NYSCEF DOC. NO. 264

SUPREME COURT OF THE STATE OF NEW YORK STEUBEN COUNTY

-----X

TIM HARKENRIDER, GUY C. BROUGHT, LAWRENCE CANNING, PATRICIA CLARINO, GEORGE DOOHER, JR., STEPHEN EVANS, LINDA FANTON, JERRY FISHMAN, JAY FRANTZ, LAWRENCE GARVEY, ALAN NEPHEW, SUSAN ROWLEY, JOSEPHINE THOMAS, AND MARIANNE VIOLANTE,

NOTICE OF APPEAL

Index No. E2022-0116CV

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE BRIAN A. BENJAMIN, SENATE MAJORITY LEADER AND PRESIDENT PRO TEMPORE OF THE SENATE ANDREA STEWART-COUSINS, SPEAKER OF THE ASSEMBLY CARL HEASTIE, NEW YORK STATE BOARD OF ELECTIONS, and THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT,

Respondents.

-----Х

PLEASE TAKE NOTICE that Petitioners Tim Harkenrider, Guy C. Brought, Lawrence Canning, Patricia Clarino, George Dooher, Jr., Stephen Evans, Linda Fanton, Jerry Fishman, Jay Frantz, Lawrence Garvey, Alan Nephew, Susan Rowley, Josephine Thomas, and Marianne Volante (collectively, "Petitioners"), pursuant to CPLR § 5601(b)(2), hereby appeal to the New York Court of Appeals from the portion of the Decision and Order of the Supreme Court of the State of New York, Steuben County (McAllister, J.), dated March 31, 2022, duly entered in the Clerk's Office of the Supreme Court on the same date, *see* NYSCEF No.243, and attached hereto as Exhibit A, denying Petitioners' request that the Court immediately draw new congressional and

NYSCEF DOC. NO. 264

state Senate maps because the Legislature violated the exclusive process for redistricting provided

in Article III, Section 4(b) of the New York Constitution.

Dated: New York, New York April 22, 2022

Bennet J. Moskowitz 875 Third Avenue New York, New York 10022 (212) 704-6000 bennet.moskowitz@troutman.com Attorney for Petitioners

TO: GRAUBARD MILLER

Attorneys for Respondent Speaker of the Assembly Carl Heastie C. Daniel Chill, Esq. Elaine Reich, Esq. The Chrysler Building 405 Lexington Avenue, 11th Floor New York, New York 10174 (212) 818-8800 dchill@graubard.com ereich@graubard.com

CUTI HECKER WANG LLP

Attorneys for Respondent Senate Majority Leader Andrea Stewart- Cousins John R. Cuti, Esq. Eric Hecker, Esq. Alexandra Goldenberg, Esq. Alice G. Reiter, Esq. Daniel E. Mullkoff, Esq. 305 Broadway, Suite 607 New York, New York 10007 (212) 620-2600 jcuti@chwllp.com ehecker@chwllp.com agoldenberg@chwllp.com areiter@chwllp.com

2

FILED: STEUBEN COUNTY CLERK 04/22/2022 12:38 PM

NYSCEF DOC. NO. 264

PHILLIPS LYTLE LLP

Attorneys for Respondent Speaker of the Assembly Carl Heastie Craig R. Bucki, Esq. Steven B. Salcedo, Esq. Rebecca A. Valentine, Esq. One Canalside 125 Main Street Buffalo, New York 14203-2887 Telephone No. (716) 847-8400 cbucki@phillipslytle.com ssalcedo@phillipslytle.com rvalentine@phillipslytle.com

LETITIA JAMES, NEW YORK ATTORNEY GENERAL

Attorneys for Respondents Governor Kathy Hochul and Lieutenant Governor and President of the Senate Brian A. Benjamin Heather L. McKay, Esq. Matthew Brown, Esq. 144 Exchange Boulevard, Suite 200 Rochester, New York 14614 (585) 546-7430 Heather.McKay@ag.ny.gov

NEW YORK STATE BOARD OF ELECTIONS

Attorneys for Respondent Brian Lee Quail, Esq. New York State Board of Elections 40 N. Pearl Street, Suite 5 Albany, New York 12207 (518) 474-2063 brian.quail@elections.ny.gov