that David Imamura, Eugene Benger, John Fleteau, and Elaine Frazier, and Ivelisse Cuevas-Molina are members of the IRC, and otherwise deny the allegation of said paragraph

76. As and for their answer to the allegation of paragraph 76 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof, admit that Jack Martins, John Conway, Charles Nesbitt, Willis Stephens, and Ross Brady are members of the IRC, and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

77. Deny the allegation of paragraph 77 of the Petition.

78. As and for their answer to the allegation of paragraph 78 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

79. As and for their answer to the allegation of paragraph 79 of the Petition, lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph, except admit that IRC held a series of hearings to solicit public testimony about the redistricting process.

80. As and for their answer to the allegation of paragraph 89 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof, admit

that members of the IRC released initial map drafts, and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegation of said paragraph.

81. As and for their answer to the allegation of paragraph 81 of the 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.

82. As and for their answer to the allegation of paragraph 82 of the 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.

83. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 83 of the Petition.

84. As and for their answer to the allegation of paragraph 84 of the 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.

85. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 85 of the Petition.

86. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 86 of the Petition.

87. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 87 of the Petition.

88. As and for their answer to the allegation of paragraph 88 of the 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.

89. As and for their answer to the allegation of paragraph 89 of the 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. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 90 of the Petition.

91. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 91 of the Petition.

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

93. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 93 of the Petition, except admit that two redistricting plans were sent to the Assembly.

94. Deny the allegation of paragraph 94 of the Petition except admit that the plans submitted to the Assembly were not adopted by the Assembly.

95. As and for their answer to the allegation of paragraph 95 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof, admit that the plans submitted to the Assembly were not adopted by the Assembly and otherwise deny the allegation of said paragraph.

96. As and for their answer to the allegation of paragraph 96 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof, admit that the plans submitted to the Assembly were not adopted by the Assembly and otherwise deny the allegation of said paragraph.

97. Admit the allegation of paragraph 97 of the Petition.

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

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

100. As and for their answer to the allegation of paragraph 100 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof, except admit that the Assembly Speaker appointed Kenneth Zebrowski to be the temporary co-chair of LATFOR.

101. Admit the allegation of paragraph 101 of the Petition.

102. Lack knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 102 of the Petition, except deny that Democratic members of IRC “refus[ed] to engage with anything other than their partisan maps.”

103. As and for their answer to the allegation of paragraph 100 of the Petition, admit that the IRC did not submit a second redistricting plan or plans to the Legislature for a vote and otherwise deny the allegation of said paragraph.

104. Deny the allegation of paragraph 104 of the Petition.

105. Deny the allegation of paragraph 105 except admit that the Legislature exercised their constitutional right and duty to adopt a redistricting plan.

106. As and for their answer to the allegation of paragraph 106 of the Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

107. As and for their answer to the allegation of paragraph 107 of the Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph, except admit that the Legislature exercised their constitutional right and duty to adopt a redistricting plan.

108. Deny the allegation of paragraph 108 of the Petition.

109. As and for their answer to the allegation of paragraph 109 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

110. Deny the allegation of paragraph 110 of the Petition.

111. As and for their answer to the allegation of paragraph 111 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

112. As and for their answer to the allegation of paragraph 112 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

114. Deny the allegation of paragraph 114 of the Petition.

115. Deny the allegation of paragraph 115 of the Petition.

116. Deny the allegation of paragraph 116 of the Petition.

117. Deny the allegation of paragraph 117 of the Petition.

118. Deny the allegation of paragraph 118 of the Petition.

119. Deny the allegation of paragraph 119 of the Petition.

120. As and for their answer to the allegation of paragraph 120 of the Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

122. Deny the allegation of paragraph 122 of the Petition.

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

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

125. Deny the allegation of paragraph 125 of the Petition

126. Deny the allegation of paragraph 126 of the Petition

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

128. As and for their answer to the allegation of paragraph 128 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

129. As and for their answer to the allegation of paragraph 129 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

130. As and for their answer to the allegation of paragraph 130 of the Petition, respectfully refer the Court to the documents referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

132. As and for their answer to the allegation of paragraph 132 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

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

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

136. Deny the allegation of paragraph 136 of the Petition.

137. Deny the allegation of paragraph 137 of the Petition.

138. As and for their answer to the allegation of paragraph 138 of the Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

139. Deny the allegation of paragraph 139 of the Petition.

140. Deny the allegation of paragraph 140 of the Petition.

141. Deny the allegation of paragraph 141 of the Petition.

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

143. As and for their answer to the allegation of paragraph 143 of the Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

144. As and for their answer to the allegation of paragraph 144 of the Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

146. Deny the allegation of paragraph 146 of the Petition.

147. Deny the allegation of paragraph 147 of the Petition.

148. Deny the allegation of paragraph 148 of the Petition.

149. As and for their answer to the allegation of paragraph 149 of the Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

150. Deny the allegation of paragraph 150 of the Petition.

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

153. Deny the allegation of paragraph 153 of the Petition.

154. Deny the allegation of paragraph 154 of the Petition.

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

156. Deny the allegation of paragraph 156 of the Petition.

157. Deny the allegation of paragraph 157 of the Petition.

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

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

160. Deny the allegation of paragraph 160 of the Petition.

161. Deny the allegation of paragraph 161 of the Petition.

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

164. As and for their answer to the allegation of paragraph 164 of the Petition, respectfully refer the Court to the map referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

165. Deny the allegation of paragraph 165 of the Petition.

166. Deny the allegation of paragraph 166 of the Petition.

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

168. Deny the allegations of paragraph 168 of the Petition, except admit that Republican legislators and Assemblymembers Simcha Eichenstein and Marcela Mitaynes voted against the congressional map.

