

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU
HON. PAUL I. MARX, J.S.C.

-----X
HAZEL COADS, STEPHANIE M. CHASE, MARVIN
AMAZAN, et al.,

Index No. 611872/2023

Plaintiffs,

ACTION I

-against-

NASSAU COUNTY, the NASSAU COUNTY
LEGISLATURE, et al.,

Defendants.

-----X

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
NEW YORK COMMUNITIES FOR CHANGE, MARIA
JORDAN AWALOM, et al.,

Index No. 602316/2024

Plaintiffs,

ACTION II

-against-

COUNTY OF NASSAU, THE NASSAU COUNTY
LEGISLATURE, et al.,

Defendants.

-----X

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS NASSAU COUNTY,
THE NASSAU COUNTY LEGISLATURE, BRUCE BLAKEMAN,
MICHAEL C. PULITZER, AND HOWARD J. KOPEL IN
N.Y. COMMUNITIES FOR CHANGE (ACTION II)**

Defendants Nassau County (“County”), the Nassau County Legislature (“Legislature”),
Bruce Blakeman, in his official capacity as Nassau County Executive, Michael C. Pulitzer, in his
official capacity as Clerk of the Nassau County Legislature, and Howard J. Kopel, in his official
capacity as Presiding Officer of the Nassau County Legislature (together with County and
Legislature, “Defendants”), hereby respond to Plaintiffs New York Communities for Change,

Maria Jordan Awalom, Monica Diaz, Lisa Ortiz, and Guillermo Vanetten's ("Plaintiffs")
Complaint dated February 7, 2024 (NYSCEF No.2) ("Complaint") as follows:

PRELIMINARY STATEMENT

1. Paragraph 1 of the Complaint purports to describe the contents of the map enacted by the Legislature on February 27, 2023 (the "Map"), which speaks for itself, and Defendants deny any allegations in Paragraph 1 that are inconsistent with or contrary to the contents of the Map and refer thereto for the full text, terms, and meaning thereof. Defendants deny any additional allegations in Paragraph 1 of the Complaint except admit that Plaintiffs filed this action on February 7, 2024, seeking to challenge the Map.

2. Defendants deny the allegations in Paragraph 2 of the Complaint.

3. Defendants deny the allegations in the first sentence of Paragraph 3 of the Complaint. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 3 of the Complaint, and therefore deny the same.

4. Defendants deny the allegations in the first sentence of Paragraph 4 of the Complaint. The remaining allegations in Paragraph 4 of the Complaint state legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

5. Defendants deny that Plaintiffs are entitled to the relief that they seek, or any relief and deny any remaining allegations in Paragraph 5 of the Complaint.

PARTIES

6. Defendants deny that the challenged redistricting plan for the Nassau County Legislature gives less weight to the votes of the County's Black, Latino, and/or Asian voters or discourages eligible voters in those communities from voting. Defendants lack knowledge or

information sufficient to form a belief about the truth of the remaining allegations in Paragraph 6 of the Complaint, and therefore deny the same.

7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7 of the Complaint, and therefore deny the same.

8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 of the Complaint, and therefore deny the same.

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9 of the Complaint, and therefore deny the same.

10. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 10 of the Complaint, and therefore deny the same.

11. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11 of the Complaint, and therefore deny the same.

12. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 12 of the Complaint, and therefore deny the same.

13. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13 of the Complaint, and therefore deny the same.

14. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14 of the Complaint, and therefore deny the same.

15. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15 of the Complaint, and therefore deny the same.

16. Defendants admit the allegations in Paragraph 16 of the Complaint.

17. Defendants deny that the Map is “discriminatory,” and admit the remaining allegations in Paragraph 17 of the Complaint.

18. Defendants admit the allegations in Paragraph 18 of the Complaint.
19. Defendants admit the allegations in Paragraph 19 of the Complaint.
20. Defendants admit the allegations in Paragraph 20 of the Complaint.
21. Defendants admit the allegations in Paragraph 21 of the Complaint.
22. Defendants admit the allegations in Paragraph 22 of the Complaint.
23. Defendants admit the allegations in Paragraph 23 of the Complaint.

ALLEGATIONS

24. Defendants deny the allegations in Paragraph 24 of the Complaint, except admit that the Legislature passed Local Law 1 on February 27, 2023, which was signed into law on February 28, 2023, by Mr. Blakeman in his official capacity as County Executive.

25. Paragraph 25 of the Complaint purports to refer to the results of the 1990 Census and 2020 Census. The 1990 and 2020 Census are documents that speak for themselves, and Defendants deny any allegations in Paragraph 25 that are inconsistent with or contrary to the contents of the documents and refer thereto for the full text, terms, and meaning thereof.

