

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

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

Plaintiffs,

-against-

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

Defendants.

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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NEW YORK COMMUNITIES FOR CHANGE,  
MARIA JORDON AWALOM, et al.,

Plaintiffs,

-against-

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

Defendants.

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For plaintiffs Hazel Coads, Stephanie M. Chase, Marvin Amazan, Susan E. Cools, Suzanne A. Frier, Carl R. Gerrato, Esther Hernandez-Karmer, 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, David Mejias and Katherine Lindo, Mejias, Milgram, Alvarado & Lindo, One Dosis Lane, Glen Cove, New York 11542, (516) 333-7777, dave@mejiaslaw.com, katherine@mejiaslaw.com; Bryan Sells, Law Office of Bryan L. Sells, Sells, P.O. Box 5493, Atlanta, Georgia 31107, (404) 480-4212, bryan@bryansellsllaw.com.

For defendants Nassau County, Nassau County Legislature, Bruce Blakeman, Michael C. Pulitzer, and Howard J. Kopel, Bennet J. Moskowitz and Misha Tseytlin, Troutman Pepper LLP, 875 Third Avenue, New York, New York 10022, (212) 704-6087, bennet.moskowitz@troutman.com, misha.tseytlin@troutman.com.

ORDER

Index No.:  
611872/2023

Index No.:  
602316/2024

For defendants Nassau County Board of Elections and Commissioner Joseph Kearney, Matthew Rozea, 1 West St., Mineola, New York 11501, (516) 571-3056, mrozea@nassaucountyny.gov.

For defendant Commissioner James P. Scheuerman, Ryan Cronin, 240 Old Country Road, Mineola, New York 11501, (516) 571-1344, ryanecronin@gmail.com

For plaintiffs New York Communities for Change, Maria Jordan Awalom, Monica Diaz, Lisa Ortiz, and Guillermo VanEtten, Perry M. Grossman, Terry T. Ding, and Christopher T. Dunn, New York Civil Liberties Union Foundation, 125 Broad Street, New York, New York 10004, (212) 607-3300, pgrossman@nyclu.org, tding@nyclu.org, cdunn@nyclu.org; Michael G. Scavelli, Evan Glassman, David Kahne, and Jason E. Meade, Steptoe LLP, 1114 Avenue of the Americas, New York, New York 10036, (212) 506-3900, mscavelli@steptoe.com, eglassman@steptoe.com, dkahne@steptoe.com, jmeade@steptoe.com; Adriel I. Cepeda Derieux, American Civil Liberties Union Foundation, 915 15th Street, NW Washington, District of Columbia 20005, (202) 457-0800, acepedaderieux@aclu.org; Cesar Z. Ruiz, LatinoJustice PRLDEF, 475 Riverside Drive, Suite 1901, New York, New York 10115, (212) 392-4752, cruiz@latinojustice.org; Jerry Vattamala, Ronak Patel, Asian American Legal Defense & Education Foundation Fund, 99 Hudson Street, 12th Floor, New York, New York 10013, (212) 966-5932, rpatel@aaldef.org; Frederick K. Brewington, The Law Offices of Frederick K. Brewington, 556 Peninsula Boulevard, Hempstead, New York 11550, (516) 489-6959, office@brewingtonlaw.com; Randolph M. McLaughlin, Newman Ferrara LLP, (212) 619-5400, rmclaughlin@nflp.com.

The two above-entitled actions arise from challenges to the 2023 redistricting map for the Nassau County Legislature (the “Legislature”), which became effective on February 28, 2023.

The case of *Coads et al. v. County of Nassau et al.* was commenced with the filing of a summons and complaint in Nassau County Supreme Court on July 26, 2023. The *Coads* plaintiffs allege that the 2023 redistricting map for the Legislature impermissibly favors the Republican Party and disfavors the Democratic Party in violation of Section 34 of the Municipal Home Rule Law (“Home Rule Law”). On August 31, 2023, Defendants Nassau County and the Legislature moved to dismiss the *Coads* action on the basis of laches (Motion Sequence No. 3). That motion was fully briefed as of October 3, 2023. On February 9, 2024, Defendants Nassau County and the Legislature moved for a protective order against document requests served by the *Coads* plaintiffs on October 5, 2023 that sought disclosure of documents and communications concerning work

performed in connection with the redistricting process by Sean Trende (Motion Sequence No. 5). That motion was fully briefed as of February 21, 2024.

The case of *New York Communities for Change et al. v. County of Nassau et al.* was commenced with the filing of a summons and complaint in Nassau County Supreme Court on February 7, 2024. The *New York Communities for Change* ("NYCC") plaintiffs allege that the 2023 redistricting map for the Legislature dilutes the voting strength of Black, Latino, and Asian voters in violation of the John R. Lewis Voting Rights Act of New York, Election Law § 17-206 [2]. In addition, the NYCC plaintiffs allege that the redistricting map violates the Home Rule Law because the map has the effect and was drawn with the intent of diluting the voting strength of Black, Latino, and Asian voters; impermissibly favors the Republican Party; and otherwise fails to comply with rank-ordered criteria of the Home Rule Law. On February 22, 2024, the NYCC plaintiffs moved by proposed Order to Show Cause for an expedited case schedule pursuant to Election Law § 17-206 (Motion Sequence No. 2).

