

NYSCEF DOC. NO. 243

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January 26, 2026

Heather Davis
Chief Clerk of Court
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207

**Re: Williams et al. v. Board of Elections of the State of New York et al.,
New York County Index No.164002/2025**

Dear Ms. Davis:

We represent Intervenor-Respondents Congresswoman Nicole Malliotakis and Individual Voters Edward L. Lai, Joel Medina, Solomon B. Reeves, Angela Sisto, and Faith Togba (collectively, "Intervenor-Respondents") in the above-referenced special proceeding. On January 21, 2026, the Supreme Court, Civil Branch, New York County issued a decision and order deeming the current configuration of New York State's 11th Congressional District to be unconstitutional under Article III, Section 4(c)(1) of the New York Constitution (the "Order"). The Order enjoins certain state officials from conducting any election under the State's current congressional map, and orders the Independent Redistricting Commission to reconvene to complete a new congressional map by February 6, 2026.

The ultimate question involved in this case is "the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States," as necessary to file a direct appeal as of right in the New York Court of Appeals. CPLR § 5601(b)(2). However, it is unclear at this time whether the Order—which is labeled as a "non-final disposition"—"finally determines [the] action." *Id.*

Given the uncertainty on these matters, Intervenor-Respondents have filed Notices of Appeal from the Order in both this Court and in the Appellate Division, First Judicial Department. Intervenor-Respondents intend to file an Emergency Motion For Interim Stay And Stay Pending Appeal shortly after this Court issues a docket number for this proceeding, and will file a similar emergency motion, along with a request for immediate certification, with the Appellate Division.



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While Intervenor-Respondents believe that filing in the Appellate Division, First Judicial Department is their only option under the relevant procedural statutes, including under CPLR § 5601(b)(2), to the extent this Court concludes that it has jurisdiction for a direct appeal, Intervenor-Respondents respectfully request that it take this case directly based upon Intervenor-Respondents' Notice of Appeal. Intervenor-Respondents also intend to file promptly with the Appellate Division a motion for leave to appeal to this Court, and if that court grants that request, would ask this Court to take this case up immediately.

Time is of the essence in this matter, as the Order has now thrown New York's 2026 Congressional Election—slated to begin on February 24, 2026—into chaos. Intervenor-Respondents need clarity from the appellate courts of New York by no later than February 10, 2026 as to whether they will stay that order and allow the 2026 Congressional Election to move forward under the current map. Absent such relief by February 10, Intervenor-Respondents will need to seek emergency relief from the U.S. Supreme Court, given that this case involves federal constitutional issues and federal elections. That timeline is necessary so that the U.S. Supreme Court has a fair opportunity to review the underlying issues and provide relief prior to February 24, 2026.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bennet J. Moskowitz".

Bennet J. Moskowitz

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