

SUPREME COURT OF THE STATE OF NEW YORK
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,

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,

and

DCCC, KIRSTEN GILLIBRAND, YVETTE CLARKE,
GRACE MENG, JOSEPH MORELLE, RITCHIE
TORRES, JANICE STRAUSS, GEOFF STRAUSS, RIMA
LISCUM, BARBARA WALSH, MICHAEL COLOMBO,
and YVETTE VASQUEZ,

Intervenors-Defendants.

PRESENT: HON. CHRISTINA L. RYBA
Supreme Court Justice

APPEARANCES:

Hon. Christina L. Ryba
Supreme Court Justice

DECISION/ORDER

Index No. 908840-23

Aria C. Branch
Justin Baxenberg
Richard Alexander Medina
Marilyn Gabriela Robb
Elias Law Group LLP
Counsel for Intervenors-Defendants DCCC, Kirsten Gillibrand, Yvette Clarke, Grace Meng, Joseph Morelle, Ritchie Torres, Janice Strauss, Geoff Strauss, Rima Liscum, Barbara Walsh, Michael Colombo, and Yvette Vasquez
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001

James R. Peluso
Dreyer Boyajian LLP
Counsel for Intervenors-Defendants
75 Columbia Street
Albany, NY 12210

Cornelius D. Murray
Michael Y. Hawrylchak
O'Connell and Aronowitz, P.C.
Counsel for Plaintiffs Elise Stefanik, Nicole Malliotakis, Nicholas Langworthy, Claudia Tenney, Andrew Goodell, Michael Sigler, Peter King, Gail Testa, 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
54 State Street
Albany, NY 12207

Patrick Strawbridge
Consovoy McCarthy PLLC
Counsel for Plaintiffs
Ten Post Office Square
8th Floor South, PMB #706
Boston, MA 02109

James F. Hasson
Jeffery Hetzel
Consovoy McCarthy PLLC
Counsel for Plaintiffs
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209

LETITIA JAMES
Attorney General
Matthew J. Gallagher
Assistant Attorney General, of Counsel

Noah C. Engelhart
Assistant Attorney General, of Counsel
State of New York
Counsel for Defendants State of New York and Governor Kathy Hochul
The Capitol
Albany, NY 12224

Brian L. Quail
New York State Board of Elections
Counsel for Douglas A. Kellner and Andrew J. Spano in their official capacities as Commissioners of the New York State Board of Elections
40 N. Pearl Street, Suite 5
Albany, NY 12207

Nicholas J. Faso
Christopher E. Buckey
Deborah N. Misir
Cullen and Dykman LLP
Counsel for Defendant Peter S. Kosinski, in his official capacity as Co-Chair of the New York State Board of Elections
80 State Street, Suite 900
Albany, New York 12207

Kevin G. Murphy
New York State Board of Elections
Counsel for Anthony J. Casale in his official capacity as Commissioner of the New York State Board of Elections
40 N. Pearl Street, Suite 5
Albany, NY 12207

UPON the filing and reading of the Notice of Motion to Intervene by DCCC, Kirsten Gillibrand, Yvette Clarke, Grace Meng, Joseph Morelle, Ritchie Torres, Janice Strauss, Geoff Strauss, Rima Liscum, Barbara Walsh, Michael Colombo, and Yvette Vasquez (collectively, "Proposed Intervenors"); the Affirmation of Marilyn Gabriela Robb dated September 29, 2023 and the exhibits attached thereto; and the Proposed Intervenors' Memorandum of Law, all in support of said Motion; and

WHEREAS all of the parties having appeared before the Court on October 13, 2023;

WHEREAS no opposition to the Motion having been filed, served, or presented; and

WHEREAS in consideration of the foregoing and after due deliberation, it appears to the Court that the Proposed Intervenors are entitled to intervene pursuant to CPLR 1012(a)(2) and CPLR 1013;

NOW, it is hereby:

ORDERED, that the Motion to intervene is GRANTED in all respects.

The foregoing constitutes the Decision and Order of the Court. The Court is hereby uploading the original Decision and Order to the NYSCEF system for filing and entry by the County Clerk. Counsel is not relieved from service of notice of entry pursuant to CPLR 2220 and applicable rules of the court.

Dated: Jan 8, 2024



HON. CHRISTINA L. RYBA
Supreme Court Justice

ENTER

Hon. Christina L. Ryba
Supreme Court Justice