26. Paragraph 26 of the Complaint purports to refer to the results of the 2010 Census and 2020 Census. The 2010 and 2020 Census are documents that speak for themselves, and Defendants deny any allegations in Paragraph 26 that are inconsistent with or contrary to the contents of the documents and refer thereto for the full text, terms, and meaning thereof.

27. Paragraph 27 of the Complaint purports to refer to the Map and the results of the 2020 Census. The Map and the 2020 Census are documents that speak for themselves, and Defendants deny any allegations in Paragraph 27 that are inconsistent with or contrary to the contents of the documents and refer thereto for the full text, terms, and meaning thereof.

28. Paragraph 28 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 28 of the Complaint.

29. Paragraph 29 of the Complaint purports to describe the contents of the Map, which speaks for itself, and Defendants deny any allegations in Paragraph 29 that are inconsistent with or contrary to the contents of the Map and refer thereto for the full text, terms, and meaning thereof.

30. Defendants deny that the current redistricting plan is not fair or lawful. The remaining allegations in Paragraph 30 of the Complaint state legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 30 of the Complaint.

31. Paragraph 31 of the Complaint states legal conclusions, to which no response is required. Paragraph 31 of the Complaint also purports to describe the contents of the John R. Lewis Voting Rights Act of New York ("NYVRA"), which speaks for itself. Defendants deny any allegations in Paragraph 31 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

32. Paragraph 32 of the Complaint states legal conclusions, to which no response is required. Paragraph 32 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 32 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

33. Paragraph 33 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants lack knowledge or information

sufficient to form a belief about the truth of the allegations in Paragraph 33 of the Complaint, and therefore deny the same.

34. Paragraph 34 of the Complaint states legal conclusions, to which no response is required. Paragraph 34 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 34 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35 of the Complaint, and therefore deny the same.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36 of the Complaint, and therefore deny the same.

37. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37 of the Complaint, and therefore deny the same.

38. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38 of the Complaint, and therefore deny the same.

39. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39 of the Complaint, and therefore deny the same.

40. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40 of the Complaint, and therefore deny the same.

41. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41 of the Complaint, and therefore deny the same.

42. Defendants deny the allegations in Paragraph 42 of the Complaint.

43. Defendants deny the allegations in Paragraph 43 of the Complaint. Defendants further state that the law firm Troutman Pepper Hamilton Sanders LLP (“Troutman Pepper”) did not draw the Map or any maps, and, instead, provided the Presiding Officer of the Legislature legal advice during the map-drawing process.

44. Defendants admit that Misha Tseytlin of Troutman Pepper testified at a hearing of the full legislature on February 16, 2023, at the invitation of the Presiding Officer. The remaining allegations in Paragraph 44 of the Complaint purport to describe certain testimony of Mr. Tseytlin. The testimony speaks for itself, and Defendants deny any allegations in Paragraph 44 that are inconsistent with or contrary to Mr. Tseytlin’s testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

45. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding the political cohesiveness of minority communities in Nassau County, and therefore deny the same. Additionally, Paragraph 45 of the Complaint states legal conclusions, to which no response is required. Paragraph 45 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 45 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

46. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations regarding the political cohesiveness of minority communities in Nassau County, and therefore deny the same. Additionally, Paragraph 46 of the Complaint states legal conclusions, to which no response is required. Paragraph 46 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 46

that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

47. Paragraph 47 of the Complaint states legal conclusions, to which no response is required. Paragraph 47 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 47 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

48. Paragraph 48 of the Complaint states legal conclusions, to which no response is required. Paragraph 48 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 48 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

49. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49 of the Complaint, and therefore deny the same.

50. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 50 of the Complaint, and therefore deny the same.

51. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 51 of the Complaint, and therefore deny the same.

52. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52 of the Complaint, and therefore deny the same.

53. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53 of the Complaint, and therefore deny the same.

54. Paragraph 54 of the Complaint purports to refer to a *Newsday* article published November 17, 2019. The article is a document that speaks for itself, and Defendants deny any allegations in Paragraph 54 that are inconsistent with or contrary to the contents of the article and refer thereto for the full, text, terms, and meaning thereof. Additional allegations in Paragraph 54 of the Complaint purport to describe a certain decision rendered by the United States Court of Appeals for the Second Circuit, which speaks for itself, and Defendants deny any allegations in Paragraph 54 that are inconsistent with or contrary to the contents of that decision and refer thereto for the full text, terms, and meaning thereof. Defendants deny any remaining allegations in Paragraph 54.

55. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55 of the Complaint, and therefore deny the same.

