

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORKPAUL NICHOLS, GAVIN WAX, and GARY  
GREENBERG

Petitioners,

v.

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.

Index No. \_\_\_\_\_

**AFFIRMATION OF  
PETER DEVLIN**

PETER A. DEVLIN, an attorney licensed to practice in the State of New York, affirms under penalty of perjury:

1. I am an Associate at the law firm of Walden Macht & Haran, LLP, 250 Vesey Street, 27th Floor, New York, New York 10281, counsel for Petitioners Paul Nichols and Gary Greenberg in this CPLR Art. 4 special proceeding.

2. I submit this Affirmation in support of the Petition and accompanying proposed Order to Show Cause filed to commence a special proceeding pursuant to Article III § 5 of the New York Constitution, Unconsolidated Laws § 4221, and CPLR § 3001.

3. Attached hereto as Exhibit 1 is a true and correct copy of the 2022 Political Calendar published by the New York State Board of Elections.

4. Attached hereto as Exhibit 2 is a true and correct copy of the transcript of a hearing held on May 10, 2022, in *Harkenrider v. Hochul*, Index No. E 2022-0116 CV (Sup. Ct.

Steuben Cnty.) (“*Harkenrider I*”), on Petitioner Greenberg’s and Petitioner Wax’s motions by order to show cause to intervene in the proceeding.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the transcript of special proceedings held on March 3, 2022, in *Harkenrider I*.

6. Pursuant to Part 54 Rules ¶ 54 and 22 N.Y.C.R.R. 202.7(f) and 202.8-e, I have provided Respondents’ counsel notice by electronic mail of Petitioners’ application for a temporary restraining order, along with copies of all supporting papers, to afford counsel the opportunity to appear in response and contest this application.<sup>1</sup> Notice was sent to counsel whom Petitioners understand to represent Respondents and who have appeared via NYCSEF in *Harkenrider I* at the addresses listed for electronic service thereto:

- a. Governor Kathy Hochul ([heather.mckay@ag.ny.gov](mailto:heather.mckay@ag.ny.gov), [matthew.brown@ag.ny.gov](mailto:matthew.brown@ag.ny.gov)); Senate Majority Leader and President Pro Tempore of the Senate Andrea Stewart-Cousins ([agoldenberg@chwllp.com](mailto:agoldenberg@chwllp.com), [jcuti@chwllp.com](mailto:jcuti@chwllp.com), [areiter@chwllp.com](mailto:areiter@chwllp.com), [dmullkoff@chwllp.com](mailto:dmullkoff@chwllp.com), [hecker@chwllp.com](mailto:hecker@chwllp.com), [hgregorio@chwllp.com](mailto:hgregorio@chwllp.com)); Speaker of the Assembly Carl Heastie ([dchill@graubard.com](mailto:dchill@graubard.com), [jlessem@graubard.com](mailto:jlessem@graubard.com), [ereich@graubard.com](mailto:ereich@graubard.com), [cbucki@phillipslytle.com](mailto:cbucki@phillipslytle.com), [ssalcedo@phillipslytle.com](mailto:ssalcedo@phillipslytle.com), [rvalentine@phillipslytle.com](mailto:rvalentine@phillipslytle.com)); New York State Board of Elections ([brian.quail@elections.ny.gov](mailto:brian.quail@elections.ny.gov), [Kimberly.Galvin@elections.ny.gov](mailto:Kimberly.Galvin@elections.ny.gov)).

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<sup>1</sup> Respondent New York State Legislative Task Force on Demographic Research and Reapportionment (“LATFOR”) did not appear in *Harkenrider I*. Petitioners do not seek a temporary restraining order against Respondent LATFOR and have not sent LATFOR notice of this application.

7. Attached hereto as Exhibit 4 is a true and correct copy of this notice (without attachments).

Dated: New York, New York  
May 15, 2022

  
Peter A. Devlin