On February 27, 2024, these two cases were assigned to this Court by Order of the Hon. Norman St. George, First Deputy Chief Administrative Judge. The Court ordered the parties to appear for a conference on March 1, 2024 to address the matters on the docket in these two actions and to discuss whether and to what extent the joinder of these two actions is appropriate. The Court held a joint conference in these two matters on March 1, 2024<sup>via Teams</sup> at which counsel for all parties<sup>virtual</sup> made appearances.

The Court heard oral argument on the motion to dismiss in the *Coads* action made by Defendants Nassau County and the Legislature on the basis of laches (Motion Sequence No. 3). The papers filed and numbered on NYSCEF as docket numbers 23 through 31 were read and considered. For the reasons stated on the record (Tr. 36-38), the motion to dismiss is DENIED.

The Court heard oral argument on the motion for a protective order made by Defendants Nassau County and the Legislature against the *Coads* plaintiffs' requests for documents related to maps considered by the Legislature during the 2023 redistricting process (Motion Sequence No. 5). The papers filed and numbered on NYSCEF as docket numbers 43 through 45 and 47 were read and considered. The Court denied the motion for a protective order without prejudice, given the *Coads* parties' agreement at the hearing that the Legislature would produce communications between Trende and the Legislature regarding Trende's analysis of the maps discussed in the February 16, 2023 and February 27, 2023 Memoranda (Tr. 46-48).

The Court heard from all parties on whether these two actions should be joined for discovery purposes. By Order dated March 1, 2023, the Court joined these two actions for purposes of conducting discovery (NYSCEF Doc. No. 60).

The Court heard from the parties concerning the motion for an expedited case schedule made by the *NYCC* plaintiffs by proposed Order to Show Cause (NYSCEF Doc. No. 17). After discussion, the parties agreed to the following schedule (Tr. 48-49):

Document requests and interrogatories directed to the parties to this action shall be served by **March 18, 2024**.

- Responsive productions and objections to requests for disclosure of documents will be served within 20 days of requests being served.
- Responses and objections to interrogatories shall be served within 20 days of service of the interrogatories.

Except for good cause shown, party examinations before trial shall take place by **May 23, 2024**.

- Examinations before trial noticed by plaintiffs and defendants may proceed concurrently and without priority granted to either party.
- Supplemental document requests arising out of examinations before trial shall be served within 10 days of the examination before trial.

- Responses to supplemental document requests arising of out examinations before trial shall be served within 15 days of the receipt of those requests.

Except for good cause shown, expert discovery shall be completed by **August 15, 2024.**

- Opening expert reports, if any, shall be served by May 31, 2024
- Rebuttal expert reports, if any, shall be served by June 28, 2024
- Reply expert reports, if any, shall be served by July 19, 2024
- Expert depositions, if any, shall be completed by August 15, 2024

Notices to admit shall be served by **the close of fact discovery.**

Any motions for summary judgment shall be filed by **September 30, 2024.**

The preceding schedule having been set by the Court, the NYCC plaintiffs withdraw their motion by proposed Order to Show Cause concerning an expedited case schedule (NYSCEF Doc. No. 17).

It is hereby

ORDERED that discovery in the joined actions shall proceed according to the preceding schedule; and it is further

ORDERED that the motion to dismiss by Defendants Nassau County and the Nassau County Legislature in the Coads action, 611872/2023 under motion sequence # 3, is DENIED for the reasons stated on the record (Transcript at 36-38, Doc # 63); and it is further

ORDERED that the motion for a protective order brought by Defendants Nassau County and the Legislature in the *Coads* action, 611872/2023, under motion sequence # 5, is DENIED without prejudice for the reason that Defendants agreed to produce certain communications between Trende and the Legislature; and it is further

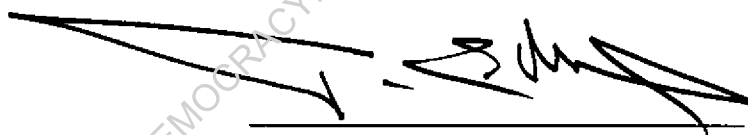
ORDERED that Defendants Nassau County and the Legislature shall produce to Plaintiffs the communications between Trende and the Legislature regarding Trende's analysis of the maps discussed in the February 16, 2023 and February 27, 2023 Memoranda, and shall provide an affidavit stating that what is produced is all that exists **no later than March 15, 2024**; and it is further

ORDERED that the parties shall appear virtually for a conference with the undersigned via Teams **on May 30, 2024** at a time to be set by the Part Clerk. The Court will send a Teams link.

The foregoing constitutes the Decision and Order of the Court.

Dated: March 11, 2024  
White Plains, New York

ENTER



HON. PAUL I. MARX, J.S.C.

**ENTERED**

**Mar 12 2024**

NASSAU COUNTY  
COUNTY CLERK'S OFFICE

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