56. Paragraph 56 of the Complaint purports to describe a 2000 consent decree, which speaks for itself. Defendants deny any allegations that are inconsistent with or contrary to the consent decree. Defendants deny any remaining allegations in Paragraph 56 of the Complaint.

57. Paragraph 57 of the Complaint purports to describe the subject of a new unnamed lawsuit regarding allegedly discriminatory tax assessments and an untitled 2017 *Newsday* investigation, which speak for themselves. Defendants deny any allegations that are inconsistent with or contrary to those documents. Defendants deny any remaining allegations in Paragraph 57 of the Complaint.

58. Paragraph 58 of the Complaint states legal conclusions, to which no response is required. Paragraph 58 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 58 that are inconsistent with

or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

59. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 59 of the Complaint, and therefore deny the same.

60. Paragraph 60 of the Complaint purports to refer to the results of the 2020 Census. The 2020 Census is a document that speaks for itself, and Defendants deny any allegations in Paragraph 60 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. Paragraph 60 of the Complaint further purports to refer to certain statements made at public hearings. These statements speak for themselves, and Defendants deny any allegations in Paragraph 60 that are inconsistent with or contrary to those statements and refer to the transcript of those statements for the full text, terms, and meaning thereof.

61. Paragraph 61 of the Complaint purports to refer to the results of the 2020 Census. The 2020 Census is a document that speaks for itself, and Defendants deny any allegations in Paragraph 61 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. Paragraph 61 of the Complaint further purports to refer to certain statements made at public hearings. These statements speak for themselves, and Defendants deny any allegations in Paragraph 61 that are inconsistent with or contrary to those statements and refer to the transcript of those statements for the full text, terms, and meaning thereof.

62. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62 of the Complaint, and therefore deny the same.

63. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 63 of the Complaint, and therefore deny the same.

64. Paragraph 64 of the Complaint states legal conclusions to, which no response is required. Paragraph 64 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 64 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

65. Paragraph 65 of the Complaint purports to describe the contents of certain decisions rendered by the United States District Court for the Eastern District of New York and United States Court of Appeals for the Second Circuit, which speak for themselves, and Defendants deny any allegations in Paragraph 65 that are inconsistent with or contrary to the contents of those decisions and refer thereto for the full text, terms, and meaning thereof.

66. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66 of the Complaint, and therefore deny the same.

67. Paragraph 67 of the Complaint purports to describe the contents of a certain New York State election law, which speaks for itself. Defendants deny any allegations in Paragraph 67 that are inconsistent with or contrary to the contents of that law and refer thereto for the full text, terms, and meaning thereof.

68. Paragraph 68 purports to describe the contents of a certain uncited legal opinion or decision, which speaks for itself, and Defendants deny any allegations in Paragraph 68 that are inconsistent with or contrary to the contents of those decisions and refer thereto for the full text, terms, and meaning thereof.

69. Defendants deny the allegations in Paragraph 69 of the Complaint, except admit that the next regular elections for the Nassau County Legislature are to be held in 2025.

70. Paragraph 70 of the Complaint states legal conclusions, to which no response is required. Paragraph 70 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 70 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

71. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 71 of the Complaint, and therefore deny the same.

72. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 72 of the Complaint, and therefore deny the same.

73. Paragraph 73 of the Complaint states legal conclusions, to which no response is required. Paragraph 73 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 73 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

74. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 74 of the Complaint, and therefore deny the same.

75. Paragraph 75 of the Complaint purports to describe the contents of a New York Times Editorial Board article, which speaks for itself. Defendants deny any allegations in Paragraph 75 that are inconsistent with or contrary to the contents of the New York Times Editorial Board article and refer thereto for the full text, terms, and meaning thereof. Defendants lack

knowledge or information sufficient to form a belief about the truth of the factual allegations in Paragraph 75 of the Complaint, and therefore deny the same.

76. Paragraph 76 of the Complaint purports to describe statements of then-President Donald J. Trump made during a roundtable discussion on immigration in Bethpage, New York on May 23, 2018. These statements speak for themselves, and Defendants deny any allegations in Paragraph 76 that are inconsistent with or contrary to those statements and refer to the transcript of those statements for the full text, terms, and meaning thereof.

77. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 77 of the Complaint, and therefore deny the same.

78. Paragraph 78 of the Complaint purports to describe the contents of a certain Facebook account, which speaks for itself. Defendants deny any allegations in Paragraph 78 that are inconsistent with or contrary to the contents of that Facebook account and refer thereto for the full text, terms, and meaning thereof. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in Paragraph 78 of the Complaint, and therefore deny the same.

