

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

-----X
HAZEL COADS; STEPHANIE M. CHASE; MARVIN AMAZAN;
SUSAN E. COOLS; SUZANNE A. FREIER; CARL R. GERRATO;
ESTHER HERNANDEZ-KRAMER; JOHN HEWLETT JARVIS;
SANJEEV KUMAR JINDAL;
HERMIONE MIMI PIERRE JOHNSON;
NEERAJ KUMAR; KAREN M. MONTALBANO;
EILEEN M. NAPOLITANO; OLENA NICKS;
DEBORAH M. PASTERNAK; CARMEN J. PINEYRO;
DANNY S. QIAO; LAURIE SCOTT; RAJA KANWAR SINGH;
AMIL VIRANI; MARY G. VOLOSEVICH;
and the NASSAU DEMOCRATIC COUNTY COMMITTEE,

Index No.:

SUMMONS

Plaintiff designates
NASSAU COUNTY
as the place of trial

The basis of venue is
Defendant's address
Defendant Nassau
County address is:
One West Street,
Mineola, New York
11501

Plaintiffs,

-against-

NASSAU COUNTY; the NASSAU COUNTY LEGISLATURE; the
NASSAU COUNTY BOARD OF ELECTIONS; JOSEPH J.
KEARNY, in his official capacity as a commissioner of the
Nassau County Board of Elections; and JAMES P. SCHEUERMAN,
in his official capacity as a commissioner of the Nassau County Board
of Elections,

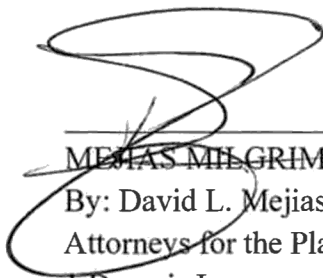
Defendants,

-----X
TO: Nassau County; the Nassau County Legislature, the Nassau County Board of Elections,
Joseph J. Kearny, and James P. Scheuerman.

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiffs' attorneys an
answer to the Complaint in this action within twenty (20) days after the service of this summons,
exclusive of the day of service (or within thirty (30) days after the service is complete if this

summons is not personally delivered to you within the State of New York), and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demand in the Complaint.

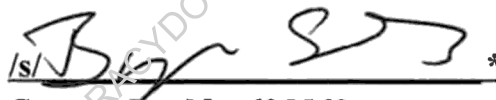
Dated: July 20, 2023
Glen Cove, New York 11542



MEJIAS MIL GRIM ALVARADO & LINDO, P.C.

By: David L. Mejias, Esq.
Attorneys for the Plaintiffs

1 Dosoris Lane
Glen Cove, N.Y. 11542
516-333-7777
dave@mejiaslaw.com

 *

Georgia Bar No. 635562
The Law Office of
Bryan L. Sells, LLC
Post Office Box 5493
Atlanta, Georgia 31107-0493
(404) 480-4212 (voice/fax)
bryan@bryansellsllaw.com

**application for admission pro hac vice
forthcoming*

Attorneys for the Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

Defendants' Addresses:

NASSAU COUNTY

% Office of the County Attorney

One West Street

Mineola, New York 11501

NASSAU COUNTY LEGISLATURE

% Office of the County Attorney

One West Street

Mineola, New York 11501

NASSAU COUNTY BOARD OF ELECTIONS

% Office of the County Attorney

One West Street

Mineola, New York 11501

JOSEPH J. KEARNY, in his official capacity as a
commissioner of the Nassau County

Board of Elections

% Office of the County Attorney

One West Street

Mineola, New York 11501

JAMES P. SCHEUERMAN, in his official capacity as a
commissioner of the Nassau County

Board of Elections

% Office of the County Attorney

One West Street

Mineola, New York 11501

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

Hazel Coads; Stephanie M. Chase; Marvin Amazan; Susan E. Cools; Suzanne A. Freier; Carl R. Gerrato; Esther Hernandez-Kramer; John Hewlett Jarvis; Sanjeev Kumar Jindal; Hermione Mimi Pierre Johnson; Neeraj Kumar; Karen M. Montalbano; Eileen M. Napolitano; Olena Nicks; Deborah M. Pasternak; Carmen J. Pineyro; Danny S. Qiao; Laurie Scott; Raja Kanwar Singh; Amil Virani; Mary G. Volosevich; and the Nassau Democratic County Committee,

Plaintiffs,

vs.

