

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARK A. FAVORS, HOWARD LEIB, LILLIE  
H. GALAN, EDWARD A. MULRAINE,  
WARREN SCHREIBER, and WEYMAN A.  
CAREY,

Plaintiffs,

11CV 5632 (DLI)

LINDA LEE, SHING CHOR CHUNG, JUNG HO HONG,  
and JULIA YANG

Proposed Plaintiff-Intervenors,

v.

ANDREW M. CUOMO, as Governor of the  
State of New York, ERIC T. SCHNEIDERMAN,  
as Attorney General of the State of New York,  
ROBERT J. DUFFY, as President of the Senate  
of the State of New York, DEAN G. SKELOS,  
as Majority Leader and President Pro Tempore  
of the Senate of the State of New York,  
SHELDON SILVER, as Speaker of the Assembly  
of the State of New York, JOHN L. SAMPSON,  
as Minority Leader of the Senate of the State of  
New York, BRIAN M. KOLB, as Minority Leader  
of the Assembly of the State of New York,  
the NEW YORK STATE LEGISLATIVE TASK  
FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT (“LATFOR”), JOHN J.  
McENENY, as Member of LATFOR, ROBERT  
OAKS, as Member of LATFOR, ROMAN  
HEDGES, as Member of LATFOR, MICHAEL  
F. NOZZOLIO, as Member of LATFOR,  
MARTIN MALAVE DILAN, as Member of  
LATFOR, and WELQUIS R. LOPEZ, as  
Member of LATFOR,

**COMPLAINT-IN-  
INTERVENTION**

Defendants.  
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Plaintiff-Intervenors, by their undersigned attorneys, Kaye Scholer LLP and the Asian American Legal Defense and Education Fund, as and for the Complaint-In-Intervention, allege as follows:

### I. INTRODUCTION

1. Proposed Plaintiff-Intervenors are four Asian American registered voters in New York State who reside in neighborhoods with large Asian American populations in Queens and Brooklyn, in the City of New York. Plaintiff-Intervenors seek the appointment of a Special Master to effectuate fair redistricting based on the 2010 census, that does not violate the “one person, one vote” principle under Article I, Section 2 of the Constitution of the United States, the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, Article III, Sections 4 and 5 of the Constitution of the State of New York, and the federal Voting Rights Act of 1965.

2. Proposed Plaintiff-Intervenors seek generally to place their interests before the Special Master and this Court as it considers the new contours of New York’s congressional and state legislative districts.

### II. JURISDICTION AND VENUE

3. This action arises under Article 1, Section 2 and the Fourteenth Amendment to the United States Constitution and 42 U.S.C. Section 1983.

4. Jurisdiction is conferred on the Court pursuant to 28 U.S.C. Section 1331, 28 U.S.C. Section 1343, and 42 U.S.C. Section 1983.

5. Venue in this district is proper pursuant to 28 U.S.C. Section 1391.

### III. PARTIES

#### PLAINTIFF-INTERVENORS

6. Plaintiff-Intervenors are four Asian American registered voters who reside in neighborhoods with the largest Asian American concentrations in Queens County and Brooklyn (Kings County), within the City of New York. Plaintiff-Intervenors represent the interests of Asian Americans, as well as their own interests as voters.

7. Plaintiff-Intervenor Linda Lee is an Asian American registered voter who resides in Oakland Gardens, Queens. She is Korean American. Ms. Lee resides in the 24th Assembly District, 16th Senatorial District and the 5th Congressional District. Ms. Lee also works in Flushing, Queens as the Associate Executive Director for Korean Community Services of Metropolitan New York, Inc. Ms. Lee is a United States citizen and a registered voter.

8. Plaintiff-Intervenor Shing Chor Chung a/k/a Steve Chung, is an Asian American registered voter who resides in Marine Park, Brooklyn. He is Chinese American. Mr. Chung resides in the 59th Assembly District, 22nd Senatorial District and the 9th Congressional District. Mr. Chung also works in Bensonhurst, Brooklyn as President of the United Chinese Association of Brooklyn. Mr. Chung is a United States citizen and a registered voter.

9. Plaintiff-Intervenor Jung Ho Hong a/k/a James Hong is an Asian American registered voter who resides in Woodside, Queens. He is Korean American. Mr. Hong resides in the 30th Assembly District, 12th Senatorial District and the 7th Congressional District. Mr. Hong also works in Flushing, Queens as the Civic Participation Coordinator for the MinKwon Center for Community Action. Mr. Hong is a United States citizen and a registered voter.