79. Paragraph 79 of the Complaint purports to describe the contents of a certain Facebook account, which speaks for itself. Defendants deny any allegations in Paragraph 79 that are inconsistent with or contrary to the contents of that Facebook account and refer thereto for the full text, terms, and meaning thereof. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in Paragraph 79 of the Complaint, and therefore deny the same.

80. Paragraph 80 of the Complaint purports to describe the contents of a certain Facebook account, which speaks for itself. Defendants deny any allegations in Paragraph 80 that

are inconsistent with or contrary to the contents of that Facebook account and refer thereto for the full text, terms, and meaning thereof. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in Paragraph 80 of the Complaint, and therefore deny the same.

81. Paragraph 81 of the Complaint purports to describe the contents of certain sponsored ads and “mailers,” which speak for themselves. Defendants deny any allegations in Paragraph 81 that are inconsistent with or contrary to the contents of those sponsored ads and “mailers” and refer thereto for the full text, terms, and meaning thereof. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in Paragraph 81 of the Complaint, and therefore deny the same.

82. Paragraph 82 of the Complaint states legal conclusions, to which no response is required. Paragraph 82 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 82 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

83. Paragraph 83 of the Complaint purports to describe the contents of the legislative record and statements made during public hearings, which speak for themselves. Defendants deny any allegations in Paragraph 83 that are inconsistent with or contrary to the contents of those records and transcripts and refer thereto for the full text, terms, and meaning thereof.

84. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84 of the Complaint, and therefore deny the same.

85. Paragraph 85 of the Complaint states legal conclusions, to which no response is required. Paragraph 85 of the Complaint also purports to describe the contents of the NYVRA,

which speaks for itself. Defendants deny any allegations in Paragraph 85 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

86. Paragraph 86 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 86 of the Complaint.

87. Paragraph 87 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 87 of the Complaint.

88. Defendants deny the allegations in Paragraph 88 of the Complaint, except admit that the Legislature produced the data and analyses supporting the Map in October and November 2023 following a lawsuit filed by the League of Women Voters of Port Washington-Manhasset.

89. Paragraph 89 of the Complaint states legal conclusions, to which no response is required. Paragraph 89 of the Complaint also purports to describe the contents of the New York Municipal Home Rule Law, which speaks for itself. Defendants deny any allegations in Paragraph 89 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law and refer thereto for the full text, terms, and meaning thereof.

90. Paragraph 90 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 90 of the Complaint.

91. Paragraph 91 of the Complaint states legal conclusions, to which no response is required. Paragraph 91 of the Complaint also purports to describe the contents of the New York Municipal Home Rule Law, which speaks for itself. Defendants deny any allegations in Paragraph

91 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law and refer thereto for the full text, terms, and meaning thereof.

92. Paragraph 92 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 92 of the Complaint.

93. Paragraph 93 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 93 of the Complaint.

94. Paragraph 94 of the Complaint states legal conclusions, to which no response is required. Paragraph 94 of the Complaint also purports to describe the contents of the New York Municipal Home Rule Law, which speaks for itself. Defendants deny any allegations in Paragraph 94 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law and refer thereto for the full text, terms, and meaning thereof.

95. Defendants deny the allegations in Paragraph 95 of the Complaint.

96. Defendants admit that Dr. Magleby provided the Legislature with memoranda evaluating various proposed maps. Defendants deny that the February 24, 2023, memorandum by Dr. Daniel Magleby shows that the adopted Map is an extreme partisan gerrymander in favor of Republicans or shows a pattern of efforts by Republicans during the redistricting process to draw a map with the intent and effect of favoring Republicans. The remaining allegations in Paragraph 96 of the Complaint purport to describe the contents of Dr. Magleby's February 24, 2023, memorandum, which speaks for itself, and Defendants deny any allegations in Paragraph 96 purporting to describe the memorandum that are inconsistent with or contrary to the contents of

the memorandum and refer thereto for the full text, terms, and meaning thereof. To the extent there are remaining allegations in Paragraph 96, Defendants deny them.

97. Defendants deny the allegations in Paragraph 97 of the Complaint except admit that there is a 12-7 Republican majority in the Legislature following the November 2023 election.

98. Defendants deny the allegations in Paragraph 98 of the Complaint.

99. Defendants deny the allegations in Paragraph 99 of the Complaint, except admit that the Republican and Democratic members of the Temporary Districting Advisory Commission (“TDAC”) each respectively submitted maps to the Legislature and the Presiding Officer introduced his own proposed map.