Nassau County; the Nassau County Legislature; the Nassau County Board of Elections; Joseph J. Kearny, in his official capacity as a commissioner of the Nassau County Board of Elections; and James P. Scheuerman, in his official capacity as a commissioner of the Nassau County Board of Elections,

Defendants.

Index No. _____

Verified Complaint

RETRIEVED FROM DEMOCRACYDOCKET.COM

Nature of the Case

1. This is a declaratory judgment action challenging the 2023 redistricting map for the Nassau County Legislature.
2. The plaintiffs are Democratic voters and the Nassau Democratic County Committee (also known as the Nassau County Democratic Committee). They allege that the 2023 map was “drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties” in violation of Section 34 of the New York Municipal Home Rule Law.
3. The plaintiffs seek declaratory and injunctive relief prohibiting county officials from using the 2023 map in future elections and ensuring that elections for the Nassau County Legislature will instead take place using a lawful map.

Jurisdiction and Venue

4. This Court has original jurisdiction of this action under CPLR § 3001.
5. Venue is proper in this Court under CPLR §§ 503 and 504[1].

Parties

6. Plaintiff Hazel Coads is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 14.

7. Plaintiff Stephanie M. Chase is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 14.

8. Plaintiff Marvin Amazan is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 1.

9. Plaintiff Susan E. Cools is a resident of Nassau County and is a registered voter affiliated with the Republican Party in Legislative District 6.

10. Plaintiff Suzanne A. Freier is a resident of Nassau County and is a registered voter unaffiliated with any party in Legislative District Sixteen 16.

11. Plaintiff Carl R. Gerrato is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 8.

12. Plaintiff Esther Hernandez-Kramer is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 15.

13. Plaintiff John Hewlett Jarvis is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 11.

14. Plaintiff Sanjeev Kumar Jindal is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 18.

15. Plaintiff Hermione Mimi Pierre Johnson is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 3.

16. Plaintiff Neeraj Kumar is a resident of Nassau County and a registered voter affiliated with the Democratic Party in Legislative District 9.

17. Plaintiff Karen M. Montalbano is a resident of Nassau County and a registered voter affiliated with the Democratic Party in Legislative District 6.

18. Plaintiff Eileen M. Napolitano is a resident of Nassau County and a registered voter affiliated with the Democratic Party in Legislative District 13.

19. Plaintiff Olena Nicks is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 2.

20. Plaintiff Deborah M. Pasternak is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 12.

21. Plaintiff Carmen J. Pineyro is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 5.

22. Plaintiff Danny S. Qiao is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 10.

23. Plaintiff Laurie Scott is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 19.

24. Plaintiff Raja Kanwar Singh is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 17.

25. Plaintiff Amil Virani is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 7.

26. Plaintiff Mary G. Volosevich is a resident of Nassau County and is a registered voter affiliated with the Democratic Party in Legislative District 4.

27. Plaintiff Nassau Democratic County Committee (also known as the Nassau County Democratic Committee) is a county committee within the meaning of New York Election Code § 2-104. It has members who reside in each district within the county.

28. Defendant Nassau County is a municipal corporation and political subdivision of the State of New York. It is capable of suing and being sued.

29. Defendant Nassau County Legislature is the governing legislative body of Nassau County. It passed the challenged map.

30. Defendant Nassau County Board of Elections administers elections for members of the Nassau County Legislature and is responsible for implementing the challenged map.

31. Defendant Joseph J. Kearney is a commissioner of the Nassau County Board of Elections. He is sued in his official capacity only.