10. Plaintiff-Intervenor Julia Yang is an Asian American registered voter who resides in Flushing, Queens. She is Chinese American. Ms. Yang resides in the 22nd Assembly District,

11th Senatorial District and the 5th Congressional District. Ms. Yang is a United States citizen and a registered voter.

#### THE DEFENDANTS

11. The Defendants are state elected officials and authorities who are legally, constitutionally, and otherwise responsible for redistricting and reapportionment in New York State. In particular, pursuant to Article 3, Section 4 of the Constitution of the State of New York, the New York State Senate and the New York State Assembly are required to act as co-equal participants in altering and adjusting congressional and state senate district lines by enacting redistricting laws after each federal decennial census. The State Constitution also mandates that all laws be signed by the Governor.

12. Defendant Andrew Cuomo is the Governor of the State of New York and is the Chief Executive of the State of New York. Defendant Cuomo is a participant with the New York State Legislature in redrawing congressional and state legislative district lines after each decennial census as required by the Constitutions of the United States and State of New York and the laws of the State of New York.

13. Defendant Eric T. Schneiderman is Attorney General of the State of New York.

14. Defendant Robert J. Duffy is the President of the Senate of the State of New York.

15. Defendant Dean G. Skelos is the President Pro Tempore and Majority Leader of the Senate of the State of New York which, together with the Assembly of the State New York and the Governor, is responsible for redrawing congressional and state legislative district lines after each decennial census as required by the Constitutions of the United States and State of New York and the laws of the State of New York.

16. Sheldon Silver is the Speaker of the Assembly of the State of New York which, together with the Senate of the State New York and the Governor, is responsible for redrawing congressional and state legislative district lines after each decennial census as required by the Constitutions of the United States and State of New York and the laws of the State of New York.

17. Defendant Brian M. Kolb is the Minority Leader of the Assembly of the State of New York.

18. Defendant John L. Sampson is the Minority Leader of the Senate of the State of New York.

19. Defendants the New York State Legislative Task Force on Demographic Research and Reapportionment (LATFOR), LATFOR members John J. McEneny, Robert Oaks, Roman Hedges, Michael F. Nozzolio, Martin M. Dilan and Welquis R. Lopez assist the legislature to reapportion and redraw congressional, state senate, and state assembly districts, pursuant to Chapter 45 of the New York State Laws of 1978.

#### IV. FACTUAL BACKGROUND

20. Pursuant to Article I, Section 2 of the Constitution of the United States, every ten years following the decennial census, the number of congressional seats are apportioned among the states and the boundaries of congressional districts within each state are redrawn to make the districts equal in population.

21. Pursuant to the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, every ten years following the decennial census, the boundaries of state legislative districts are redrawn to make the districts equal in population.

22. Article III, Section 4 of the Constitution of the State of New York also requires that state senate districts be equal in population.

23. Article III, Section 5 of the Constitution of the State of New York also requires that state assembly districts be equal in population.

24. In 1965, the Voting Rights Act was enacted to ensure that the protections afforded by the Fourteenth and Fifteenth Amendments were available in the states and political subdivisions therein, and to prohibit discrimination against racial, ethnic and language minority voters.

25. Under Section 5 of the Voting Rights Act, certain states or counties with a history of discrimination against racial and language minorities must have their redistricting plans, after they are passed by the legislature and signed by the Governor, precleared.<sup>1</sup> In preclearance, the state must prove that the new redistricting plan does not have a racially-discriminatory purpose or effect. Redistricting plans that have not been precleared may not go into effect. New York (Manhattan), Kings (Brooklyn), and Bronx Counties are covered under Section 5 of the Voting Rights Act, and therefore New York State's redistricting plan must be precleared before it can take effect.

#### ASIAN AMERICAN POPULATION IN NEW YORK

26. Asian Americans nationwide have grown rapidly in every decade since the repeal of discriminatory immigration quotas in 1965, and Census 2010 revealed a tremendous surge in the numbers of Asian New Yorkers.

27. According to Census 2010, New York State's population is 19,378,102. Asian Americans comprise 1,406,194 or 7.3% of the state's total population.

28. In New York City, the Asian American population has increased 32% over the past decade. Asian Americans are now 13% of the City's population, numbering 1,028,119.

