

Mot. Seq.

EXHIBIT A

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

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Michal Williams; Jose Ramirez-Garofalo; Aixa Torres; and
Melissa Carty,

Index No. 164002/2025

Petitioners,

-against-

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 J. Riley, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; Peter S. Kosinski, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Henry T. Berger, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Anthony J. 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; Kathy Hochul, in her official capacity as Governor of New York; Andrea Stewart-Cousins, in her official capacity as Senate Majority Leader and President *Pro Tempore* of the New York State Senate; Carl E. Heastie, in his official capacity as Speaker of the New York State Assembly; and Letitia James, in her official capacity as Attorney General of New York,

Respondents.

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**PROPOSED INTERVENOR-RESPONDENTS CONGRESSWOMAN NICOLE
MALLIOTAKIS' AND INDIVIDUAL VOTERS EDWARD L. LAI, JOEL MEDINA,
SOLOMON B. REEVES, ANGELA SISTO, AND FAITH TOGBA'S
PROPOSED ANSWER TO PETITION**

Proposed Intervenor-Respondents Congresswoman Nicole Malliotakis and Individual Voters Edward L. Lai, Joel Medina, Solomon B. Reeves, Angela Sisto, and Faith Togba, hereby submit the following Proposed Answer to Petitioners' Petition.

PRELIMINARY STATEMENT

1. Proposed Intervenor-Respondents admit that Petitioners have “brought] this action to challenge New York’s congressional district map,” NYSCEF Doc. No.1 (“Pet.”) ¶ 1, but Proposed Intervenor-Respondents deny that New York’s congressional district map is “in violation of the prohibition against racial vote dilution in Article III, Section 4(c)(1) of the New York Constitution,” *id.* The remaining allegations in Paragraph 1 set forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 1. Paragraph 1 also cites a state statute and the New York Constitution, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 1 to the extent that they are inconsistent with those sources.

2. Paragraph 2 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 2. Proposed Intervenor-Respondents specifically deny any allegation that the 2024 Congressional map “dilutes Black and Latino voting strength” in the 11th Congressional District. *Id.* ¶ 2.

3. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 3, and therefore deny them.

4. Proposed Intervenor-Respondents deny the allegations in Paragraph 4. In particular, Proposed Intervenor-Respondents deny that the 11th Congressional District does not “account for [] demographic changes or modern communities of interest” and “stands in stark contrast to the current New York State Assembly map” with respect to “link[ing] communities of

interest.” Pet. ¶ 4. Proposed Intervenor-Respondents assert that the 11th Congressional District respects numerous communities of interest, consistent with traditional redistricting principles.

5. Proposed Intervenor-Respondents deny the allegations in Paragraph 5. Specifically, Proposed Intervenor-Respondents deny that “Black and Latino residents” are “confined to” a particular area of the 11th Congressional District and that the 2024 Congressional Map is required to “account for” “discrimination.” Pet. ¶ 5.

6. The allegations in Paragraph 6 cite the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 6 to the extent that they are inconsistent with that source.

7. The allegations in Paragraph 7 cite a state statute and the New York Constitution, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 7 to the extent that they are inconsistent with those sources.

8. Paragraph 8 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 8. Paragraph 8 also cites a U.S. Supreme Court case, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 8 to the extent that they are inconsistent with that source. Specifically, Proposed Intervenor-Respondents deny any allegation that the cited case supports the creation of “influence, or ‘cross-over’ districts.” *Id.* ¶ 8.

9. Paragraph 9 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 8. Paragraph 8 also cites the New York Constitution and a state statute, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 9 to the extent that they are inconsistent with those sources.

10. Paragraph 10 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 10. Paragraph 10 also cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 10 to the extent that they are inconsistent with that source.

11. Paragraph 11 cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 11 to the extent that they are inconsistent with that source.

12. Paragraph 12 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 12. Paragraph 12 also cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 12 to the extent that they are inconsistent with that source. Specifically, Proposed Intervenor-Respondents deny any allegation that the New York Constitution requires constructing the 11th Congressional District “as a minority influence district.” *Id.* ¶ 12.

