

APL-2023-00121

*Albany County Clerk's Index No. 904972/2022
Appellate Division, Third Department Docket No. CV-22-2265*

Court of Appeals

STATE OF NEW YORK



ANTHONY S. HOFFMANN, MARCO CARRIÓN, COURTNEY GIBBONS,
LAUREN FOLEY, MARY KAIN, KEVIN MEGGETT, CLINTON MILLER,
SETH PEARCE, VERITY VAN TASSEL RICHARDS, and NANCY VAN TASSEL,
Petitioners-Respondents,

For an Order and Judgment Pursuant to Article 78 of the
New York Civil Practice Law and Rules

against

INDEPENDENT REDISTRICTING COMMISSIONER ROSS BRADY, INDEPENDENT
REDISTRICTING COMMISSIONER JOHN CONWAY III, INDEPENDENT REDISTRICTING
COMMISSIONER LISA HARRIS, INDEPENDENT REDISTRICTING COMMISSIONER
CHARLES NESBITT and INDEPENDENT REDISTRICTING COMMISSIONER WILLIS H.
STEPHENS,

Respondents-Appellants,

(Caption Continued on the Reverse)

NOTICE OF CROSS-MOTION FOR STAY

Of Counsel:

Misha Tseytlin

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Appellants*
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Date Completed: August 21, 2023

THE NEW YORK STATE INDEPENDENT REDISTRICTING COMMISSION,
INDEPENDENT REDISTRICTING COMMISSION CHAIRPERSON KEN JENKINS,
INDEPENDENT REDISTRICTING COMMISSIONER IVELISSE CUEVAS-MOLINA and
INDEPENDENT REDISTRICTING COMMISSIONER ELAINE FRAZIER,

Respondents,

and

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,

Intervenors-Respondents-Appellants.

COURT OF APPEALS OF THE STATE OF NEW YORK

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Anthony S. Hoffmann; Marco Carrión; Courtney Gibbons;
Lauren Foley; Mary Kain; Kevin Meggett; Clinton Miller;
Seth Pearce; Verity Van Tassel Richards; and Nancy Van
Tassel,

Petitioners-Respondents,

-against-

The New York State Independent Redistricting
Commission; Independent Redistricting Commission
Chairperson Ken Jenkins; Independent Redistricting
Commissioner Ivelisse Cuevas-Molina and Independent
Redistricting Commissioner Elaine Frazier,

Respondents-Respondents,

Independent Redistricting Commissioner Ross Brady;
Independent Redistricting Commissioner John Conway III;
Independent Redistricting Commissioner Lisa Harris;
Independent Commissioner Charles Nesbitt and
Independent Redistricting Commissioner Willis H.
Stephens,

Respondents-Appellants,

-and-

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,

Intervenors-Respondents -
Appellants.

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Case No. APL-2023-00121

Appellate Division, Third
Department Docket No. CV-22-
2265

Albany County Supreme Court
Index No. 904972-22

**NOTICE OF CROSS-
MOTION FOR STAY
PENDING APPEAL**

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law, dated August
21, 2023, the undersigned will move this Court at the courthouse of the Court of Appeals, 20 Eagle

Street, Albany, New York, on September 5, 2023, at 10:00 a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to CPLR 5519(c), granting a stay pending appeal of the Order of the Appellate Division, Third Department in the above-captioned matter, together with such other and further relief as the Court deems just and proper, should the Court determine that no automatic stay under CPLR 5519(a)(1) is already in place.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, must be filed with the Clerk's office on or before the return date under Rule 500.21(c).

DATED: New York, New York
August 21, 2023

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By: 

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REDISTRICTING COMMISSION

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**AFFIRMATION OF MISHA
TSEYTLIN IN SUPPORT OF
OPPOSITION TO MOTION
TO VACATE STAY
PENDING APPEAL, AND
ALTERNATIVE CROSS-
MOTION FOR STAY**


I, Misha Tseytlin, an attorney admitted to the practice of law before the courts of the State of New York, and not a party to the above-entitled action, affirm the following to be true under the penalties of perjury pursuant to CPLR 2106:

1. I am a partner with Troutman Pepper Hamilton Sanders LLP, attorneys for Intervenor-Respondents-Appellants (“Intervenors”) in the above-captioned matter. I respectfully submit this Affirmation in support of Intervenor’s opposition to Petitioner’s request to vacate or clarify the automatic stay imposed by CPLR 5519(a)(1) and, in the alternative, Intervenor’s Cross-Motion under CPLR 5519(c) for a stay pending appeal of the Order of the Appellate Division, Third Department in the above-captioned matter, together with such other and further relief as the Court deems just and proper, should the Court determine that no automatic stay under CPLR 5519(a)(1) is already in place.

2. This Opposition and Cross-Motion is also supported by Intervenor’s Memorandum Of Law In Opposition To Motion To Vacate Stay Pending Appeal Or, In The Alternative, In Support Of Motion For Stay Pending Appeal, dated August 21, 2023, which is incorporated by reference. Intervenor’s arguments in opposition to Petitioner’s request to vacate or clarify the automatic stay and in support of a stay are set forth in detail in the Memorandum Of Law.

DATED: New York, New York
August 21, 2023

TROUTMAN PEPPER HAMILTON
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