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<sup>1</sup> Preclearance may be achieved by filing a declaratory judgment action in the United States District Court for the District of Columbia or by submitting the change to the United States Attorney General. 28 C.F.R. § 51.38(b).

29. Seven out of ten Asian Americans in New York reside in three boroughs. In Queens there are 508,334 Asian Americans, in Manhattan 177,624, and in Brooklyn 260,129.

30. The growth rates of Asian Americans have far outpaced the overall growth rates of the boroughs in which they reside. In Queens, Asian Americans have grown three hundred (300) times faster than the overall rate of the borough, and in Manhattan and Brooklyn, 7 and 25 times faster, respectively. In Queens, Asian to total growth was 30.6% to 0.1%, in Manhattan 24.0% to 3.2%, and in Brooklyn 41.2% to 1.6%.

31. With this population growth, Asian Americans are increasingly participating in the electoral franchise.

32. There are over one million Asian Americans in New York City, with over 500,000 in Queens County alone. Despite these large numbers, Asian Americans are underrepresented and redistricting plans have diluted their voting strength.

33. There is currently one Asian American representative in the entire New York State Legislature.

34. Despite rapid Asian American population growth over the past decade, Asian American political representation has not increased at an equivalent pace. Asian Americans have the highest naturalization rates of all immigrant groups, and they are registering to vote in greater numbers every year.

35. Currently, Senate Districts 11 and 16 divide Flushing, Queens in half, diluting Asian American voting strength. There are numerous other examples in Queens and Brooklyn where Asian American communities with common concerns and socioeconomic characteristics have been splintered among several legislative districts, including the South Asian/Indo-Caribbean

community of Richmond Hill/South Ozone Park divided among six (6) assembly districts and Elmhurst, Queens divided among five (5) assembly districts.

36. Asian Americans are a protected racial minority group under the federal Voting Rights Act.

37. The Plaintiff-Intervenors are residents in the Asian American communities of interest that are encompassed in proposed Asian American majority districts.

38. The United States Supreme Court has held that in redistricting, districts should encompass “communities of interest,” League of Latin American Citizens v. Perry, 548 U.S. 399, 433 (2006), i.e., groupings of people with actual shared interests and concerns.

Communities of interest also exist when residents share common histories, socio-economic, and political similarities.

#### ASIAN AMERICAN PARTICIPATION IN REDISTRICTING

39. In New York State, Asian Americans, and other protected classes under the Voting Rights Act, have participated in past redistricting public hearings or litigation or submitted comments to the United States Attorney General to protect their rights under the Voting Rights Act and Fourteenth Amendment to the Constitution of the United States.

40. The Asian American Legal Defense and Education Fund (AALDEF), on behalf of the Asian American community, has participated in every redistricting cycle since 1982, including challenging previous redistricting plans that diluted minority voting strength and submitting redistricting plans. In 1982, AALDEF filed objections with the Justice Department under section 5 of the Voting Rights Act because Manhattan's Chinatown had been divided between two state assembly districts.



41. In 1996, AALDEF, on behalf of the Asian American community, represented defendant-intervenors in Diaz v. Silver, 978 F. Supp. 96 (E.D.N.Y.) (per curiam), aff'd, 522 U.S. 801 (1997), arguing that Asian Americans in Manhattan's Chinatown and Brooklyn's Sunset Park were a community of interest that should be kept together within the 12th Congressional District, and the Court accepted this contention.

42. AALDEF, on behalf of the Asian American community, submitted proposed redistricting plans in 2001 for State Assembly, State Senate and Congressional districts.

43. AALDEF, on behalf of the Asian American community, advocated for current State Assembly District 22, the only Asian American majority Assembly district, whose residents elected the first Asian American state assembly representative and continue to elect the only current Asian American in the state legislature.

44. AALDEF, on behalf of the Asian American community, commented on the last three rounds of New York state redistricting plans, regarding their impacts on the Asian American community.

45. In 2011, AALDEF surveyed Asian American community groups and residents throughout New York City, in neighborhoods experiencing the fastest Asian American population growth, to determine the Asian American communities of interest in New York City.

46. The survey conducted by AALDEF summarizes the socioeconomic, language, and cultural characteristics of Asian American neighborhoods in New York City and describes the services and common issues shared by local residents.

