

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
SYRACUSE DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

BOARD OF ELECTIONS OF THE STATE OF NEW YORK; KRISTEN ZEBROWSKI STAVISKY, in her official capacity as Co-Executive Director of the Board of Elections of the State of New York; RAYMOND RILEY, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; PETER KOSINSKI, in his official capacity as Commissioner of the Board of Elections of the State of New York; HENRY BERGER, in his official capacity as Commissioner of the Board of Elections of the State of New York; ANTHONY CASALE, in his official capacity as Commissioner of the Board of Elections of the State of New York; ESSMA BAGNUOLA, in her official capacity as Commissioner of the Board of Elections of the State of New York; and the STATE OF NEW YORK,

Defendants.

No. 1:25-CV-1338 (MAD/PJE)

**NOTICE OF CROSS-MOTION**

**PLEASE TAKE NOTICE** of the United States of America's Cross-Motion to Compel Production of Federal Election Records pursuant to 52 U.S.C. § 20701, et seq., filed on January 6, 2026. The United States' Cross-Motion is supported by the record and prior pleadings and proceedings in this case and the accompanying Declaration of Eric Neff, Exhibits, and the United States' Memorandum of Law in support of its Cross-Motion and in opposition to: (1) the Motion to Dismiss by Defendant State of New York (Doc. 74); (2) the Motion to Dismiss by Defendants

Zebrowski Stavisky, Berger, and Bagnuola<sup>1</sup> (Doc. 76); the Motion to Dismiss by Proposed Intervenor-Defendant League of Women Voters of New York State (Doc. 73); and the Motion to Dismiss by Proposed Intervenors National Association for the Advancement of Colored People and the NAACP New York State Conference (Doc. 77).

The United States respectfully requests that the Court enter an order that: (1) grants the United States' Cross-Motion to Compel; (2) denies all the Motions to Dismiss (Docs. 73-74, 76-77); (3) directs Defendants to produce to the United States an electronic copy of New York's statewide Voter Registration List with all fields, including each registrant's name, date of birth, address, and as required by HAVA, the last four digits of the registrant's social security number, driver's license/state identification number or the unique HAVA identifier; and (4) such other relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's December 16, 2025 Order (Doc. 68) and Local Rule 7.1(c), each Defendant and Proposed Intervenor that filed a motion to dismiss is required to join their reply briefs "in further support of its original motion with its brief in opposition to the cross-motion..." and to file such briefs by January 20, 2026.

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<sup>1</sup> Defendants Zebrowski Stavisky, Berger, and Bagnuola are the Democratic appointees to Defendant Board of Elections of the State of New York. *See* N.Y. Bd. of Elections, Board Leadership and Mission, *available at* <https://elections.ny.gov/board-leadership-mission> (last visited Jan. 6, 2026). The remaining three members of the Board of Elections, Defendants Riley, Kosinski, and Casale, have filed an Answer to the Complaint (Doc. 75).

DATED: January 6, 2026

JOHN A. SARCONI III  
Acting United States Attorney  
Northern District of New York

Respectfully submitted,

HARMEET K. DHILLON  
Assistant Attorney General  
Civil Rights Division

/s/ Eric V. Neff

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2026, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

Respectfully submitted,

/s/ Eric Neff  
Eric Neff

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