32. Defendant James P. Scheuerman is a commissioner of the Nassau County Board of Elections. He is sued in his official capacity only.

Background

33. According to the 2020 Census, Nassau County has a total population of 1,395,774 persons.

34. The total population of Nassau County has grown by 56,242 persons (4.2 percent) since the 2010 Census.

35. The population increase in Nassau County between the 2010 Census and the 2020 Census is attributable to growth in the county's minority populations. Combined, Nassau County's non-White populations grew by 154,097 persons (33.3 percent), while its White population decreased by 97,855 persons (11.2 percent). The Asian population grew by 61,607 persons (60.7 percent); the Hispanic population increased by 61,070 persons (31.3 percent); and the Black population grew by 5,911 persons (4.2 percent). The population of people who identified as "Some Other Race" grew by 7,040 persons (148.5 percent), and the population of people who identified as "Two or More Races" grew by 18,039 (102.0 percent). Over that period, the White share of Nassau County's total population decreased from 65.5 percent to 55.8 percent.

36. Table 1 summarizes the demographics of Nassau County according to the 2010 Census and the 2020 Census.

Table 1
Nassau County Demographics, 2010-2020

| Race or Ethnicity | 2010 | | 2020 | | Change 2010-2020 | |
|-------------------------|------------|-------|------------|--------|------------------|-------|
| | Total Pop. | % | Total Pop. | % | Total Pop. | % |
| NH White | 877,309 | 65.49 | 779,454 | 55.84 | -97,855 | -11.2 |
| Hispanic | 195,355 | 14.58 | 256,425 | 18.37 | 61,070 | 31.3 |
| NH Black | 141,305 | 10.55 | 147,216 | 10.55 | 5,911 | 4.2 |
| NH AIAN | 1,379 | 0.10 | 1,714 | 0.12 | 335 | 24.3 |
| NH Asian | 101,558 | 7.58 | 163,165 | 11.69 | 61,607 | 60.7 |
| NH NHPI | 197 | 0.01 | 292 | 0.02 | 95 | 48.2 |
| NH Other | 4,740 | .035 | 11,780 | 0.84 | 7040 | 148.5 |
| NH Two or More Races | 17,689 | 1.32 | 35,728 | 2.56 | 18,039 | 102.0 |
| All non-White | 465,223 | 34.51 | 625,320 | 44.30 | 160,097 | 33.3 |
| Total | 1,339,532 | 100.0 | 1,395,774 | 100.00 | 56,242 | 4.2 |

37. Democrats are the plurality of the registered voters in Nassau County. According to the New York State Board of Elections, Nassau County had 1,046,425 registered voters as of February 21, 2023. Of those 412,178 voters (39.4 percent) were affiliated with the Democratic Party; 315,741 voters (30.2 percent) were affiliated with the Republican Party; and 274,253 voters (26.2 percent) were affiliated with no political party.

38. Table 2 summarizes the voter registration in Nassau County as of February 21, 2023, according to the New York State Board of Elections.

Table 2
Nassau County Voter Registration by Party, February 21, 2023

| Party | Active | | Inactive | | Total | |
|------------------|---------|-------|----------|-------|-----------|-------|
| | Voters | % | Voters | % | Voters | % |
| Democrat | 380,971 | 39.2 | 31,207 | 41.2 | 412,178 | 39.4 |
| Republican | 293,519 | 30.2 | 22,222 | 29.4 | 315,741 | 30.2 |
| Conservative | 9,460 | 1.0 | 692 | 0.9 | 10,152 | 1.0 |
| Working Families | 2,124 | 0.2 | 182 | 0.2 | 2,306 | 0.2 |
| Other | 29,227 | 3.0 | 2,568 | 3.4 | 31,795 | 3.0 |
| None | 255,459 | 26.3 | 18,794 | 24.8 | 274,253 | 26.2 |
| Total | 970,760 | 100.0 | 75,665 | 100.0 | 1,046,425 | 100.0 |

Source: New York State Board of Elections

39. Voting in recent elections for countywide offices in Nassau County has been closely divided along party lines. Table 3 summarizes the results of elections for countywide offices in 2017, 2019, and 2021.