100. Defendants deny the allegations in Paragraph 100 of the Complaint, except admit that the Presiding Officer distributed a memorandum before the February 16, 2023, hearing began. Defendants deny that Troutman Pepper served as a “mapmaker” and further deny any additional allegations in Paragraph 100 of the Complaint that purport to describe the contents of the memorandum prepared by Troutman Pepper dated February 16, 2023 (“February 16 Memo”) as the February 16 Memo is a document that speaks for itself. Defendants deny any allegations in Paragraph 100 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

101. Defendants deny that Troutman Pepper served as a “mapmaker” and further deny the allegations in Paragraph 101 of the Complaint, except admit that Troutman Pepper retained Dr. Sean Trende to assist in Troutman Pepper’s provision of legal services to the Presiding Officer and to perform certain social science analyses. Additional allegations in Paragraph 101 of the Complaint purport to describe the February 16 Memo and a memorandum prepared by Troutman Pepper dated February 27, 2023 (the “February 27 Memo”). The February 16 Memo and February

27 Memo are documents that speak for themselves, and Defendants deny any allegations in Paragraph 101 that are inconsistent with or contrary to the contents of the documents and refer thereto for the full text, terms, and meaning thereof. Paragraph 101 of the Complaint also purports to discuss testimony presented at certain hearings, which testimony speaks for itself, and Defendants deny any allegations in Paragraph 101 that are inconsistent with or contrary to the contents of that testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof. To the extent there are any remaining allegations in Paragraph 101 of the Complaint, Defendants deny them.

102. Paragraph 102 purports to discuss testimony presented at the February 16 hearing, which testimony speaks for itself, and Defendants deny any allegations in Paragraph 102 that are inconsistent with or contrary to the contents of that testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

103. Paragraph 103 purports to discuss testimony presented at the February 27 hearing, which testimony speaks for itself, and Defendants deny any allegations in Paragraph 103 that are inconsistent with or contrary to the contents of that testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

104. Defendants deny the allegations in Paragraph 104 of the Complaint.

105. Defendants deny the allegations in Paragraph 105 of the Complaint, except admit that the Legislature voted to pass the Map on February 27, 2023.

106. Defendants deny the allegations in Paragraph 106 of the Complaint, except admit that the League of Women Voters of Port Washington-Manhasset submitted a Freedom of Information Law (FOIL) request on March 27, 2023, and subsequently filed an Article 78

proceeding. Defendants further admit that the Legislature produced records of Dr. Trende's analyses in October and November 2023.

107. Paragraph 107 of the Complaint states legal conclusions, to which no response is required. Paragraph 107 of the Complaint also purports to describe the contents of the New York Municipal Home Rule Law, which speaks for itself. Defendants deny any allegations in Paragraph 107 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law and refer thereto for the full text, terms, and meaning thereof. Additional allegations in Paragraph 107 of the Complaint purport to describe the contents of the February 16 Memo and the February 27 Memo. The February 16 Memo and the February 27 Memo are documents that speak for themselves, and Defendants refer thereto for the full text, terms, and meaning thereof. To the extent there are any remaining allegations in Paragraph 107 of the Complaint, Defendants deny them.

108. Paragraph 108 of the Complaint purports to describe the contents of the Map, which speaks for itself, and Defendants deny any allegations in Paragraph 108 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

109. Paragraph 109 of the Complaint purports to describe the contents of the February 16 Memo and the February 27 Memo. The February 16 Memo and the February 27 Memo are documents that speak for themselves, and Defendants refer thereto for the full text, terms, and meaning thereof. To the extent there are any remaining allegations in Paragraph 109 of the Complaint, Defendants deny them.

110. Paragraph 110 purports to discuss testimony presented at the February 16 hearing, which testimony speaks for itself, and Defendants deny any allegations in Paragraph 110 that are

inconsistent with or contrary to the contents of that testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

111. Defendants deny that the process by which the Map was drawn and passed reveals the Legislature's intent to discriminate against voters of color and to adopt a map that favors Republicans. The remaining allegations in Paragraph 111 of the Complaint purport to describe the contents of the New York Municipal Home Rule Law, which speaks for itself. Defendants deny any allegations in Paragraph 111 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law and refer thereto for the full text, terms, and meaning thereof. Additional allegations in Paragraph 111 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 111 of the Complaint.

112. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112 of the Complaint, and therefore deny the same.

113. Paragraph 113 of the Complaint purports to describe the contents of a certain decision rendered by the United States District Court for the Eastern District of New York, which speaks for itself, and Defendants deny any allegations in Paragraph 113 that are inconsistent with or contrary to the contents of that decision and refer thereto for the full text, terms, and meaning thereof.

114. Defendants admit that the first legislative map was adopted on May 24, 1994. Additional allegations in Paragraph 114 of the Complaint purport to describe the contents of the Nassau County website, which speaks for itself, and Defendants deny any allegations in Paragraph 114 that are inconsistent with or contrary to the contents of that website and refer thereto for the full text, terms, and meaning thereof.