47. AALDEF's Asian American Communities of Interest Survey in New York City was submitted to LATFOR on September 21, 2011.

48. AALDEF, along with Latino Justice/PRLDEF, National Institute for Latino Policy and the Center for Law and Social Justice at Medgar Evers College, jointly submitted proposed district lines for State Assembly and Senate for New York City, called the Unity Map, on October 4, 2011.

49. The Plaintiff-Intervenors all provided input to the Asian American Communities of Interest Survey in New York City and support the Unity Map proposals.

50. Ms. Lee, Mr. Chung and Mr. Hong all submitted testimony at the LATFOR public hearings in New York City.

51. The Unity Map proposes four (4) Asian American majority assembly districts and one (1) Asian American senate district. These proposed districts comply with all legal requirements, adhering to the United States Constitution and the Voting Rights Act.

52. In 2010, New York enacted Part XX of Chapter 57 of the Laws of New York (the “prisoner reallocation law”), which requires prisoners to be counted at their last known home address, not where they are currently incarcerated, for purposes of redistricting.

53. The prisoner reallocation law requires LATFOR to create a database of prisoners’ addresses prior to incarceration and to adjust population data for redistricting purposes accordingly.

54. The prisoner reallocation law requires LATFOR to use this amended population data set to draw district lines.

55. To date, LATFOR has taken no formal steps toward compiling or releasing the official amended data required by the prisoner reallocation law, except for asking its staff to make a recommendation on how to proceed. LATFOR therefore is in violation of the prisoner reallocation law and requires the Court’s intervention.

56. The lawsuit challenging the constitutionality of the prisoner reallocation law was dismissed by a decision and order dated December 1, 2011.

57. The Unity Map proposal cannot be adopted because prisoner data has not been released and is not incorporated into the Unity Map.

58. Asian American “communities of interest” exist in the neighborhoods where proposed plaintiff-intervenors reside. Asian American residents in those neighborhoods share many common interests and concerns in education, housing, employment, and the delivery of social services; common histories as immigrants; socio-economic characteristics such as ethnicity, income, language spoken, English proficiency; and political characteristics in their voting behavior and preferences. These communities of interest transcend ethnic and county lines.

#### CONGRESSIONAL REDISTRICTING

59. On January 5, 2011, the President of the United States sent to the United States Congress the total population figures for each state. According to Census 2010 figures, New York State is now entitled to 27 congressional seats.

60. New York State presently has 29 congressional seats. Hence, two of the state’s present congressional districts must be eliminated.

61. The existing congressional districts are no longer equal in population. The ideal population for New York State congressional districts is 717,707, based on 27 congressional seats. The population of the largest congressional district, which is CD 8, is now 713,512. The smallest district, which is CD 28, is 611,838.

62. LATFOR held an initial series of public hearings in the fall of 2011 to accept public comment on redistricting plans for Congress, the State Senate, and State Assembly.

63. For the remainder of 2011, LATFOR was silent.

64. Under New York State Election Law, for a candidate to gain access to the ballot in a party primary election for a position as a member of Congress, s/he must first circulate designating petitions and then must file the petitions with the Board of Elections.

65. Under the circumstances set forth, a more than reasonable probability exists that without judicial intervention, redistricting plans for New York State congressional districts will not be enacted in time to obtain the required preclearance and to conduct elections for Congress in a timely manner in accordance with the laws of the State of New York and consistent with the requirements of the Constitution of the United States.

#### STATE ASSEMBLY AND SENATE REDISTRICTING

66. The Constitutions of the United States and State of New York require that state legislative districts must also be equal in population, and so state assembly and senate districts must also be redrawn following the census.

67. The ideal population for New York state assembly and senate districts is 129,187 and 312,550, respectively.

68. Under New York State Election Law, for a candidate to gain access to the ballot in a party primary election for a position as a member of the State Assembly or State Senate, s/he must circulate designating petitions and then must file the petitions with the Board of Elections.

69. Under the circumstances set forth, a more than reasonable probability exists that without judicial intervention, redistricting plans for New York State assembly and senate districts will not be enacted in time to obtain the required preclearance and to conduct elections in a timely manner in accordance with the laws of the State of New York and consistent with the requirements of the Constitution of the United States.

70. Plaintiff-Intervenors have no adequate remedy at law and seek this Court to make appropriate equitable relief. Plaintiff-Intervenors are suffering irreparable harm and injury and that injury will continue unless declared unlawful and enjoined by this Court.