Table 3
 Nassau County Election Results, Countywide Offices, 2017-2021

| Candidates | Votes | % |
|--------------------------------|---------|------|
| 2017 County Executive | | |
| Curran (D) | 154,549 | 51.0 |
| Martin (R) | 146,263 | 48.3 |
| Lems (G) | 2,065 | 0.7 |
| 2017 County Comptroller | | |
| Schnirman (D) | 145,849 | 50.2 |
| Hirsh (G) | 3,164 | 1.1 |
| Labriola (R) | 141,510 | 48.7 |
| 2017 County Clerk | | |
| Bennett (D) | 132,655 | 45.7 |
| O'Connell (R) | 157,560 | 54.3 |
| 2019 District Attorney | | |
| Singas (D) | 155,175 | 60.0 |
| McQuade (R) | 103,530 | 40.0 |
| 2021 County Executive | | |
| Curran (D) | 140,489 | 49.6 |
| Blakeman (R) | 142,635 | 50.4 |
| 2021 District Attorney | | |
| Kaminsky (D) | 117,197 | 41.7 |
| Donnelly (R) | 164,137 | 58.3 |
| 2021 County Comptroller | | |
| Cronin (D) | 114,349 | 41.2 |
| Phillips (R) | 163,146 | 58.8 |
| 2021 County Clerk | | |
| Brown (D) | 107,102 | 38.5 |
| O'Connell (R) | 170,999 | 61.5 |

40. The Nassau County Legislature consists of 19 members elected from single-member legislative districts in partisan elections to serve two-year terms. Elections for members of the Nassau County Legislature are held in November of odd-numbered years.

41. The Nassau County Legislature currently has twelve members in its Republican caucus and seven members in its Democratic caucus.

42. Prior to the enactment of the 2023 redistricting map, members of the Nassau County Legislature were elected from legislative districts drawn in 2013.

43. Because of population changes over the last decade, the 2013 map became malapportioned. According to data from the 2020 Census, the total deviation of the 2013 map is 9.9 percent, which exceeds permissible limits under one-person-one-vote principle of the state constitution.

44. Table 4 summarizes the population of the legislative districts in the 2013 map according to data from the 2020 Census.

Table 4
Adjusted Total Population, 2013 Nassau County Legislative Districts (2020 Census)

| District | Adjusted Population | % Deviation |
|-----------------|---------------------|-------------|
| District 1 | 76,338 | 3.8 |
| District 2 | 75,008 | 2.0 |
| District 3 | 76,572 | 4.1 |
| District 4 | 72,406 | -1.5 |
| District 5 | 72,760 | -1.0 |
| District 6 | 76,093 | 3.5 |
| District 7 | 73,261 | -0.4 |
| District 8 | 74,140 | 0.8 |
| District 9 | 74,300 | 1.1 |
| District 10 | 74,512 | 1.3 |
| District 11 | 75,294 | 2.4 |
| District 12 | 72,517 | -1.4 |
| District 13 | 72,273 | -1.7 |
| District 14 | 74,175 | 0.9 |
| District 15 | 69,282 | -5.8 |
| District 16 | 74,295 | 1.1 |
| District 17 | 72,014 | -2.1 |
| District 18 | 70,764 | -3.8 |
| District 19 | 70,921 | -3.5 |
| Total Deviation | | 9.9 |

The New York Municipal Home Rule Law

45. The New York Municipal Home Rule Law is a state statute that grants local governments, including counties, the authority to adopt and amend local laws. It also prescribes certain limits on those powers.

