

NEW YORK STATE SUPREME COURT
SARATOGA COUNTY

IN THE MATTER OF

RICH AMEDURE, ROBERT SMULLEN, WILLIAM FITZPATRICK, NICK LANGWORTHY, THE NEW YORK STATE REPUBLICAN PARTY, GERARD KASSAR, THE NEW YORK STATE CONSERVATIVE PARTY, CARL ZIELMAN, THE SARATOGA COUNTY REPUBLICAN PARTY, RALPH MOHR and ERIK HAIGHT,

Petitioners / Plaintiffs,

– against –

STATE OF NEW YORK, BOARD OF ELECTIONS OF THE STATE OF NEW YORK, GOVERNOR OF THE STATE OF NEW YORK, SENATE OF THE STATE OF NEW YORK, MAJORITY LEADER AND PRESIDENT PRO TEMPORE OF THE SENATE OF THE STATE OF NEW YORK, MINORITY LEADER OF THE SENATE OF THE STATE OF NEW YORK, ASSEMBLY OF THE STATE OF NEW YORK, MAJORITY LEADER OF THE ASSEMBLY OF THE STATE OF NEW YORK, MINORITY LEADER OF THE ASSEMBLY OF THE STATE OF NEW YORK, SPEAKER OF THE ASSEMBLY OF THE STATE OF NEW YORK,

Respondents / Defendants.

Index No. 2022-2145

Assigned Justice:
Hon. Dianne N. Freestone

REPLY AFFIRMATION OF CHRISTOPHER MASSARONI, ESQ. IN FURTHER SUPPORT OF THE MOTION TO DISMISS BY THE ASSEMBLY OF THE STATE OF NEW YORK, SPEAKER OF THE ASSEMBLY AND THE MAJORITY LEADER OF THE ASSEMBLY

Christopher Massaroni, Esq., an attorney duly admitted to practice in the Courts of the State of New York, hereby affirms under penalty of perjury as follows:

1. I am duly licensed and admitted to practice in this Court and I am a partner of the law firm of Hodgson Russ LLP, counsel to the following Respondents herein: the Assembly of the State of New York, the Majority Leader of the Assembly of the State of New York, and the Speaker of the Assembly of the State of New York (hereinafter “Assembly Majority Respondents”). As such, I am fully familiar with the facts and circumstances recited herein.

2. I respectfully submit this Reply Affirmation in further support of the motion of the Assembly Majority Respondents for an order pursuant to CPLR §§ 3211(a)(2), 3211(a)(7), and 3211(a)(10) dismissing the Amended Verified Petition-Complaint (“Petition”) in its entirety.

3. Attached as **Exhibit A** is the oral argument transcript from Niagara County Supreme Court in the matter captioned *Ross, et al. v. State, et al.*, Index No. E174521/2021. Certain allegations of the *Ross* case are identical to those alleged here, and this Court is bound by the affirmance of the Fourth Department. *See* 198 A.D.3d. 1384 (4th Dep’t 2021).

4. Attached as **Exhibit B** is a New York Times graphic of COVID-19 cases in New York as of October 10, 2022. This is also available from <https://www.nytimes.com/interactive/2021/us/new-york-covid-cases.html>.

I swear and affirm the foregoing under the penalties of perjury this 11th day of October, 2022.



Christopher Massaroni, Esq.