

Matter of Anthony S. Hoffmann v N. Y. State Ind. Redistricting Commn.
Motion No: 2023-600
Slip Opinion No: 2023 NY Slip Op 73527
Decided on September 19, 2023
Court of Appeals Motion Decision
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This motion is uncorrected and subject to revision before publication in the Official Reports.

In the Matter of Anthony S. Hoffmann, et al.,

Respondents,

v

New York State Independent Redistricting Commission, et al.,

Respondents,

Independent Redistricting Commissioner Ross Brady, et al.,

Appellants,

Tim Harkenrider, et al.,

Appellants.

Motion, insofar as it seeks to vacate the CPLR 5519 (a) stay, denied; motion, insofar as it seeks clarification of the automatic stay, granted. The order of the Appellate Division directed the Independent Redistricting Commission (IRC) to "commence its duties forthwith" (217 AD3d 53, 62 [3d Dept 2023]). That order is automatically stayed pursuant to CPLR 5519 (a) (1), but the stay does not prohibit the IRC or its members from taking any actions.

Cross-motion for a stay pursuant to CPLR 5519 (c) dismissed as academic.