46. In 2021, New York amended the Municipal Home Rule Law to require municipalities in the state to comply with certain standards when enacting any redistricting plan. In order of priority, those standards are:

- (1) single-member districts must be “as nearly equal in population as is practicable,” with the difference in population between the most- and least-populous district not exceeding five percent of the mean population of all districts;
- (2) districts may not be drawn “with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice”;
- (3) districts must consist of contiguous territory;
- (4) districts must be “as compact in form as practicable”;
- (5) districts may not be drawn “to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties”;
- (6) districts must consider maintaining “cores of existing districts,” “pre-existing political subdivisions including cities, villages, and towns”;

(7) to the extent practicable, districts may divide “no villages, cities or towns except those having more than forty percent of a full ratio for each district”; and

(8) districts must “promote the orderly and efficient administration of elections.”

47. County redistricting maps that fail to comply with the requirements of the New York Municipal Home Rule Law are ultra vires and void.

48. The prohibition on partisan gerrymandering in county and local districts contained in the New York Municipal Home Rule Law is similar to the prohibition on partisan gerrymandering in congressional and state legislative districts found in the New York Constitution. See N.Y. Const. art. III, § 4[c][5]. The Court of Appeals held in *Harkenrider v. Hochul*, 38 N.Y.3d 494, 518-20 (2022), that partisan gerrymandering is actionable under that constitutional provision, and it held that evidence of a partisan legislative process and expert statistical analysis is sufficient to establish an unconstitutional partisan purpose.

The 2023 Redistricting Process

49. The Nassau County Charter requires the Nassau County Legislature to redraw the county’s 19 legislative districts following the

release of each decennial census. The process of redrawing those districts is known as redistricting.

50. The Nassau County Charter also provides for an eleven-member temporary districting advisory commission to recommend redistricting plans to the Legislature. Five members of the commission are appointed by the presiding officer of the Legislature, and five members are appointed by the minority leader. The eleventh member, who serves as the non-voting chair, is appointed by the Nassau County Executive. Six votes are required for the temporary districting advisory commission to take any action.

51. In accordance with the Nassau County Charter, the Nassau County Legislature established a temporary districting advisory commission in April 2022. The Nassau County Executive, who is a Republican, appointed Mr. Francis X. Moroney, a Republican, as the chair.

52. Chair Moroney presided over a highly partisan redistricting process from which Democratic members of the temporary districting advisory commission were largely excluded.

53. Ultimately, no map received six or more votes from the temporary districting advisory commission. Instead, the Republican and Democratic delegations of the temporary districting advisory commission voted at a hearing held on November 21, 2022, to advance separate maps for the Legislature's consideration.

54. Both maps then came before the Rules Committee of the Nassau County Legislature on January 17, 2023.

55. At the January 17 hearing, the Republican and Democratic delegations of the temporary districting advisory commission presented their respective maps. The Democratic delegation presented the expert analysis of Dr. Megan Gall in support of its map. The Republican delegation offered the expert testimony of Dr. David Schaefer. Legislators had the opportunity to question the map-drawers directly, and members of the public were given an opportunity to comment on the proposed maps.

56. At the conclusion of the January 17 hearing, the Rules Committee voted 4-3, along party lines, to advance the Republican map to the floor of the Legislature. The Rules Committee voted 7-0 to advance the Democratic map to the floor of the Legislature.

57. On February 9, 2023, the Republican members of the Legislature published a revised version of the map produced by the Republican delegation of the temporary districting advisory commission.

58. On or about February 16, 2023, Richard Nicoletto—a Republican who is the presiding officer of the Nassau County Legislature—introduced his own proposed redistricting map. The full Legislature held a hearing on Nicoletto's map later that same day.

59. A few minutes before the start of the February 16 hearing, an attorney hired by Nicoletto—Misha Tseytlin of Troutman, Pepper, Hamilton and Sanders—distributed a memorandum analyzing Nicoletto's map. Among other things, the memorandum presented the conclusions of Sean Trende, the expert for the plaintiffs in *Harkenrider*, purporting to support Nicoletto's map. Tseytlin summarized the memorandum in his testimony at the hearing.

