

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PAUL NICHOLS, GAVIN WAX, and GARY
GREENBERG

Petitioners,

Index No. _____

v.

**AFFIDAVIT OF
GARY GREENBERG**

GOVERNOR KATHY HOCHUL, 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.

STATE OF NEW YORK)

ss.:

COUNTY OF GREENE)

GARY GREENBERG, being duly sworn, deposes and says:

1. I am a citizen of the State of New York and a registered voter residing in New Baltimore, which is located in Greene County. I am a former New York state political candidate, who may in the future run again for office.

2. I make this Affidavit, based upon my personal knowledge, in support of the Petition and accompanying motion by Order to Show Cause.

3. I am moving by Order to Show Cause so that the relief sought in the Order to Show Cause and the proposed Petition can be pursued expeditiously in view of the upcoming electoral deadlines. Those deadlines include the current June 28, 2022, primary election date for the Statewide and State Assembly offices and other associated deadlines.

4. I previously sought to intervene in the *Harkenrider* proceedings in the Supreme Court of Steuben County because (1) the petitioners in that case are not adequately protecting my rights or those of the People of New York to have the State Assembly election conducted based on electoral (re)districting adopted in the constitutionally prescribed manner rather than the unconstitutional manner invalidated by the Court of Appeals, and (2) I believed it would be the most efficient path to relief rather than filing my own lawsuit in Greene County.

5. The Supreme Court of Steuben County, however, denied my motion on timeliness grounds. The Supreme Court agreed that the State Assembly map is unconstitutional and stated that I could file an original action in a different court to pursue my rights. I am therefore filing this action now to invalidate the State Assembly map and commence proceedings with a nonpartisan Special Master to adopt a new map, and to ensure that candidates and potential candidates, such as myself, can collect the necessary petition signatures to appear on a ballot.


Gary Greenberg

Sworn to and subscribed before me

this 16th day of May 2022.


A Notary Public