13. Proposed Intervenor-Respondents admit that “Petitioners seek an order (i) declaring that the 2024 Congressional Map violates Article III, Section 4(c)(1) of the New York Constitution; (ii) permanently enjoining Respondents from using the 2024 Congressional Map in any future elections; (iii) ordering the Legislature to create a minority influence district that pairs Staten Island with lower Manhattan, . . . ; and (iv) providing any such additional relief as is appropriate.” *Id.* ¶ 13. However, Proposed Intervenor-Respondents deny that Petitioners are entitled to any of the relief that they claim in Paragraph 13 of their Petition.

PARTIES

14. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 14, and therefore deny them.

15. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 15, and therefore deny them.

16. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 16, and therefore deny them.

17. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 17, and therefore deny them.

18. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 18, and therefore deny them.

19. Admit.

20. Admit.

21. Admit.

22. Admit.

23. Admit.

24. Admit.

25. Admit.

26. Admit.

27. Admit.

28. Admit.

29. Admit.

JURISDICTION AND VENUE

30. Paragraph 30 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 30. Paragraph 30 also cites the New York Constitution and a state statute, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 30 to the extent that they are inconsistent with those sources.

31. Paragraph 31 cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 31 to the extent that they are inconsistent with that source.

32. Paragraph 32 cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 32 to the extent that they are inconsistent with that source.

33. Paragraph 33 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 33. Paragraph 33 also cites the New York Constitution and a state statute, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 33 to the extent that they are inconsistent with those sources. Proposed Intervenor-Respondents lack knowledge or information to form a belief about residence of certain Petitioners, as alleged in Paragraph 33, and therefore deny those allegations.

34. Paragraph 34 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 34. Paragraph 34 also cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 34 to the extent that they are inconsistent with that

source. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the residence of certain Petitioners, as alleged in Paragraph 34, and therefore deny those allegations.

35. Paragraph 35 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 35. Paragraph 35 also cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 35 to the extent that they are inconsistent with that source.

LEGAL BACKGROUND

36. Admit.

37. Paragraph 37 cites the New York Constitution and a memorandum of the New York State Assembly, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 37 to the extent that they are inconsistent with those sources.

38. Paragraph 38 cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 38 to the extent that they are inconsistent with that source.

39. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 39, and therefore deny them

40. Paragraph 40 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 40. Paragraph 40 also cites case law, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 40 to the extent that they are inconsistent with that source.

41. Paragraph 41 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 41. Paragraph 41 also cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 41 to the extent that they are inconsistent with that source.

42. Paragraph 42 cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 42 to the extent that they are inconsistent with that source.

43. Paragraph 43 cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 43 to the extent that they are inconsistent with that source.

44. Paragraph 44 cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 44 to the extent that they are inconsistent with that source.

45. Paragraph 45 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 45. Paragraph 45 also cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 45 to the extent that they are inconsistent with that source.

46. Paragraph 46 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 46. Paragraph 46 also cites case law and a state statute, which speak for themselves.

Proposed Intervenor-Respondents deny the allegations in Paragraph 46 to the extent that they are inconsistent with those sources.

47. Paragraph 47 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 47. Paragraph 47 also cites case law, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 47 to the extent that they are inconsistent with that source.

48. Paragraph 48 sets forth a legal conclusion for which no response is required; however, if a response is required Proposed Intervenor-Respondents deny that “the language of the constitutional prohibition on minority vote dilution is expansive.” *Id.* ¶ 48. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the remaining allegations in Paragraph 48, and therefore deny them.

49. Paragraph 49 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 49. Paragraph 49 also cites case law, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 49 to the extent that they are inconsistent with that source. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the remaining allegations in Paragraph 49, and therefore deny them.

50. Paragraph 50 sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 50.

FACTUAL ALLEGATIONS

51. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 51, and therefore deny them.

52. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 52, and therefore deny them.

53. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 53, and therefore deny them.

54. Proposed Intervenor-Respondents admit that “New York voters approved the Redistricting Amendments” in 2014. Pet. ¶ 54. Paragraph 54 cites the Redistricting Amendments, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 54 to the extent they are inconsistent with that source.

