

At a Term of the Supreme Court of the State of New York, held in and for the County of Onondaga, at 401 Montgomery Street, Syracuse, New York, on June 26, 2024.

Present: Hon. Gerard J. Neri, J.S.C.

STATE OF NEW YORK  
SUPREME COURT ONONDAGA COUNTY

**THE COUNTY OF ONONDAGA; THE ONONDAGA COUNTY LEGISLATURE; and J. RYAN MCMAHON II, Individually and as a voter and in his capacity as Onondaga County Executive,**

Plaintiffs,

-against-

**THE STATE OF NEW YORK; KATHLEEN HOCHUL, in her capacity as Governor of the State of New York; DUSTIN M. CZARNY, in his capacity as Commissioner of the Onondaga County Board of Elections; and MICHELE L. SARDO, in her capacity as Commissioner of the Onondaga County Board of Elections,**

Defendants.

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STATE OF NEW YORK  
SUPREME COURT NASSAU COUNTY

**THE COUNTY OF NASSAU, THE NASSAU COUNTY LEGISLATURE, and BRUCE A. BLAKEMAN, individually and as a voter and in his official capacity as Action No. 2: Nassau County Executive,**

Plaintiffs,

-against-

**THE STATE OF NEW YORK and KATHY HOCHUL, in her capacity as the Governor of the State of New York,**

Defendants.

**ORDER**  
**Motion #5**

Action No. 1:  
Index No: 003095/2024

Action No. 2:  
Index No.: 605931/2024

STATE OF NEW YORK  
SUPREME COURT ONEIDA COUNTY

**THE COUNTY OF ONEIDA; THE ONEIDA COUNTY BOARD OF LEGISLATORS, ANTHONY J. PICENTE, JR., Individually as a voter and in his capacity as Oneida County Executive; and ENESSA CARBONE, Individually and as a voter and in her capacity as Oneida County Comptroller,**

Plaintiffs,

-against-

**THE STATE OF NEW YORK and KATHLEEN HOCHUL, in her capacity as Governor of the State of New York,**

Defendants.

Action No. 3:  
Index No: EFCA2024-000920

STATE OF NEW YORK  
SUPREME COURT RENSSELAER COUNTY

**COUNTY OF RENSSELAER; STEVEN F. MCLAUGHLIN, Individually as a Voter, and in his Capacity as RENSSELAER COUNTY EXECUTIVE; and the RENSSELAER COUNTY LEGISLATURE,**

Plaintiffs,

-against-

**THE STATE OF NEW YORK and KATHLEEN HOCHUL, in her capacity as Governor of the State of New York,**

Defendants.

Action No. 4:  
Index No: EF2024-276591

STATE OF NEW YORK  
SUPREME COURT JEFFERSON COUNTY

Action No. 5:  
Index No: EF2024-00001746

**JASON ASHLAW, JOANN MYERS, TANNER RICHARDS, STEVEN GELLAR, EUGENE CELLA, ROBERT MATARAZZO, ROBERT FISCHER, JAMES JOST, KEVIN JUDGE, THE COUNTY OF SUFFOLK, THE TOWN OF HEMPSTEAD, THE TOWN OF BROOKHAVEN, THE TOWN OF HUNTINGTON, THE TOWN OF ISLIP, THE TOWN OF SMITHTOWN, THE TOWN OF CHAMPION, THE TOWN OF NORTH HEMPSTEAD, and THE TOWN OF NEWBURGH,**

Plaintiffs,

-against-

**THE STATE OF NEW YORK, KATHLEEN HOCHUL, in her capacity as Governor of the State of New York, MICHELLE LAFAVE, in her capacity as Commissioner of the Jefferson County Board of Elections, JUDE SEYMOUR, in his capacity as Commissioner of the Jefferson County Board of Elections, MARGARET MEIER, in her capacity as Commissioner of the Jefferson County Board of Elections, THE JEFFERSON COUNTY BOARD OF ELECTIONS, JOHN ALBERTS, in his capacity as Commissioner of the Suffolk County Board of Elections, BETTY MANZELLA, in her capacity as Commissioner of the Suffolk County Board of Elections, THE SUFFOLK COUNTY BOARD OF ELECTIONS, JOSEPH KEARNEY, in his capacity as Commissioner of the Nassau County Board of Elections, JAMES SCHEUERMAN, in his capacity as Commissioner of the Nassau County Board of Elections, THE NASSAU COUNTY BOARD OF ELECTIONS, LOUISE VANDEMARK, in her capacity as Commissioner of the Orange County Board of Elections, COURTNEY CANFIELD GREENE, in her capacity as Commissioner of the Orange County Board of Elections, THE ORANGE COUNTY BOARD OF ELECTIONS,**

Defendants.

STATE OF NEW YORK  
SUPREME COURT ROCKLAND COUNTY

**COUNTY OF ROCKLAND and EDWIN J. DAY, in his individual and official capacity as Rockland County Executive,**

Action No. 6:  
Index No: 032196/2024

Plaintiffs,

-against-

**THE STATE OF NEW YORK,**

Defendant.