115. Paragraph 115 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 115 of the Complaint. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 115 of the Complaint, and therefore deny the same.

116. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 116 of the Complaint, and therefore deny the same. Additional allegations in Paragraph 116 of the Complaint purport to describe the contents of uncited federal court decisions, which speak for themselves, and Defendants deny any allegations in Paragraph 116 that are inconsistent with or contrary to the contents of those decisions and refer thereto for the full text, terms, and meaning thereof.

117. Defendants deny the allegations in Paragraph 117 of the Complaint.

118. Defendants deny the allegations in Paragraph 118 of the Complaint.

119. Paragraph 119 of the Complaint purports to describe the contents of the New York Municipal Home Rule Law, NYVRA, and the federal Voting Rights Act, which speaks for themselves. Defendants deny any allegations in Paragraph 161 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law, NYVRA, and federal Voting Rights Act and refer thereto for the full text, terms, and meaning thereof. Additional allegations in Paragraph 119 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 119 of the Complaint.

120. Defendants deny the allegations in Paragraph 120 of the Complaint, except admit the allegations in the first sentence of Paragraph 120 of the Complaint.

121. Paragraph 121 of the Complaint purports to describe the testimony of members of the public at certain TDAC hearings, which testimony speaks for itself, and Defendants deny any allegations in Paragraph 121 of the Complaint that are inconsistent with or contrary to the contents of that testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

122. Defendants admit that three proposed redistricting plans—one drawn by Republican members and two drawn by Democratic members—were posted on the Nassau County Legislature’s website. Defendants deny any remaining allegations in Paragraph 122 of the Complaint.

123. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123 of the Complaint, and therefore deny the same.

124. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 124 of the Complaint, and therefore deny the same.

125. Defendants admit that, on November 21, 2022, the Commission voted on the Republican and Democratic Commissioners’ maps and that the vote deadlocked along party lines. Defendants deny the remaining allegations in Paragraph 125 of the Complaint.

126. Defendants admit the allegations in Paragraph 126 of the Complaint.

127. Defendants deny the allegations in Paragraph 127 of the Complaint, except admit that the Presiding Officer proposed a map to the public on February 9, 2023 (the “February 9 Map”).

128. Defendants deny the allegations in Paragraph 128 of the Complaint, except admit that the Presiding Officer provided the February 16 Memo before the February 16 hearing. Additional allegations in Paragraph 128 of the Complaint purport describe the contents of the

February 16 Memo. The February 16 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 128 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

129. Paragraph 129 of the Complaint purports describe the contents of the February 16 Memo. The February 16 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 129 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

130. Paragraph 130 of the Complaint purports describe the contents of the February 16 Memo. The February 16 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 130 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

131. Paragraph 131 of the Complaint purports to describe the contents of certain federal court decisions, including *Thornburg v. Gingles*, which speak for themselves. Defendants deny any allegations in Paragraph 131 of the Complaint that are inconsistent with or contrary to those federal court decisions and refer thereto for the full text, terms, and meaning thereof.

132. Paragraph 132 of the Complaint purports describe the contents of the February 16 Memo. The February 16 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 132 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. By way of further response, Defendants deny any remaining allegations in Paragraph 132 of the Complaint.

133. Paragraph 133 of the Complaint purports to describe certain statements made by Legislators at the February 16 hearing. These statements speak for themselves, and Defendants

deny any allegations in Paragraph 133 that are inconsistent with or contrary to those statements and refer to the transcript of those statements for the full text, terms, and meaning thereof.

134. Defendants deny the allegations in Paragraph 134 of the Complaint.

135. Defendants deny the allegations in Paragraph 135 of the Complaint.

136. Paragraph 136 of the Complaint purports to describe the contents of the February 9 Map, which speaks for itself. Defendants deny any allegations in Paragraph 136 that are inconsistent with or contrary to the February 9 Map and refer to the document for the full text, terms, and meaning thereof.

137. Paragraph 137 of the Complaint purports to describe certain testimony of Misha Tseytlin of Troutman Pepper. The testimony speaks for itself, and Defendants deny any allegations in Paragraph 137 that are inconsistent with or contrary to Mr. Tseytlin's testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

138. Paragraph 138 of the Complaint purports to describe certain testimony of Misha Tseytlin of Troutman Pepper. The testimony speaks for itself, and Defendants deny any allegations in Paragraph 138 that are inconsistent with or contrary to Mr. Tseytlin's testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereof.

