ELIAS LAW GROUP

250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

January 30, 2026

Susan Molina Rojas
Clerk of Court Appellate Division, First Judicial Department
27 Madison Avenue
New York, NY 10010

**Re: *Williams, et al. v. Board of Elections, et al.*, Appellate Division Case No. 2026-00384**

Dear Ms. Rojas:



Our firm represents Petitioner-Respondents Michael Williams, José Ramírez-Garofalo, Aixa Torres, and Melissa Carty ("Petitioners") in this matter. On January 21, 2026, the Supreme Court, Civil Branch, New York County (Pearlman, J.) issued a non-final, interlocutory order concluding that the current configuration of New York's Eleventh Congressional district is unlawful. *See* Ex. A ("Order"). The order set forth next steps for determining the proper relief in the case, namely by ordering that the New York State Independent Redistricting Commission ("IRC") reconvene to draw an appropriate remedial district addressing the unlawful vote dilution established by Petitioners. *See* Order at 18. The order gave the IRC until February 6, 2026, to complete a new map. *See id.*

On January 26, 2026, New York State Board of Elections Respondents Peter S. Kosinski, Anthony J. Casale, Raymond J. Riley, III ("Respondents") and Intervenor-Respondents ("Intervenors") in this matter filed two notices of appeal apiece: one in this Court and another in the Court of Appeals. *See* Docs. 1, 2; *see also* Exs. B, C (NOAs in Court of Appeals). As a result of these notices of appeal, the executory portion of the Supreme Court's order requiring the IRC to reconvene and draw a remedial map appears to be stayed. *See* CPLR § 5519(a). All parties agree, however, that the portion of the Supreme Court's order enjoining use of the current map remains in place. *See* Doc. 11, Intervenor MOL at 50 (agreeing the prohibitionary injunction remains in place); Doc. 13, Respondent MOL at 14 (same).

The Intervenors also filed a letter with this Court on January 29, 2026 (Doc. 15), which the Board Respondents joined on the same day, also via letter (Doc. 16). These letters address several matters, including a proposed briefing schedule in the Appellate Division and also issues pertaining to parallel briefing in the Court of Appeals. Petitioners submit this letter in response.

*First*, the Court has already now set February 4 as the response deadline for the applications to stay, *see* Docs. 17, 18, and Petitioners agree that such a date is appropriate. However, given the triggering of the automatic stay provision in § 5519(a), Petitioners' February 4 response will also serve as a *cross-motion* to lift the automatic stay so that the IRC can proceed with its work and prepare for the forthcoming elections. Petitioners' respectfully ask that they be permitted a reply

on their cross-motion, to follow the Respondents' and Intervenors' replies/responses due on February 9 at 10:00 a.m. Petitioners propose February 11 at 12:00 p.m. as an appropriate deadline but are amenable to any preferred date for the Court.

*Second*, the letters filed by the Respondents and Intervenors note that the Court of Appeals has also set a briefing schedule. *See* Ex. D (Letter and Enclosure from the Court of Appeals). That briefing schedule expressly requires that all parties first address whether the Court of Appeals presently has jurisdiction over the appeal. *See id.* at 1–2. It then also asks for responses to Respondents' and Intervenors' motions to stay in that Court, which are substantially identical to the stay motions they have filed in the Appellate Division. *See id.* at 3.

As Petitioners have already explained in a letter to the Court of Appeals, that court decidedly ***lacks jurisdiction*** at this juncture. *See* Ex. E (January 27 letter from Petitioners to Court of Appeals). CPRL § 5601(b)(2) permits direct appeals to the Court of Appeals only for certain orders that "finally determine[] an action." *See id.* at 1–3. The Supreme Court properly labeled its order here as a "Non-Final Disposition" and retained jurisdiction to supervise the IRC's enactment of a remedial map—a critical aspect of this case that has not yet occurred. *See* Ex. A at 18. Accordingly, its order is decidedly not "final." *See also* Ex. E.

Respondents and Intervenors barely appear to dispute this point—their Notices of Appeal in this Court and the Court of Appeals each acknowledge that this is an "Interlocutory" appeal and note that they are appealing from a "Decision" and "Order" but not a "Judgment" or "Decree." Doc. 1, Ex. B at 2; Doc. 2, Ex. B at 2; *see also* Exs. B, C. Moreover, in correspondence to the Court of Appeals, Intervenors acknowledged that "filing in the Appellate Division, First Judicial Department is their only option under the relevant procedural statutes, including under CPLR § 5601(b)(2)," for obtaining a stay. *See* Ex. F at 2. Far from asserting that the Court of Appeals had jurisdiction, they conceded it was "unclear" if jurisdiction rested with that Court. *See id.* at 1. For the reasons explained in Petitioners' letter, *see* Ex. E, there is nothing unclear about the situation: the Court of Appeals presently lacks jurisdiction.

In sum, Petitioners wish to stress that—notwithstanding Respondents and Intervenors' choice to confusingly appeal simultaneously in two courts—***the Appellate Division is the only court that presently has jurisdiction over the appeal.*** For the reasons Petitioners will explain in their forthcoming response and cross-motion, this Court should in due course deny the pending applications for a stay (Docs. 11, 13) and also lift any automatic stay under CPLR § 5519 so that the IRC may conduct its full scope of work in preparation for the forthcoming congressional primary elections.

Very truly yours,

ARIA C. BRANCH
PARTNER

CHRISTOPHER D. DODGE (NY 5245907)
COUNSEL

cc: All counsel (via NYSCEF)