STATE OF NEW YORK  
SUPREME COURT ONONDAGA COUNTY

**STEVEN M. NEUHAUS, Individually, and as a voter in his capacity as Orange County Executive, THE COUNTY OF ORANGE, THE ORANGE COUNTY LEGISLATURE, ORANGE COUNTY LEGISLATORS, KATHERINE E. BONELLI, THOMAS J. FAGGIONE, JANET SUTHERLAND, PAUL RUSZKIEWICZ, PETER V. TUOHY, BARRY J. CHENEY, RONALD M. FELLER, GLENN R. EHLERS, KATHY STEGENGA, KEVIN W. HINES, JOSEPH J. MINUTA, LEIGH J. BENTON, ROBERT C. SASSI, and JAMES D. O'DONNELL, Individually and as voters,**

Action No. 7:  
Index No: 004023/2024

Plaintiffs,

-against-

**KATHLEEN HOCHUL, in her capacity as Governor of the State of New York, THE STATE OF NEW YORK, ORANGE COUNTY REPUBLICAN COMMITTEE, ORANGE COUNTY DEMOCRATIC COMMITTEE, CONSERVATIVE PARTY OF NEW YORK STATE, and NEW YORK WORKING FAMILY PARTY,**

Defendants.

STATE OF NEW YORK  
SUPREME COURT DUTCHESS COUNTY

**THE COUNTY OF DUTCHESS, THE DUTCHESS  
COUNTY LEGISLATURE, and SUSAN J. SERINO,  
Individually and as a voter and in her capacity as  
DUTCHESS COUNTY EXECUTIVE,**

Action No. 8:  
Index No: 2024-51659

Plaintiffs,

-against-

**THE STATE OF NEW YORK, KATHLEEN  
HOCHUL, In her capacity as Governor of the State of  
New York,**

Defendants.

**WHEREAS**, by order to show cause, Defendants State of New York and Kathleen Hochul, in her capacity as Governor of the State of New York, by and through the Office of Attorney General, sought an order by CPLR §602 to consolidate Action No. 5 with Action No. 1 (Doc. No. 79); and

**WHEREAS**, the Parties in Action No. 7 stipulated to discontinue that Action as against the Orange County Republican Committee, the Orange County Democratic Committee, the Conservative Party of New York State, and the New York Working Families Party as Defendants pursuant to CPLR §1003, leaving Action No. 7 pending only against Kathleen Hochul, in her capacity as Governor of the State of New York, and the State of New York (Doc. No. 62); and

**WHEREAS**, the Parties in Action No. 1, consented to consolidate Action No. 7 (Doc. No. 62); and

**WHEREAS**, the Parties in Action No. 6 stipulated to change venue to Onondaga County and desire it to be consolidated with Action No. 1 (Doc. No. 56); and

**WHEREAS**, the Parties in Actions No. 1 and Action No. 2 (Doc. No. 76), Action No. 3 (Doc. No. 77), and Action No. 4 (Doc. No. 78) agreed to consolidate their actions with Action No. 1 and the Court So-Ordered the requests; and

**WHEREAS**, the Plaintiffs in Action No. 8 moved to consolidate their action with Action No. 1 (Doc. No. 97); and

**WHEREAS**, on June 26, 2024 the motion to consolidate Action No. 5 with Action No. 1 came to be heard by this Court and all Parties to Actions Nos. 1-6 and 8 appeared and it was agreed that the Action Nos. 1-8 would be consolidated pursuant to CPLR §602 and heard by the Court upon a briefing schedule.

**NOW, THEREFORE**, it is hereby

**ORDERED**, that the request to consolidate Action No. 5 as sought by Defendant State of New York and Kathleen Hochul is GRANTED; and it is further

**ORDERED**, that upon the oral motion by Plaintiff Rockland County and Edwin J. Day, Individual and official capacity as Rockland County Executive to consolidate Action No. 6 with Action No. 1 is GRANTED; and it is further

**ORDERED**, that the motion by Plaintiffs County of Dutchess, the Dutchess County Legislature, and Susan J. Serino, Individually and as a voter and in her capacity as Dutchess County Executive is GRANTED; and it is further

**ORDERED**, that the stipulation to discontinue Action No. 7 as against the Orange County Republican Committee, the Orange County Democratic Committee, the Conservative Party of New York State, and the New York Working Families Party as Defendants pursuant to CPLR §1003, leaving Action No. 7 pending only against Kathleen Hochul, in her capacity as Governor of the State of New York, and the State of New York is GRANTED; and it is further

**ORDERED**, that the stipulation to consolidate Action No. 7 with Action No. 1 is GRANTED; and it is further

**ORDERED**, that Defendants State of New York and Kathleen Hochul, in her capacity as Governor of the State of New York, shall respond to the Complaints in all Actions by making a motion to dismiss on or before July 26, 2024; and it is further

**ORDERED**, that Plaintiffs in Action No. 5 shall respond to the motion to dismiss in their Action concerning individual claims on or before August 7, 2024, and that the Defendants State of New York and Kathleen Hochul, in her capacity as Governor of the State of New York shall reply on or before August 12, 2024; and it is further

**ORDERED**, that Plaintiffs in all remaining Actions, including the Plaintiffs in Action No. 5 concerning their Constitutional Article IX claims on behalf of towns and counties, shall respond to the motion to dismiss in their respective Actions on or before August 23, 2024 and that Defendants State of New York and Kathleen Hochul, in her capacity as Governor of the State of New York shall reply on or before August 30, 2024; and it is further

**ORDERED**, that upon request of the Plaintiffs in the various actions concerning the Constitutional Article IX causes of action and stipulation by the Defendants State of New York and Kathleen Hochul, in her capacity as Governor of the State of New York, any motion to dismiss pursuant to CPLR §3211 shall be converted to a CPLR §3212 motion for summary judgment

**ORDERED**, that the Court shall render decisions upon the filed motions on submission of papers.

Dated: July 2, 2024

  
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**HON. GERARD J. NERI, J.S.C.**

**ENTER.**

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