



*State of New York
Court of Appeals*

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

August 8, 2023

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New York State Independent Redistricting
Commission
302A Washington Avenue Extension
Albany, NY 12203

**Re: Matter of Hoffman v IRC
APL-2023-00121**

Dear Counselors:

This letter acknowledges receipt and administrative review of appellants' preliminary appeal statements. The appeal will proceed in the normal course of briefing and argument. The briefing schedule set forth below will not be extended. Petitioners-respondents' request for a calendar preference and appellants' opposition is noted. It is anticipated that the appeal will be calendared for argument during the November session. Given the briefing schedule and anticipated argument date, motions seeking amicus relief related to this appeal must be made returnable no later than the due date for the opening brief of the party whose position they support.

Briefing Schedule for Appeal

Appellants' briefs and record material shall be served and filed by September 18, 2023. Failure to comply with this due date or such due date as extended pursuant to section 500.15 of the Court of Appeals Rules of Practice (the Rules) shall subject the appellant to dismissal of the appeal (*see* section 500.16 [a] of the Rules). Appellants shall remit the fee required by section 500.3 of the Rules (currently \$315.00 in the form of an attorney's check, certified check, cashier's check or money order payable to "State of New York, Court of Appeals").

Respondents' briefs and any supplementary record material shall be served and filed by October 23, 2023. Failure to comply with this due date or such due date as extended pursuant to section 500.15 of the Rules shall subject the respondent to preclusion (*see* section 500.16 [b] of the Rules).

Appellants may serve and file reply briefs by November 6, 2023.

Parties are expected to comply with the service and filing dates stated above. "Filed" means receipt of the paper document by the Clerk's Office. The procedure for requesting an extension, which requires a showing of good cause, is set forth in section 500.15 of the Rules.

Covers and Contents of Filed Documents

Parties should review and comply with all of the general requirements in section 500.1 of the Rules (e.g., no plastic covers, no sharp metal fasteners, affidavit of service stapled to inside back cover of document labeled "original"), as well as the specific requirements for filings in normal course appeals in sections 500.12, 500.13 and 500.14 of the Rules. Please note the word and page limits for all briefs (*see* section 500.13 [c] of the Rules).

In addition, all filed documents shall display on their covers the letter-number combination listed under the subject line of this letter. Parties also are reminded that citations in briefs to testimony, affidavits, jury charges or exhibits shall be to such material provided to the Court in appellant's record or appendix or in respondent's supplementary appendix, if filed (*see* section 500.14 of the Rules). The Clerk's Office encourages the filing of any appendix as a separately bound submission.

In preparing briefs and record material, counsel should take careful note of the requirements concerning confidential and sensitive information, and possible sealing or redaction responsibilities (*see* enclosed notice).

Digital Filing Requirements

Parties also are required to submit digital versions of each paper filing (*see* sections 500.2, 500.12[h] and 500.14[g] of the Rules) by uploading them to the Court of Appeals Public Access and Search System (Court-PASS) accessed through the Court's web site (www.courts.state.ny.us/ctapps). A document containing the Technical Specifications and Instructions for Submission of Briefs and Record Material in Digital Format (including Naming Conventions) is enclosed and is available on the Court's web site.

For Court-PASS, parties to this appeal will use **APL-2023-00121** as the Login Number. Attorneys admitted to practice in New York State must also enter their attorney registration number and password from their New York Unified Court System's Attorney Online Service Account. Attorneys who do not have such an account may create one through a link on Court-PASS. Filers who are not registered New York attorneys must call the Clerk's Office at one of the phone numbers below to obtain guest login credentials.

For uploading purposes, appellants' digital briefs shall have the following file names: **HoffmanvNYSIRC-app-Brady-brf.pdf** and **HoffmanvNYSIRC-app-Harkenrider -brf.pdf**. Appellants also shall follow the PDF file naming conventions with respect to the digital submission of record material. All digital record material shall be submitted in separate files. Respondents' digital briefs shall have the following file names: **HoffmanvNYSIRC-res-Hoffman-brf.pdf**, **HoffmanvNYSIRC-res-Jenkins-brf.pdf**, and **HoffmanvNYSIRC-res-NYSIRC-brf.pdf**. Appellants' reply briefs, if any, shall have the following file names: **HoffmanvNYSIRC-app-Brady-replybrf.pdf** and **HoffmanvNYSIRC-app-Harkenrider-replybrf.pdf**.

Counsel are reminded of their obligation to ensure that the contents of the digital submissions are identical to those filed in hard copy, with the exception that the digital version need not contain an original signature (see section 12 of the enclosed Technical Specifications and Instructions for Submission of Briefs and Record Material in Digital Format).

When uploading digital versions of filed documents, counsel will be required to fill out an attestation form regarding confidential and/or sensitive information. A copy of such form may be viewed in the Court-PASS area of the Court's web site.

Counsel should review the enclosed "Checklist for Normal Course Appeal Filings" before filing and uploading a brief and/or record material.

Argument Scheduling and Parties' Continuing Responsibilities

Requests for argument time must be indicated on the cover of the party's brief. Unless otherwise permitted by the Court upon advance written notice, counsel may request no more than 30 minutes of oral argument time. The Court considers these requests in setting the actual argument times in each appeal.

Generally, counsel of record will be advised of the scheduled argument date at least one month in advance. Approximately two weeks before the scheduled argument date, the Clerk's Office will send to counsel of record a Notice to Counsel, the Court's Day Calendar with assigned argument times, and information on obtaining the Court's decision in the case.

Matter of Hoffman v IRC

August 8, 2023

-Page 4-

Pursuant to section 500.6 of the Rules, the parties must keep the Clerk's Office apprised of all developments affecting this appeal, including: contemplated and actual settlements; circumstances or facts that could render the matter moot; pertinent developments in applicable law, statutes and regulations; and changes in the status of ongoing related proceedings, if any, at an administrative agency, Supreme Court, the Appellate Division or any other court.

Questions may be directed to Margaret Wood at 518-455-7702 or Edward Ohanian at 518-455-7701.

Very truly yours,



Lisa LeCours

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Enclosure

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