

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

-----X
NEW YORK COMMUNITIES FOR CHANGE,
MARIA JORDAN AWALOM, MONICA DIAZ,
LISA ORTIZ, and GUILLERMO VANETTEN,

Index No. 602316/2024

Plaintiffs,

VERIFIED ANSWER

-against-

COUNTY OF NASSAU, THE NASSAU COUNTY
LEGISLATURE, THE NASSAU COUNTY BOARD OF
ELECTIONS, BRUCE BLAKEMAN, in his official
capacity as Nassau County Executive, MICHAEL C.
PULITZER, in his official capacity as Clerk of the Nassau
County Legislature, HOWARD J. KOPEL, in his capacity
as Presiding Officer of the Nassau County Legislature,
JOSEPH J. KEARNEY and JAMES P. SCHEUERMAN,
in their official capacity as commissioners of the Nassau
County Board of Elections,

Defendants.

-----X
Defendants NASSAU COUNTY BOARD OF ELECTIONS and JOSEPH J. KEARNEY,
in his official capacity as a commissioner of the Nassau County Board of Elections (collectively,
the “Board of Elections Defendants” or the “Answering Defendants”), by their attorneys,
Thomas A. Adams, Nassau County Attorney, and Matthew M. Rozea, Deputy County Attorney,
answer the Plaintiffs’ Verified Complaint upon information and belief as follows:

PRELIMINARY STATEMENT¹

1. Deny having knowledge or information sufficient to form a belief as to the
veracity of the allegations contained in Paragraph “1” of the Complaint.

¹ The headings and subheadings included herein are reproduced from the Complaint for organizational reference only, as they are not allegations for which a response is required. To the extent any heading or subheading purports to allege conduct by the Answering Defendants, the Answering Defendants deny those allegations.

2. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “2” of the Complaint.

3. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “3” of the Complaint.

4. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “4” of the Complaint, and refer all questions of law to this Court.

5. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “5” of the Complaint.

PARTIES

6. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “6” of the Complaint.

7. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “7” of the Complaint.

8. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “8” of the Complaint.

9. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “9” of the Complaint.

10. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “10” of the Complaint.

11. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “25” of the Complaint.

12. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “12” of the Complaint.

13. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “13” of the Complaint.

14. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “14” of the Complaint.

15. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “15” of the Complaint.

16. Admit the allegation contained in Paragraph “6” of the Complaint.

17. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “17” of the Complaint.

18. Admit the allegation contained in Paragraph “18” of the Complaint.

19. Admit the allegation contained in Paragraph “19” of the Complaint.

20. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “20” of the Complaint.

21. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “21” of the Complaint.

22. Admit the allegation contained in Paragraph “22” of the Complaint.

23. Admit the allegation contained in Paragraph “23” of the Complaint.

I. The 2023 Redistricting Plan for the Nassau County Legislature Dilutes the Votes of Black, Latino, and Asian Voters.

24. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “24” of the Complaint.

25. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “6” of the Complaint.

26. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “26” of the Complaint.

27. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “27” of the Complaint.

28. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “28” of the Complaint.

29. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “29” of the Complaint.

30. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “30” of the Complaint.

31. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “31” of the Complaint.

32. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “32” of the Complaint.

A. Voting in Nassau County Is Racially Polarized and the Map Impairs the Ability of Black, Latino, and Asian Voters to Elect Candidates of Their Choice and Influence the Outcome of Elections.

33. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “33” of the Complaint.

34. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “34” of the Complaint.

35. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “35” of the Complaint.

36. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “36” of the Complaint.

37. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “37” of the Complaint.

38. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “38” of the Complaint.

39. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “39” of the Complaint.

40. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “40” of the Complaint.

41. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “41” of the Complaint.

42. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “42” of the Complaint.

43. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “43” of the Complaint.

44. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “44” of the Complaint.

45. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “45” of the Complaint.

46. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “46” of the Complaint.

B. Under the Totality of Circumstances, Black, Latino, and Asian Voters Lack an Equal Opportunity to Elect Their Candidates of Choice and/or to Influence the Outcome of Elections for Nassau County Legislature.

47. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “47” of the Complaint.

1. History of Discrimination in Nassau County.

48. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “48” of the Complaint.

49. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “49” of the Complaint.

50. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “50” of the Complaint.

51. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “51” of the Complaint.

52. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “52” of the Complaint.

53. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “53” of the Complaint.

54. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “54” of the Complaint.

55. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “55” of the Complaint.

56. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “56” of the Complaint.

57. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “57” of the Complaint.

2. The Extent to Which Members of the Protected Class have Been Elected to Office in the Political Subdivision.

58. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “58” of the Complaint.

59. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “59” of the Complaint.

60. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “60” of the Complaint.

61. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “61” of the Complaint.

62. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “62” of the Complaint.

63. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “63” of the Complaint.

3. Policies and Practices that Have Suppressed Minority Voting.

64. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “64” of the Complaint.

65. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “65” of the Complaint.

66. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “66” of the Complaint.

67. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “67” of the Complaint.

68. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “68” of the Complaint.

69. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “69” of the Complaint.

4. Black, Latino, and Asian Residents of Nassau County Vote and Contribute Financially to Candidates for Office at Lower Rates Than White Residents.

70. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “70” of the Complaint.

71. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “71” of the Complaint.

72. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “72” of the Complaint.

5. Both Subtle and Over Racial Appeals Are Common in Nassau County Political Campaigns.

73. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “73” of the Complaint.

74. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “74” of the Complaint.

75. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “74” of the Complaint.

76. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “76” of the Complaint.

77. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “77” of the Complaint.

78. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “78” of the Complaint.

79. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “79” of the Complaint.

80. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “80” of the Complaint.

81. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “81” of the Complaint.

6. The Nassau County Government Disproportionally Fails to Respond to the Needs of Communities of Color.

82. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “82” of the Complaint.

83. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “83” of the Complaint.

84. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “84” of the Complaint.

7. The Legislature’s Justification for Adopting the Map Is Pretextual and Not Supported by Substantial Evidence.

85. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “85” of the Complaint.

86. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “86” of the Complaint.

87. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “87” of the Complaint.

88. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “88” of the Complaint.

II. The Map Violates Section 34 of the Municipal Home Rule Law.

89. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “89” of the Complaint.

90. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “90” of the Complaint.

A. The Map Was Drawn with the Intent to Dilute the Votes of Black, Latino, and/or Asian Voters and Achieves That Result.

91. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “91” of the Complaint.

92. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “92” of the Complaint.

93. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “93” of the Complaint.

B. The Map Was Drawn with the Intent to Favor Republicans.

94. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “94” of the Complaint.

95. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “95” of the Complaint.

96. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “96” of the Complaint.

97. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “97” of the Complaint.

98. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “98” of the Complaint.

99. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “99” of the Complaint.

100. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “100” of the Complaint.

101. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “101” of the Complaint.

102. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “102” of the Complaint.

103. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “103” of the Complaint.

104. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “104” of the Complaint.

105. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “105” of the Complaint.

106. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “106” of the Complaint.

C. The Map Gratuitously Divides Villages and Prioritizes Certain Communities of Interest for Pretextual Reasons.

107. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “107” of the Complaint.

108. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “108” of the Complaint.

109. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “109” of the Complaint.

110. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “110” of the Complaint.

III. The Legislature Adopted the Map in a Rushed, Opaque, and Partisan Process That Revealed Willful Disregard for the Law.

111. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “111” of the Complaint.

A. Before this Redistricting Cycle, the Nassau County Legislature Had Drawn Maps that Included Protections Against Racial Vote Dilution.

112. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “112” of the Complaint.

113. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “113” of the Complaint.

114. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “114” of the Complaint.

115. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “115” of the Complaint.

116. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “116” of the Complaint.

B. During the 2022-23 Redistricting Cycle the Commissioner Received Evidence of the Continued Need for the Map to Comply with Protections Against Racial Vote Dilution.

117. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “111” of the Complaint.

118. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “118” of the Complaint.

119. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “119” of the Complaint.

120. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “120” of the Complaint.

121. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “121” of the Complaint.

C. The Commission Submits Two Proposed Redistricting Plans to the Legislature, Both Acknowledging the Need to Protect Against Racial Vote Dilution.

122. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “122” of the Complaint.

123. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “123” of the Complaint.

124. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “124” of the Complaint.

125. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “125” of the Complaint.

126. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “126” of the Complaint.

D. At the Eleventh Hour, the Legislature Abruptly Introduced a New Map and Abandoned Any Pretense of Compliance with the NYVRA.

127. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “127” of the Complaint.

128. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “128” of the Complaint.

129. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “129” of the Complaint.

130. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “130” of the Complaint.

131. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “131” of the Complaint.

132. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “132” of the Complaint.

133. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “133” of the Complaint.

134. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “134” of the Complaint.

135. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “135” of the Complaint.

136. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “136” of the Complaint.

137. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “137” of the Complaint.

138. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “138” of the Complaint.

139. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “139” of the Complaint.

140. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “140” of the Complaint.

141. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “141” of the Complaint.

E. The Republican Legislators Passed an Unlawful Map on the Day Before Candidate Petitioning Began.

142. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “142” of the Complaint.

143. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “143” of the Complaint.

144. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “144” of the Complaint.

145. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “145” of the Complaint.

146. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “146” of the Complaint.

147. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “147” of the Complaint.

148. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “148” of the Complaint.

149. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “149” of the Complaint.

150. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “150” of the Complaint.

151. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “151” of the Complaint.

152. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “152” of the Complaint.

153. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “153” of the Complaint.

IV. As Its Proponents Intended, the Map Diluted Black, Latino, and Asian Voting Strength and Advantaged Republicans in the 2023 Election.

154. Deny each and every allegation contained in Paragraph “154” of the Complaint, except admit that an election was held on November 7, 2023.

155. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “155” of the Complaint.

156. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “156” of the Complaint.

157. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “157” of the Complaint.

158. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “158” of the Complaint.

159. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “159” of the Complaint.

160. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “160” of the Complaint.

V. It Is Possible to Draw a Map That Complies with All Redistricting Criteria and Provides Nassau’s Fast-Growing Communities of Color with a Fair Opportunity to Elect Candidates of Choice and/or Influence the Outcome of Elections.

161. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “161” of the Complaint.

162. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “162” of the Complaint.

JURISDICTION AND VENUE

163. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “163” of the Complaint, and refer all questions of law to this Court.

164. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “164” of the Complaint, and refer all questions of law to this Court.

EXPEDITED PROCEEDINGS

165. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “165” of the Complaint, and refer all questions of law to this Court.

166. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “166” of the Complaint, and refer all questions of law to this Court.

COMPLIANCE WITH NOTICE OF NYVRA CLAIM

167. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “167” of the Complaint, and refer all questions of law to this Court.

FIRST CAUSE OF ACTION

168. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “168” of the Complaint, and refer all questions of law to this Court.

SECOND CAUSE OF ACTION

169. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “169” of the Complaint, and refer all questions of law to this Court.

GENERAL DENIAL

To the extent the Answering Defendants may have failed to respond to any of the allegations in the Verified Complaint against them, they deny all such allegations.

AFFIRMATIVE DEFENSES

The Answering Defendants assert the following affirmative and other defenses without conceding in any way that it bears the burden of proof as to such matters or that such matters are not elements that Plaintiffs must establish in order to make out a prima facie case on its claims. The Answering Defendants also give notice that they intend to rely on any other defenses that may become available or appear during the pre-trial proceedings based upon evidence obtained through discovery or otherwise, and hereby reserve their right to amend their Answer and assert any such defenses.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Plaintiffs fail to state a cause of action against the Answering Defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Plaintiffs' constitutional and statutory rights have not been violated by the Answering Defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims, in whole or in part, are barred by the applicable limitations period, contractual limitations period, and/or jurisdictional prerequisites.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Some or all of the claims asserted in the Plaintiffs' Complaint are barred by the equitable doctrines of laches, waiver, estoppel, and/or unclean hands.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

With respect to the Answering Defendants, all actions taken by them were in full accord with applicable law.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

The Answering Defendants enjoyed full, partial, and/or qualified immunity from civil suit.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

The Nassau County Board of Elections, its commissioners, and all of its employees, at all applicable times herein, acting performance of their duties as employee of the Board of Elections in good faith and without malice and their actions did not violate clearly established statutory or constitutional rights of which a reasonable person would have known, and therefore, said acts are immune from civil liability.

WHEREFORE, Defendants NASSAU COUNTY BOARD OF ELECTIONS and JOSEPH J. KEARNEY, in his official capacity as a commissioner of the Nassau County Board of Elections, request judgment dismissing the Complaint in its entirety with prejudice, together with costs, disbursements, and reasonable attorney fees, together with such further and different relief as this Court deems just and proper.

Dated: Mineola, New York
April 19, 2024

Respectfully submitted,

Thomas A. Adams
Nassau County Attorney

By: /s/ Matthew M. Rozea
Matthew M. Rozea, Esq.
Deputy County Attorney
1 West Street, 2nd Floor
Mineola, New York 11501
(516) 571-3056
mrozea@nassaucountyny.gov

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VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

MATTHEW M. ROZEA, an attorney duly admitted to practice law in the State of New York, hereby affirms pursuant to CPLR 2106 that deponent is an Deputy County Attorney for the County of Nassau, a municipal corporation named in the within action; that deponent has read the foregoing ANSWER, and knows the contents thereof; and that the same are true to the deponent’s own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes them to be true.

The grounds of deponent’s belief as to all matters not stated upon deponent’s knowledge are as follows: books, records, correspondence and other documents in the possession of the deponent.

This verification is made by deponent because the answering Defendants are an arm and/or employees of a municipal corporation deponent is a Deputy County Attorney for that municipal corporation.

Dated: Mineola, New York
April 19, 2024

/s/ Matthew M. Rozea
MATTHEW M. ROZEA
Deputy County Attorney

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