



DREYER·BOYAJIAN
ATTORNEYS AT LAW

January 20, 2023

Via NYSCEF

Robert D. Mayberger, Clerk
New York State Supreme Court
Appellate Division, Third Department
Robert Abrams Building for Law and Justice
State Street, Room 511
Albany, New York 12223

**Re: *Hoffmann et al. v. The New York State Independent Redistricting Commission et al.*
(Appellate Division Case No. CV-22-2265)**

Dear Clerk Mayberger:

Appellant-Petitioners write to respectfully request a calendar preference in the hearing of the above-captioned appeal, pursuant to Rule 1250.15(a)(1) of the Practice Rules of the Appellate Division. Appellant-Petitioners filed a petition before the Supreme Court for Albany County, seeking a writ of mandamus to compel New York's Independent Redistricting Commission (the "IRC") to complete its constitutional duty to submit a second set of congressional redistricting plans to the Legislature for consideration. Appellant-Petitioners now seek this Court's review of Supreme Court's dismissal of that petition.

Appellant-Petitioners are entitled by law to a preference in the hearing of their appeal. Article III, Section 5 of the New York Constitution mandates that "any court before which a cause may be pending involving an apportionment [. . .] shall give precedence thereto over all other causes and proceedings." It also provides that "[t]he court shall render its decision within sixty days after a petition is filed."

Appellant-Petitioners propose the following expedited briefing timeline, which would assist this Court in rendering a decision regarding this appeal within sixty days:

- January 20, 2023: Appellant-Petitioners file brief in chief.
- February 17, 2023: Appellee-Respondents file response brief.
- February 24, 2023: Appellant-Petitioners file reply brief. Any proposed amicus curiae file briefs.
- Week of February 27, 2023: Suggested date for oral argument.
- March 23, 2023: Sixty days following filing of brief in chief.

Appellant-Petitioners thank the Court for its consideration and attention to this matter.

Respectfully,

DREYER BOYAJIAN LLP

A handwritten signature in black ink, appearing to read 'James R. Peluso', is positioned above the printed name.

James R. Peluso
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cc: All counsel via NYSCEF

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