60. In response to questioning from Democratic members of the Legislature during the February 16 hearing, Tseytlin would not identify the individual or individuals who drew Nicoletto's map. In response to other questions from Democratic members, Tseytlin refused to elaborate beyond what was in the memorandum and refused to provide the underlying analysis on which Trende's conclusions (and the memorandum) were based. Tseytlin could not say which elections Trende had analyzed in forming some of his conclusions.

61. Also at the February 16 hearing, Nicoletto refused to allow the chair of the Democratic delegation of the temporary districting advisory commission to speak in opposition to the map on the ground that the chair was not an expert.

62. On or about February 21, 2023, Nicoletto proposed a revised map that made minor changes to his February 17 map.

63. Nicoletto's February 21 map came before the Legislature for the first time during a hearing held on February 27.

64. At the February 27 hearing, Nicoletto introduced a new memorandum prepared by Troutman Pepper about his February 21 map.

65. Democratic members of the Legislature presented an expert analysis of Nicoletto's February 21 map using a methodology that was similar to the expert analysis accepted by the New York Court of Appeals as proof of partisan gerrymandering in *Harkenrider*. The expert concluded that Nicoletto's map is an extreme partisan gerrymander and pointed out that Trende had used the wrong set of elections when analyzing Nicoletto's maps.

66. Also at the February 27 hearing, Nicoletto refused to provide the underlying analysis on which Trende's conclusions were based.

67. Nicoletto's February 21 map came up for a vote before the Legislature later on February 27. At that meeting, the Democratic minority leader again asked Nicoletto to release Trende's analysis for public review, and Nicoletto again refused—this time on the ground of attorney-client privilege.

68. Members of the Democratic caucus of the Legislature vigorously opposed Nicoletto's map on the ground that it was an illegal partisan gerrymander and diluted minority voting strength.

69. At the February 27 meeting, the Nassau County Legislature adopted Nicoletto's February 21 map as Local Law No. 1-2023. The vote was 11 to 7, with all members of the Republican caucus voting in favor of the map, and all members of the Democratic caucus voting against it. (At the time, one seat was vacant.)

70. The 2023 redistricting map became law on February 28, 2023, with the approval of the County Executive.

The 2023 Redistricting Map

71. The 2023 redistricting map favors the Republican Party and disfavors the Democratic Party by "packing" Democratic-leaning voters into Districts 2 and 3 and by "cracking" Democratic-leaning concentrations across Districts 10, 14, and 18 so as to dilute their voting strength.

72. The 2023 redistricting map also favors the Republican Party and disfavors the Democratic Party by pairing two Democratic incumbents and no Republican incumbents.

73. The 2023 redistricting map also favors the Republican Party and disfavors the Democratic Party by moving the Democratic minority leader from a solidly-Democratic district to a Republican-leaning district.

74. A comparison of the 2023 redistricting map to an ensemble of 10,000 computer-drawn maps designed to comply with the requirements of the New York Municipal Home Rule Law reveals that the 2023 redistricting

map is an extreme partisan gerrymander that fails the Harkenrider test. This analysis shows that the chance of drawing a map through a party-blind process that favors the Republican Party as much as the 2023 redistricting map does is less than 1 in 10,000. And it projects a loss of two Democratic seats compared to a party-blind map.

Claim One

75. The 2023 redistricting map for the Nassau County Legislature was “drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties” in violation of Section 34 of the New York Municipal Home Rule Law.

Claim Two

76. The 2013 redistricting map for the Nassau County Legislature—which is the last lawfully enacted map—is now malapportioned in violation of the one-person-one-vote principle of Article 1, Section 11 of the New York State Constitution and Section 34 of the New York Municipal Home Rule Law.

Claim Three

77. A real and actual controversy exists between the parties regarding the substantive requirements for redistricting under Section 34 of the New York Municipal Home Rule Law.

78. The controversy between the parties regarding the substantive requirements for redistricting under Section 34 of the New York Municipal Home Rule Law is justiciable.

