

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PHYLLIS COACHMAN, ANTHONY GILHUYS, :  
KATHERINE JAMES, and DEROY MURDOCK, :

Plaintiffs, :

-against- :

THE CITY OF NEW YORK and THE NEW YORK :  
CITY BOARD OF ELECTIONS, :

Defendant. :

Civil Case No. 1:22-cv-05123-BMC

DEFENDANT THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK’S  
RESPONSE TO PLAINTIFFS’ FIRST MOTION FOR PROMOTION CONFERENCE

Defendant The Board of Elections in the City of New York (incorrectly denominated as The New York City Board of Elections) (“BOE”) hereby responds that it takes no position on Plaintiffs’ First Motion for Promotion Conference, ECF 34.

BOE did not take a position on the merits in *Fossella v. Adams*. Index No. 85007/2022, 2022 NYLJ LEXIS 1150 (N.Y. Sup. Ct. June 27, 2022). On appeal to the Appellate Division, Second Department, BOE did not take a position and did not appear. *Fossella v. Adams*, 2024 N.Y. App. Div. LEXIS 984 (N.Y. 2d App. Div. Feb. 21, 2024). On the current appeal to the New York Court of Appeals, BOE will not appear and will continue to take no position on the merits.

Similarly, BOE does not take a position on the merits in this case.

Dated: April 8, 2024

Respectfully submitted,

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/s/ John J. Cycon  
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