139. Paragraph 139 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

140. Paragraph 140 of the Complaint states legal conclusions, to which no response is required. Paragraph 140 of the Complaint also purports to describe the contents of the NYVRA, which speaks for itself. Defendants deny any allegations in Paragraph 140 that are inconsistent with or contrary to the contents of the NYVRA and refer thereto for the full text, terms, and meaning thereof.

141. Paragraph 141 of the Complaint purports describe the contents of the February 16 Memo. The February 16 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 141 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. By way of further response, Defendants deny any remaining allegations in Paragraph 141 of the Complaint.

142. Defendants deny the allegations in Paragraph 142 of the Complaint, except admit that a final version of the redistricting plan was released on February 21, 2023, which was ultimately adopted on February 27, 2023.

143. Paragraph 143 of the Complaint purports to describe the contents of the February 16 Memo and the February 27 Memo. The February 16 Memo and the February 27 Memo are documents that speak for themselves, and Defendants deny any allegations in Paragraph 143 that are inconsistent with or contrary to the contents of the documents and refer thereto for the full text, terms, and meaning thereof.

144. Paragraph 144 of the Complaint purports to describe the contents of the Map, which speaks for itself, and Defendants deny any allegations in Paragraph 144 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

145. Paragraph 145 of the Complaint purports to describe the contents of the February 27 Memo. The February 27 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 145 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

146. Paragraph 146 of the Complaint purports to describe the contents of the map of Legislative District 5, which speaks for itself, and Defendants deny any allegations in Paragraph

146 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 146 of the Complaint, and therefore deny the same.

147. Paragraph 147 of the Complaint purports to describe the contents of the Map, which speaks for itself, and Defendants deny any allegations in Paragraph 147 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof.

148. Paragraph 148 of the Complaint purports to describe the contents of the map of Legislative Districts 9, 10, and 18, which speak for themselves, and Defendants deny any allegations in Paragraph 148 that are inconsistent with or contrary to the contents of the documents and refer thereto for the full text, terms, and meaning thereof.

149. Defendants deny the allegations in Paragraph 149 of the Complaint.

150. Paragraph 150 of the Complaint purports to describe the contents of the map of Legislative District 14, which speaks for itself, and Defendants deny any allegations in Paragraph 150 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. Additional allegations in Paragraph 150 of the Complaint purports to describe the contents of the February 27 Memo. The February 27 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 150 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. Paragraph 150 also purports to discuss testimony presented at certain hearings, which testimony speaks for itself, and Defendants deny any allegations in Paragraph 150 that are

inconsistent with or contrary to the contents of that testimony and refer to the transcript of that testimony for the full text, terms, and meaning thereto.

151. Paragraph 151 of the Complaint purports to describe the contents of the February 27 Memo. The February 27 Memo is a document that speaks for itself, and Defendants deny any allegations in Paragraph 151 that are inconsistent with or contrary to the contents of the document and refer thereto for the full text, terms, and meaning thereof. Defendants deny any remaining allegations in Paragraph 151 of the Complaint.

152. Defendants admit the allegations in Paragraph 152 of the Complaint.

153. Defendants admit the allegations in Paragraph 153 of the Complaint.

154. Defendants admit the allegations in Paragraph 154 of the Complaint.

155. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 155 of the Complaint, and therefore deny the same.

156. Paragraph 156 of the Complaint refers to certain election results in the County. These election results speak for themselves, and Defendants deny any allegations in Paragraph 156 that are inconsistent with or contrary to those election results and refer thereto for the full text, terms, and meaning thereof.

157. Paragraph 157 of the Complaint refers to certain election results in the County and demographic data of certain Legislature districts. These election results and demographic data speak for themselves, and Defendants deny any allegations in Paragraph 157 that are inconsistent with or contrary to those election results and demographic data and refer thereto for the full text, terms, and meaning thereof.

158. Paragraph 158 of the Complaint refers to certain election results in the County and demographic data of certain Legislature districts. These election results and demographic data

speak for themselves, and Defendants deny any allegations in Paragraph 158 that are inconsistent with or contrary to those election results and demographic data and refer thereto for the full text, terms, and meaning thereof. Defendants specifically deny that “communities of color were cracked,” and admit only to the extent that Republican candidates won in Legislative Districts 7, 9, 10, and 14 following the November 2023 election.

159. Paragraph 159 of the Complaint refers to certain election results in the County and demographic data of certain candidates. These election results and demographic data speak for themselves, and Defendants deny any allegations in Paragraph 159 that are inconsistent with or contrary to those election results and demographic data. Defendants specifically deny that Legislative Districts 9 and 10 were drawn to “split a large, compact and politically cohesive Asian community,” and admit only to the extent that Republican candidates won in Legislative Districts 9 and 10. By way of further response, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in the last sentence of Paragraph 159, and therefore deny the same.