V. CAUSES OF ACTION

COUNT I

(Violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution;

Pursuant to 42 U.S.C. § 1983)

71. Plaintiff-intervenors incorporate all the paragraphs above as if fully set forth within.

72. As previously stated, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires that New York state assembly and senate districts must be equal in population.

73. Plaintiff-Intervenor Linda Lee resides in the 24th Assembly District and the 16th Senatorial District which, according to Census 2010, has a population of 124,351 and 322,463 people respectively.

74. Plaintiff-Intervenor Shing Chor Chung resides in the 59th Assembly District and the 22nd Senatorial District which, according to Census 2010, has a population of 123,974 and 321,754 people respectively.

75. Plaintiff-Intervenor Jung Ho Hong resides in the 30th Assembly District and the 12th Senatorial District which, according to Census 2010, has a population of 122,060 and 302,224 people respectively.

76. Plaintiff-Intervenor Julia Yang resides in the 22nd Assembly District and the 11th Senatorial District which, according to Census 2010, has a population of 127,045 and 320,102 people respectively.

77. Plaintiff-Intervenors Lee, Chung, Hong and Yang's vote are each weighted unequally under the existing State Assembly and Senate districts in violation of the "one person, one vote" principle under the United States Constitution.

78. As previously mentioned, no plan for redistricting of the New York State Assembly and Senate districts has been introduced, or is likely to be timely introduced, into either chamber of the New York State Legislature.

79. The existing assembly and senate districts violate the "one person, one vote" requirement of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, and 42 U.S.C. Section 1983.

80. To remedy these Equal Protection violations in a timely manner, the Court should take control of the redistricting process and oversee the process of re-drawing district lines pursuant to fair and legal criteria.

81. The Court should appoint a Special Master to prepare a redistricting plan in light of the legislative stalemate.

82. In the interest of justice, the Court should order the Special Master to prioritize redistricting criteria including population equality, compliance with the Voting Rights Act of 1965, and preservation of communities of interest.

83. Upon presentation of an appropriate independent redistricting plan by the Special Master, the Court should adopt that plan and order elections to proceed in 2012 using those districts.

## COUNT II

(Violation of the Due Process Clauses of the Fifth and Fourteenth Amendments to the United

States Constitution, Pursuant to 42 U.S.C. § 1983)

84. Plaintiff-Intervenors incorporate all the paragraphs above as if fully set forth within.

85. As a result of New York's failure to adjust its state legislative and congressional districts pursuant to the 2010 Census, certain Plaintiff-Intervenors live in overpopulated districts, resulting in a dilution of their voting power.

86. The diminishment of Plaintiff-Intervenors' voting power constitutes a deprivation of Plaintiffs' rights without due process of law. The State of New York has deprived these Plaintiff-Intervenors of their full rights to vote in state legislative and congressional races by allowing malapportionment of those districts and improperly denying Plaintiff-Intervenors a fair and full weight in their votes for State Senate, Assembly, and United States House of Representatives.

87. To remedy these Due Process violations in a timely manner, the Court should take control of the redistricting process and oversee the process of re-drawing district lines pursuant to fair and legal criteria.

88. The Court should appoint a Special Master to prepare a redistricting plan in light of the legislative stalemate.

89. In the interest of justice, the Court should order the Special Master to prioritize redistricting criteria including population equality, compliance with the Voting Rights Act of 1965, and preservation of communities of interest.

90. Upon presentation of an appropriate independent redistricting plan by the Special Master, the Court should adopt that plan and order elections to proceed in 2012 using those districts.

### COUNT III

(Violation of Article I, Section 2 of the U.S. Constitution, , Pursuant to 42 U.S.C. § 1983)

91. Plaintiff-Intervenors incorporate all the paragraphs above as if fully set forth within.

92. As previously stated, Article I, Section 2 of the Constitution of the United States requires that congressional districts within a state have equal numbers of people. According to Census 2010, the existing congressional districts are no longer equal in population. The average district population is 668,210.

93. Moreover, New York's current districts for the United States House of Representatives are too numerous by two seats, in violation of Article I, Section 2 of the United States Constitution.

94. Plaintiff-Intervenors Linda Lee and Julia Yang both reside in the 5th Congressional District which, according to Census 2010, has a population of 670,130 people.