79. The plaintiffs have a legally protectable interest in the substantive requirements for redistricting under Section 34 of the New York Municipal Home Rule Law.

80. The 2023 redistricting map for the Nassau County Legislature puts the parties' interests in the substantive requirements for redistricting under Section 34 of the New York Municipal Home Rule Law directly in issue.

81. The plaintiffs therefore seek a declaratory judgment "as to the rights and other legal relations of the parties" CPLR § 3001, regarding the substantive requirements for redistricting under Section 34 of the New York Municipal Home Rule Law.

Relief

WHEREFORE, the plaintiff respectfully prays that this Court:

- (1) enter a declaratory judgment that the 2023 redistricting map for the Nassau County Legislature violates Section 34 of the New York Municipal Home Rule Law and is therefore *ultra vires* and void;
- (2) enter a declaratory judgment that the 2013 redistricting map for the Nassau County Legislature is now malapportioned in violation of

the one-person-one-vote principle of Article 1, Section 11 of the New York State Constitution and Section 34 of the New York Municipal Home Rule Law;

(3) enjoin the Nassau County Board of Elections from conducting any future elections under the 2013 map or the 2023 map;

(4) give the Nassau County Legislature a reasonable opportunity to adopt a new redistricting plan that complies with the New York Municipal Home Rule Law, or, if the Nassau County Legislature fails to do so, order the Nassau County Board of Elections to implement a court-ordered plan; and, once a new lawful plan is implemented, order a special election under the new plan at the earliest possible opportunity;

(5) award the plaintiffs the costs of this action together with their reasonable attorneys' fees; and

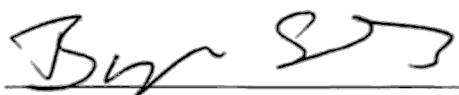
(6) retain jurisdiction of this action and grant the plaintiffs any further relief which may in the discretion of the Court be necessary and proper.

Respectfully submitted this 20th day of July, 2023.



MEJIAS MILGRIM ALVARADO & LINDO, P.C.

By: David L. Mejias, Esq.
1 Dosoris Lane
Glen Cove, New York 11542
516-333-7777
dave@mejiaslaw.com



Georgia Bar No. 635562
The Law Office of
Bryan L. Sells, LLC
Post Office Box 5493
Atlanta, Georgia 31107-0493
(404) 480-4212 (voice/fax)
bryan@bryansellslaw.com

* Application for admission *pro hac vice* forthcoming.

Attorneys for the Plaintiffs

Verification of Complaint

STATE OF NEW YORK)

)ss.:

COUNTY OF NASSAU)

I, HAZEL COADS, having been duly sworn, depose and say:

I am a plaintiff in this action. I have read the foregoing Verified Complaint and verify that the allegations are true to the best of my knowledge, information, and belief.

Executed this 25 day of July, 2023.

[Handwritten signature of Hazel Coads]
HAZEL COADS

Sworn before me this

25th day of July, 2023

[Handwritten signature of Notary Public]

Notary Public, State of New York

MATTHEW MALIN
Notary Public, State of New York
Registration 01MA6340247
Qualified In Nassau County
Commission Expires April 18, 2024

Verification of Complaint

STATE OF NEW YORK)

)ss.:

COUNTY OF NASSAU)

I, JAY S. JACOBS, having been duly sworn, depose and say:

I am Chairman of the NASSAU DEMOCRATIC COUNTY COMMITTEE, a plaintiff in this action. I have read the foregoing Verified Complaint and verify that the allegations are true to the best of my knowledge, information, and belief.

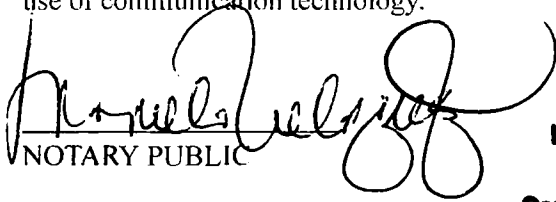
Executed this 20th day of July, 2023.

