

PRESENT: HON. Hon. Roger D. McDonough, A.J.S.C.
J.S.C.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

ELISE STEFANIK, NICOLE MALLIOTAKIS,
NICHOLAS LANGWORTHY, CLAUDIA TENNEY,
ANDREW GOODELL, MICHAEL SIGLER, PETER
KING, GAIL TEAL, DOUGLAS COLETY, BRENT
BOGARDUS, MARK E. SMITH, THOMAS A.
NICHOLS, MARY LOU A. MONAHAN, ROBERT F.
HOLDEN, CARLA KERR STEARNS, JERRY
FISHMAN, NEW YORK REPUBLICAN STATE
COMMITTEE, CONSERVATIVE PARTY OF NEW
YORK STATE, NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE, REPUBLICAN
NATIONAL COMMITTEE,

ORDER TO SHOW CAUSE

Index No.: 908840-23

Plaintiffs,

-against-

KATHY HOCHUL, in her official capacity as Governor of
New York; NEW YORK STATE BOARD OF
ELECTIONS; PETER S. KOSINSKI, in his official
capacity as Co-Chair of the New York State Board of
Elections; DOUGLAS A. KELLNER, in his official
capacity as Co-Chair of the New York State Board of
Elections; and THE STATE OF NEW YORK,

Defendants.

Plaintiffs Elise Stefanik, Nicole Malliotakis, Nicholas Langworthy, Claudia Tenney,
Andrew Goodell, Michael Sigler, Peter King, Gail Teal, Douglas Colety, Brent Bogardus, Mark
E. Smith, Thomas A. Nichols, Mary Lou A. Monahan, Robert F. Holden, Carla Kerr Stearns, Jerry
Fishman, New York Republican State Committee, Conservative Party of New York State, National

Republican Congressional Committee, and Republican National Committee ("Plaintiffs"), having commenced this action against Defendants Kathy Hochul, in her official capacity as Governor of New York; New York State Board of Elections; Peter S. Kosinski, in his official capacity as Co-Chair of the New York State Board of Elections; Douglas A. Kellner, in his official capacity as Co-Chair of the New York State Board of Elections; and the State of New York ("Defendants") on March 20, 2023.

NOW, upon Plaintiffs' Complaint, dated the 20th day of September, 2023, the Memorandum of Law, dated the 20th day of September, 2023, the Affirmation of Michael Y. Hawrylchak, dated the 20th day of September, 2023, and all exhibits attached thereto, and due deliberation having been had thereon, and sufficient cause having been shown therefor,

LET Defendants show cause before this Court at the Courthouse located at 16 Eagle Street, Albany, NY 12207, on October 13, 2023, at 8:30 a.m., or as soon thereafter as counsel can be heard, why an Order, pursuant to New York Civil Practice Law and Rules § 6301, should not be made and entered herein, preserving the status quo and enjoining Defendants, their agents, and anyone acting on their behalf from enforcing and/or implementing Chapter 481 of the Laws of 2023 of the State of New York, entitled the New York Early Mail Voter Act (the "Mail-Voting Law"), or from counting votes cast under the provisions of the Mail-Voting Law until the final judgment in this action has been rendered; and it is further

ORDERED, that sufficient reason appearing therefore, Plaintiffs are hereby directed to serve their Summons and Complaint, this Order to Show Cause, and any papers in support of Plaintiffs' application for a preliminary injunction upon Defendants on or before September 22, 2023, by personally serving a copy of those papers on the New York State Attorney General's Office; and it is further

and upon defendants pursuant to CPLR §307 (2)

ORDERED, that Defendants' opposition papers, if any, shall be served upon Plaintiffs' attorney, Cornelius D. Murray, Esq., O'Connell and Aronowitz, P.C., 54 State Street, 9th Floor, Albany, New York 12207, on or before October 6, 2023, with Plaintiffs' reply papers, if any, to be served on or before October 12, 2023.

Dated: September 20, 2023

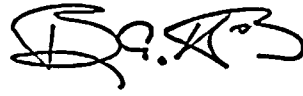
SO ORDERED

Albany, New York



Hon. Roger D. McDonough, A.J.S.C.
J.S.C.

Personal appearances are required on the return date subject to the availability of the JAS Judge.



09/20/2023

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