



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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May 29, 2025

Chambers of Hon. Paul B. Wojtaszek
Supreme Court, Erie County
25 Delaware Avenue, Second Floor
Buffalo, New York 14202

Re: *Young v. Town of Cheektowaga*
Index No. 803989/2024

Dear Judge Wojtaszek:

I write to inform the Court of an order issued by the Appellate Division, Second Department in *Clarke v. Newburgh* (Orange County Sup. Ct. Index No. 2460/24). The order grants leave to appeal to the Court of Appeals from the Second Department's opinion and order dated January 30, 2025, which upheld the New York Voting Rights Act's vote dilution provisions against the Town of Newburgh's facial equal protection challenge. The order is appended hereto.

Respectfully submitted,

BEEZLY J. KIERNAN
Assistant Solicitor General

cc: Counsel of record (via NYSCEF)

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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KS/

HECTOR D. LASALLE, P.J.
CHERYL E. CHAMBERS
JANICE A. TAYLOR
DONNA-MARIE E. GOLIA, JJ.

2024-11753

DECISION & ORDER ON MOTION

Oral Clarke, et al., plaintiffs-appellants,
v Town of Newburgh, et al., respondents;
Letitia James, etc., intervenor-appellant.

(Index No. 2460/2024)

Appeal from an order of the Supreme Court, Orange County, dated November 7, 2024, which was determined by opinion and order of this Court dated January 30, 2025. Motion by the respondents for leave to appeal to the Court of Appeals from the opinion and order of this Court and, in effect, in the event leave to appeal is granted, to stay all proceedings in the above-entitled action, pending hearing and determination of any appeal to the Court of Appeals.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

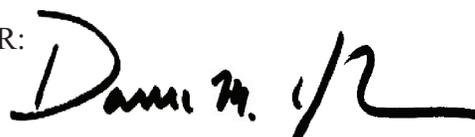
ORDERED that the branch of the motion which is for leave to appeal to the Court of Appeals from the opinion and order of this Court is granted, and the following question is certified to the Court of Appeals: Was the opinion and order of this Court dated January 30, 2025, properly made?

Questions of law have arisen, which, in our opinion, ought to be reviewed by the Court of Appeals (*see* CPLR 5713); and it is further,

ORDERED that the branch of the motion which is, in effect, to stay all proceedings in the above-entitled action, pending hearing and determination of any appeal to the Court of Appeals is granted, and all proceedings in the above-entitled action are stayed, pending hearing and determination of the appeal to the Court of Appeals.

LASALLE, P.J., CHAMBERS, TAYLOR and GOLIA, JJ., concur.

ENTER:



Darrell M. Joseph
Clerk of the Court

May 23, 2025

CLARKE v TOWN OF NEWBURGH