

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

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HAZEL COADS, STAPHANIE M. CHASE,
MARVIN AMAZAN, SUSAN E. COOLS, SUSANNE 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, OLEAN 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. 611872/2023

VERIFIED ANSWER

Plaintiffs,

-against-

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

NATURE OF THE CASE¹

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

2. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “2” of the Complaint, and refer all questions of law to the Court.

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

JURISDICTION AND VENUE

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

5. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “5” of the Complaint, and refer all questions of law to the Court.

PARTIES

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

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

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

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

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

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

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

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

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

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

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

16. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph "16" of the Complaint.

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

18. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph "18" of the Complaint.

19. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph "19" of the Complaint.

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

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

22. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “22” of the Complaint.

23. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “23” of the Complaint.

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

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

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

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

28. Admit the allegation contained in Paragraph “28” of the Complaint.

29. Admit the allegation contained in Paragraph “29” of the Complaint.

30. Admit the allegation contained in Paragraph “30” of the Complaint.

31. Admit the allegation contained in Paragraph “31” of the Complaint.

32. Admit the allegation contained in Paragraph “32” of the Complaint.

BACKGROUND

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

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

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

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

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

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

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

40. Admit the allegation contained in Paragraph “40” of the Complaint.

41. Admit the allegation contained in Paragraph “41” of the Complaint.

42. Admit the allegation contained in Paragraph “42” of the Complaint.

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

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

THE NEW YORK MUNICIPAL HOME RULE LAW

45. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “45” of the Complaint, and refer all questions of law to the Court.

46. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “46” of the Complaint, and refer all questions of law to the Court.

47. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “47” of the Complaint, and refer all questions of law to the Court.

48. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “48” of the Complaint, and refer all questions of law to the Court.

THE 2023 REDISTRICTING PROCESS

49. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “49” of the Complaint, and refer all question of law to the Court.

50. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “50” of the Complaint, and refer all questions of law to the Court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE 2023 REDISTRICTING MAP

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

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

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

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

CLAIM ONE

75. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “75” of the Complaint, and refer all questions of law to the Court.

CLAIM TWO

76. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “76” of the Complaint, and refer all questions of law to the Court.

CLAIM THREE

77. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “77” of the Complaint, and refer all questions of law to the Court.

78. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “78” of the Complaint, and refer all questions of law to the Court.

79. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph “79” of the Complaint, and refer all questions of law to the Court.

80. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph "80" of the Complaint, and refer all questions of law to the Court.

81. Deny having knowledge or information sufficient to form a belief as to the veracity of the allegations contained in Paragraph "81" of the Complaint, and refer all questions of law to the Court.

GENERAL DENIAL

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

AFFIRMATIVE DEFENSES

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

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

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

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

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

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

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

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

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

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

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

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

The Board of Elections Defendants enjoyed full, partial, and/or qualified immunity from civil suit.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

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

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

Dated: Mineola, New York
August 31, 2023

Respectfully submitted,

Thomas A. Adams
Nassau County Attorney

By: /s/ Matthew M. Rozea
Matthew M. Rozea, Esq.
Deputy County Attorney
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VERIFICATION

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

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

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

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

Dated: Mineola, New York
August 31, 2023

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

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