169. Deny the allegation of paragraph 169 of the Petition.

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

173. Deny the allegation of paragraph 173 of the Petition except admit that Governor Hochul signed the congressional redistricting plan into law.

174. Deny the allegation of paragraph 174 of the Petition.

175. Deny the allegation of paragraph 175 of the Petition.

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

177. Deny the allegation of paragraph 177 of the Petition.

178. Deny the allegation of paragraph 178 of the Petition.

179. Deny the allegation of paragraph 179 of the Petition.
180. Deny the allegation of paragraph 180 of the Petition.
181. Deny the allegation of paragraph 181 of the Petition except lack knowledge of information sufficient to form a belief as to where Petitioners reside.
182. Deny the allegation of paragraph 182 of the Petition except lack knowledge of information sufficient to form a belief as to where Petitioners reside.
183. Deny the allegation of paragraph 183 of the Petition except lack knowledge of information sufficient to form a belief as to where Petitioners reside.
184. Deny the allegation of paragraph 184 of the Petition except lack knowledge of information sufficient to form a belief as to where Petitioners reside.
185. Deny the allegation of paragraph 185 of the Petition except lack knowledge of information sufficient to form a belief as to how Petitioners vote.
186. As and for their answer to the allegation of paragraph 186 of the Petition, repeat their answers to the allegations of paragraphs 1 through 185 of the Petition as though set forth at length herein.
187. As and for their answer to the allegation of paragraph 187 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.
188. As and for their answer to the allegation of paragraph 188 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.
189. As and for their answer to the allegation of paragraph 189 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.
190. Deny the allegation of paragraph 190 of the Petition.

191. Admit the allegation of paragraph 191 of the Petition except deny that the Legislature has a “limited constitutional role,” as alleged therein.

192. Deny the allegation of paragraph 192 of the Petition.

193. Deny the allegation of paragraph 193 of the Petition.

194. Deny the allegation of paragraph 194 of the Petition.

195. Deny the allegation of paragraph 195 of the Petition.

196. Deny the allegation of paragraph 196 of the Petition.

197. Deny the allegation of paragraph 197 of the Petition.

198. As and for their answer to the allegation of paragraph 198 of the Petition, repeat their answers to the allegations of paragraphs 1 through 197 of the Petition as though set forth at length herein.

199. As and for their answer to the allegation of paragraph 199 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

200. As and for their answer to the allegation of paragraph 200 of the Petition, respectfully refer the Court to the document 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 Petition, respectfully refer the Court to the document referenced therein by implication for the contents thereof and otherwise deny the allegation of said paragraph.

202. Deny the allegation of paragraph 202 of the Petition.

203. Deny the allegation of paragraph 203 of the Petition.

204. Deny the allegation of paragraph 204 of the Petition.

205. Deny the allegation of paragraph 205 of the 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.

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

207. Deny the allegation of paragraph 207 of the Petition.

208. As and for their answer to the allegation of paragraph 208 of the Petition, repeat their answers to the allegations of paragraphs 1 through 207 of the Petition as though set forth at length herein.

209. As and for their answer to the allegation of paragraph 209 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

210. As and for their answer to the allegation of paragraph 210 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

211. As and for their answer to the allegation of paragraph 211 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof.

212. Deny the allegation of paragraph 212 of the Petition.

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

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

215. Deny the allegation of paragraph 215 of the Petition.

216. As and for their answer to the allegation of paragraph 216 of the Petition, repeat their answers to the allegations of paragraphs 1 through 215 of the Petition as though set forth at length herein.

217. Decline to respond to the allegation of paragraph 217 of the Petition in that said paragraph set forth only a legal conclusion and not an averment of fact.

218. Admit the allegation of paragraph 218 of the Petition in that it is always imperative that New York courts construe the law properly.

219. As and for their answer to the allegation of paragraph 219 of the Petition, respectfully refer the Court to the document referenced therein for the contents thereof and otherwise deny the allegation of said paragraph.

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

221. Deny the allegation of paragraph 221 of the Petition.

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

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

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

225. Deny the allegation of paragraph 225 of the Petition.

226. Deny the allegation of paragraph 226 of the Petition.

AFFIRMATIVE DEFENSES

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

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

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

WHEREFORE, Respondents demands judgment as follows:

A. Dismissal of the Petition with prejudice;

- B. The costs and disbursements of the proceeding; and
- C. Such other and further relief as the Court deems just and equitable.

Dated: New York, New York
February 24, 2022

GRAUBARD MILLER

By: C. Daniel Chill

C. Daniel Chill
Elaine M. Reich

The Chrysler Building
405 Lexington Avenue -- 11th floor
New York, NY 10174
(212) 818-8800
dchill@graubard.com
ereich@graubard.com

Attorneys for Respondents
Speaker of the Assembly Carl Heastie
and the Assembly majority