160. Defendants deny the allegations in Paragraph 160 of the Complaint, except admit that Minority Leader Abrahams declined to run for re-election. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 160 of the Complaint, and therefore deny the same.

161. Paragraph 161 of the Complaint purports to describe the contents of the New York Municipal Home Rule Law, NYVRA, and other legal documents that speaks for themselves. Defendants deny any allegations in Paragraph 161 that are inconsistent with or contrary to the contents of the New York Municipal Home Rule Law, NYVRA, and those other legal documents and refer thereto for the full text, terms, and meaning thereof. Additional allegations in Paragraph

161 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 161 of the Complaint.

162. Paragraph 162 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

JURISDICTION AND VENUE

163. Defendants admit the allegations in Paragraph 163 of the Complaint.

164. Defendants admit the allegations in Paragraph 164 of the Complaint.

EXPEDITED PROCEEDINGS

165. Paragraph 165 of the Complaint purports to describe Election Law § 17-216, which speaks for itself. Defendants deny any allegations in Paragraph 165 of the Complaint that are inconsistent with or contrary to the contents of Election Law § 17-216 and refer thereto for the full text, terms, and meaning thereof.

166. Paragraph 166 of the Complaint purports to describe Election Law § 17-216, which speaks for itself. Defendants deny any allegations in Paragraph 166 of the Complaint that are inconsistent with or contrary to the contents of Election Law § 17-216 and refer thereto for the full text, terms, and meaning thereof.

COMPLIANCE WITH NOTICE OF NYVRA CLAIM

167. Defendants admit the allegations in Paragraph 167 of the Complaint.

FIRST CAUSE OF ACTION

168. Paragraph 168 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

SECOND CAUSE OF ACTION

169. Paragraph 169 of the Complaint states legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

REQUESTED RELIEF

The “WHEREFORE” paragraphs, including subparts (1)–(7) thereto, after Paragraph 169 of the Complaint state Plaintiffs’ prayer for relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to the relief stated, or to any other relief.

Defendants deny any and all allegations in the Complaint not expressly admitted herein.

DEFENDANTS’ AFFIRMATIVE DEFENSES

Defendants assert the following affirmative defenses. By pleading these defenses, Defendants do not assume the burden of proving any fact, issue, or element of a cause of action where such burden belongs to Plaintiffs. Moreover, nothing stated herein is intended to or shall be construed as a concession that any particular issue or subject matter is relevant to Plaintiffs’ allegations.

1. Plaintiffs’ Complaint fails, in whole or in part, to state a claim against Defendants upon which relief can be granted.
2. Plaintiffs’ claims against Defendants are barred by the doctrines of waiver, estoppel, and laches.
3. Plaintiffs’ claims are barred in whole or in part because the NYVRA—if read in the manner the Plaintiffs allege—would violate the Fourteenth Amendment of the United States Constitution and Article I, Section 11 of the New York Constitution.

4. Plaintiffs' claims are barred in whole or in part because Plaintiffs' requested remedies violate the Fourteenth Amendment of the United States Constitution and Article I, Section 11 of the New York Constitution by the impermissible use of race.

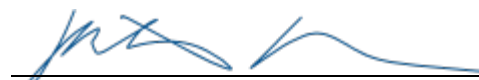
Defendants have not knowingly or intentionally waived any applicable affirmative defenses and reserve the right to assert and rely upon such affirmative defenses as may become available or apparent during discovery. Defendants further reserve the right to amend their Answer and Affirmative Defenses accordingly and to correct any errors and omissions.

WHEREFORE, Defendants respectfully demand judgment as follows: (a) a judgment in favor of Defendants and against Plaintiffs dismissing the Complaint in its entirety; and (b) such other further relief as this Court deems just and proper.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: New York, New York
April 19, 2024

**TROUTMAN PEPPER HAMILTON
SANDERS LLP**



Bennet J. Moskowitz
875 Third Avenue
New York, New York 10022
(212) 704-6000
bennet.moskowitz@troutman.com

Misha Tseytlin
Molly S. DiRago (admitted *pro hac vice*)
Sean T.H. Dutton (admitted *pro hac vice*)
227 W. Monroe St.
Suite 3900
Chicago, IL 60606
(312) 759-1920
misha.tseytlin@troutman.com
molly.dirago@troutman.com
sean.dutton@troutman.com

*Attorneys for Defendants Nassau County, the
Nassau County Legislature, Bruce Blakeman,
Michael C. Pulitzer, and Howard J. Kopel*