JAY S. JACOBS

RETRIEVED FROM DEMOCRATIC DOCKET.COM

STATE OF NEW YORK)
 ss)
COUNTY OF NASSAU)

On this **20th day of July, 2023**, before me, by audio-video conference authorized by Gov. Kathy Hochul, under Senate Bill SS7780, the undersigned, **JAY S. JACOBS** personally appeared via audio-video conference, and at the time of the audio-video conference, executed, by her/his hand, the within instrument before me; and was personally known to me or provide to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument; and acknowledged to me that she/he executed same in her/his capacity; and that by her/his signature on the instrument, the individual, or person upon behalf of which individual acted, executed the instrument; and there has been full compliance with the requirements set forth in Senate Bill S7780. This remote notarial act involved the use of communication technology.


NOTARY PUBLIC

MANUELA VELASQUEZ
Notary Public, State of New York
No. 01VE000631
Qualified in Nassau County
Commission Expires February 3, 2027

EO requirements - Any notarial act that is required under New York State law is authorized to be performed utilizing audio-video technology provided that the following conditions are met:

- The person seeking the Notary's services, if not personally known to the Notary, must present valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;
- The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);
- The person must affirmatively represent that he or she is physically situated in the State of New York;
- The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;
- The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and
- The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.

CERTIFICATION


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

I, the undersigned, an attorney, admitted to practice law in the Courts of New York State, state that I am DAVID L. MEJIAS, ESQ., an attorney associated with MEJIAS, MILGRIM, ALVARADO & LINDO, P.C., the attorney of record for the plaintiffs in the within action. I have read the foregoing SUMMONS and VERIFIED COMPLAINT in the within action and certify to my best knowledge or belief, that the matters contained in same are not frivolous.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Investigation and facts of file.

Dated: Glen Cove, New York
July 20, 2023



DAVID L. MEJIAS, ESQ.

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

Index No.:

**HAZEL COADS; STEPHANIE M. CHASE; MARVIN AMAZAN;
SUSAN E. COOLS; SUZANNE A. FREIER; CARL R. GERRATO;
ESTHER HERNANDEZ-KRAMER; JOHN HEWLETT JARVIS;
SANJEEV KUMAR JINDAL;
HERMIONE MIMI PIERRE JOHNSON;
NEERAJ KUMAR; KAREN M. MONTALBANO;
EILEEN M. NAPOLITANO; OLENA NICKS;
DEBORAH M. PASTERNAK; CARMEN J. PINEYRO;
DANNY S. QIAO; LAURIE SCOTT; RAJA KANWAR SINGH;
AMIL VIRANI; MARY G. VOLOSEVICH;
and the NASSAU DEMOCRATIC COUNTY COMMITTEE,
Plaintiffs,**

**NASSAU COUNTY; the NASSAU COUNTY LEGISLATURE; the
NASSAU COUNTY BOARD OF ELECTIONS; JOSEPH J.
KEARNY, in his official capacity as a commissioner of the
Nassau County Board of Elections; and JAMES P. SCHEUERMAN
in his official capacity as a commissioner of the Nassau County Board
of Elections,**

Defendants,

SUMMONS & VERIFIED COMPLAINT

**Law offices of Mejias, Milgrim, Alvarado & Lindo, P.C.
Attorneys for Plaintiffs
1 Dosoris Lane
Glen Cove, New York 11542
(516) 333-7777 Facsimile: (516) 333-7878**

TO

Signature (Rule 130.1.1-a)

DAVID L. MEJIAS, ESQ.

Service of a copy of the within is hereby admitted

Dated: _____

Attorneys for Defendants.

NOTICE OF ENTRY

That the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

That an _____ of which is a true copy will be presented for settlement to the HON. _____ one of the judges of the Within named Court, at on

Dated: July 20, 2023

Mejias, Milgrim, Alvarado & Lindo, P.C.