95. Plaintiff-Intervenors Lee and Yang both reside in a congressional district that is malapportioned, and therefore violates the "one person, one vote" principle under the United States Constitution.

96. Plaintiff-Intervenor Shing Chor Chung resides in the 9th Congressional District which, according to Census 2010, has a population of 660,306 people.

97. Plaintiff-Intervenor Jung Ho Hong resides in the 7th Congressional District which, according to Census 2010, has a population of 667,632 people.

98. Plaintiff-Intervenors Chung and Hong's vote are each weighted unequally under the existing congressional districts in violation of the "one person, one vote" principle under the United States Constitution.

99. As previously mentioned, no plan for redistricting of the New York State congressional districts has been introduced, or is likely to be timely introduced, into either chamber of the New York State Legislature.



100. The existing congressional districts violate the “one person, one vote” requirement of the United States Constitution under Article I, Section 2 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, and 42 U.S.C. Section 1983.

101. Without proper redistricting, New York’s representation in the United States House of Representatives is at risk. Upon information and belief, if New Yorkers were to elect 29 representatives to the United States House of Representatives in 2012, none of those representatives would be seated, thus depriving New Yorkers of representation in that chamber. Plaintiffs, in turn, risk losing their votes in the elections for those congressional seats.

102. New York needs new United States House of Representatives districts before the next congressional elections, which will occur in 2012.

103. To remedy these constitutional violations in a timely manner, the Court should take control of the redistricting process and oversee the process of re-drawing district lines pursuant to fair and legal criteria.

104. The Court should appoint a Special Master to prepare a redistricting plan in light of the legislative stalemate.

105. In the interest of justice, the Court should order the Special Master to prioritize redistricting criteria including population equality, compliance with the Voting Rights Act of 1965, and preservation of communities of interest.

106. Upon presentation of an appropriate independent redistricting plan by the Special Master, the Court should adopt that plan and order elections to proceed in 2012 using those districts.

#### COUNT IV

#### (Violation of the New York Constitution)

107. Plaintiff-Intervenors incorporate all the paragraphs above as if fully set forth within.

108. New York's current State Senate and Assembly districts lack population equality, in violation of the population equality requirements of Article III, sections 4 and 5 of the New York Constitution.

109. Certain Plaintiff-Intervenors live in overpopulated districts, resulting in a dilution of their voting power.

110. New York needs new State Senate and Assembly districts before the next elections for those bodies, which will occur in 2012.

111. To remedy these violations of the New York Constitution in a timely manner, the Court should take control of the redistricting process and oversee the process of re-drawing district lines pursuant to fair and legal criteria.

112. The Court should appoint a Special Master to prepare a redistricting plan in light of the legislative stalemate.

113. In the interest of justice, the Court should order the Special Master to prioritize redistricting criteria including population equality, compliance with the Voting Rights Act of 1965, and preservation of communities of interest.

114. Upon presentation of an appropriate independent redistricting plan by the Special Master, the Court should adopt that plan and order elections to proceed in 2012 using those districts.

#### VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Intervenors respectfully request the following relief:

A. An order or judgment declaring New York's current State Senate, Assembly, and United States House of Representatives districts, last adjusted in 2002, to be invalid for failing to

comply with the United States Constitution, the New York Constitution, and state and federal law;

B. An order or judgment declaring that Plaintiff-Intervenors' constitutional rights have been violated by Defendants' inaction in the redistricting process;

C. An order appointing an independent Special Master to propose new State Senate, Assembly, and U.S. House of Representatives district lines in conformity with the 2010 Census, and applicable state and federal law, including the Voting Rights Act of 1965.

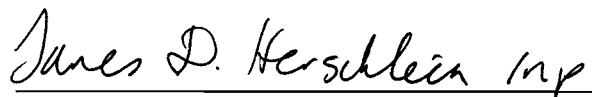
D. An order or judgment redrawing district lines in conformity with the Special Master's proposal, assuming the Special Master's satisfactory completion of an independent redistricting proposal;

E. An order awarding Plaintiff-Intervenors the costs of this action together with their reasonable attorneys' fees, pursuant to 42 U.S.C. Section 1988; and

F. Any further relief which may, in the discretion of the Court, be necessary and proper to ensure that timely and lawful procedures are used in the State Assembly, State Senate and congressional elections in New York.

Dated: December 27, 2011

Respectfully,



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