55. Paragraph 55 cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 55 to the extent they are inconsistent with that source.

56. Proposed Intervenor-Respondents admit that the IRC did not initially follow the Constitution in the redistricting cycle following the 2020 Census, as described more fully in the *Harkenrider* litigation. Paragraph 56 cites the New York Constitution and a report of the special master in *Harkenrider*, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 56 to the extent they are inconsistent with those sources.

57. Proposed Intervenor-Respondents admit that the “IRC submitted a second congressional map to the Legislature that made very few substantive changes to the map and no changes to the configuration of [the 11th Congressional District].” Pet. ¶ 57. Paragraph 57 cites

case law, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 57 to the extent they are inconsistent with that source.

58. Proposed Intervenor-Respondents admit that the Legislature passed the 2024 Congressional Map. Paragraph 58 cites a state statute and the 2024 Congressional Map, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 58 to the extent they are inconsistent with those sources.

59. Proposed Intervenor-Respondents admit that “Governor Hochul signed SB S8653A into law” in February 2024. Pet. ¶ 59. Proposed Intervenor-Respondents deny that the 11th Congressional District results in “unlawful racial vote dilution.” Pet. ¶ 59. Paragraph 59 also cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 59 to the extent they are inconsistent with that source.

60. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 60, and therefore deny them.

61. Paragraph 61 quotes a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 61 to the extent they are inconsistent with that source.

62. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 62, and therefore deny them.

63. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 63, and therefore deny them.

64. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 64, and therefore deny them.

65. Proposed Intervenor-Respondents deny the allegations in Paragraph 65. Specifically, Proposed Intervenor-Respondents deny that “Republican Representative Nicole Malliotakis[] is decidedly not Black and Latino voters’ candidate of choice and has never been their candidate of choice in any congressional election.” Pet. ¶ 65.

66. Proposed Intervenor-Respondents deny the allegations in Paragraph 66. In particular, Proposed Intervenor-Respondents deny that “Black and Latino Staten Islanders have been cohesive in their support for the same candidates, which the white majority opposes.” Pet. ¶ 66.

67. Paragraph 67 asserts legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 67.

68. Paragraph 68 cites and quotes a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 68 to the extent they are inconsistent with that source. Paragraph 68 also sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 68.

69. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 69, and therefore deny them.

70. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 70, and therefore deny them.

71. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 71, and therefore deny them. Paragraph 71 cites Second Circuit case law, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 71 to the extent they are inconsistent with that source.

72. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the remaining allegations in Paragraph 72, and therefore deny them.

73. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 73, and therefore deny them. Paragraph 73 also cites a Home Owners Loan Corporation map of Staten Island, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 73 to the extent that they are inconsistent with that source.

74. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 74, and therefore deny them. Paragraph 74 also quotes an article, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 74 to the extent that they are inconsistent with that source.

75. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 75, and therefore deny them. Paragraph 75 also cites a federal statute and a map, which sources speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 75 to the extent that they are inconsistent with those sources.

76. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 76, and therefore deny them.

77. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 77, and therefore deny them.

78. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 78, and therefore deny them.

79. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 79, and therefore deny them.

80. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 80, and therefore deny them.

81. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 81, and therefore deny them.

82. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 82, and therefore deny them.

83. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 83, and therefore deny them.

84. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 84, and therefore deny them.

85. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 85, and therefore deny them.

86. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 86, and therefore deny them.

87. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 87, and therefore deny them.

88. Proposed Intervenor-Respondents admit that Deborah Rose, Kamillah Hanks, and Charles Fall began serving on the New York City Council in 2009, 2022, and 2019, respectively. Proposed Intervenor-Respondents lack knowledge or information to form a belief regarding the remaining allegations in Paragraph 88, and therefore deny them.

89. Proposed Intervenor-Respondents admit that Representative Malliotakis was elected in 2020. Proposed Intervenor-Respondents lack knowledge or information to form a belief regarding the remaining allegations in Paragraph 89, and therefore deny them.

90. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 90, and therefore deny them.

91. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 91, and therefore deny them.

92. Paragraph 92 describes current Assembly District boundaries, which speak for themselves. Proposed Intervenor-Respondents deny the allegations in Paragraph 92 to the extent that they are inconsistent with those boundaries.

93. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 93, and therefore deny them. Paragraph 93 also cites a map, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 93 to the extent that they are inconsistent with that source.

94. Proposed Intervenor-Respondents deny that the 11th Congressional District “should be redrawn” and that the 11th Congressional District does not currently “comply with the requirements of Article III, section 4(c)(1) of the New York Constitution.” Pet. ¶ 94. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the remaining allegations in Paragraph 94, and therefore deny them.

95. Deny.

CLAIM I

Unconstitutional Vote Dilution

Article III, Sections 4(c)(1) and 5 of the New York Constitution; Unconsolidated Laws §§ 4221, 4223

96. Proposed Intervenor-Respondents reallege and incorporate their responses to all prior Paragraphs as though fully set forth herein.

97. Paragraph 97 quotes a provision of the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 97 to the extent they are inconsistent with that source. Paragraph 97 also sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 97.

98. Proposed Intervenor-Respondents deny the allegations set forth in Paragraph 98. Paragraph 98 cites a state statute, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 98 to the extent they are inconsistent with that source. Paragraph 98 also asserts legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 98.

99. Proposed Intervenor-Respondents lack knowledge or information to form a belief about the allegations in Paragraph 99, and therefore deny them.

100. Proposed Intervenor-Respondents deny the allegations set forth in Paragraph 100. Paragraph 100 also cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 100 to the extent they are inconsistent with that source.

101. Proposed Intervenor-Respondents deny that a “minority influence district” is “required by the New York Constitution.” Pet. ¶ 101. Paragraph 101 cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 101 to the extent they are inconsistent with that source. Proposed Intervenor-Respondents deny the remaining allegations set forth in Paragraph 101.

102. Proposed Intervenor-Respondents deny the allegations set forth in Paragraph 102. Specifically, Proposed Intervenor-Respondents deny the contention that “Defendants have acted

and continue to act to deny Plaintiffs[’ constitutional] rights,” and that “Defendants will continue to violate those rights absent relief granted by this Court.” Pet. ¶ 102. Paragraph 102 also cites the New York Constitution, which speaks for itself. Proposed Intervenor-Respondents deny the allegations in Paragraph 102 to the extent they are inconsistent with that source. Paragraph 102 further sets forth legal conclusions for which no response is required; however, if a response is required, Proposed Intervenor-Respondents deny the allegations in Paragraph 102.

PRAYER FOR RELIEF

Proposed Intervenor-Respondents deny that Petitioners are entitled to any of the relief they seek on pages 27–28 of their Petition, or to any other relief. Proposed Intervenor-Respondents also deny any and all allegations not otherwise answered in the prior Paragraphs, including any allegations in headings, to the extent such denials are consistent with Proposed Intervenor-Respondents’ prior answers.

AFFIRMATIVE DEFENSES

1. Petitioners’ claim is barred by laches.
2. Petitioners’ Petition fails to state a claim upon which relief can be granted, including because Petitioners misread provisions of the New York Constitution.
3. Petitioners seek a remedy that would violate the U.S. Constitution, including under the Fourteenth Amendment’s Equal Protection Clause, and the New York Constitution, including under its Equal Protection Clause.
4. Petitioners seek a remedy that would violate the Elections Clause of the U.S. Constitution, including because it would require a state court to alter a congressional redistricting map adopted by the Legislature based upon an interpretation of state law that unconstitutionally exceeds the bounds of ordinary judicial review.

PROPOSED INTERVENOR-RESPONDENTS' PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenor-Respondents request that this Court:

- A. Dismiss the proceeding in its entirety;
- B. Grant Proposed Intervenor-Respondents their attorneys' fees and reasonable costs expended in defending this case; and
- C. Grant Proposed Intervenor-Respondents such other relief as this Court deems just and proper.

Dated: New York, New York
October 31, 2025

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