

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NEW YORK

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PAUL NICHOLS, GAVIN WAX, and GARY  
GREENBERG

Petitioners,

-against-

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,

**AFFIDAVIT OF  
ASSEMBLYMAN  
MICHAEL J.  
FITZPATRICK**

Index No.  
154213/2022

Respondents.

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STATE OF NEW YORK )  
 ) ss:  
COUNTY OF ALBANY )

MICHAEL J. FITZPATRICK, being duly sworn, deposes and says:

1. I am a Minority member of the New York State Assembly,  
representing the 8th Assembly District. My District includes parts of Suffolk County.

2. I was first elected to the Assembly in November 2002 and have been a  
member of the Assembly ever since.

3. I am currently the Ranking Minority Member on the Housing Committee and serve as member of several other Assembly standing committees.

4. I make this affidavit based on my personal knowledge.

**Bipartisan Enactment of the Assembly Map**

5. On January 24, 2022, the Independent Redistricting Commission announced it would not submit a second set of proposed legislative-district maps, despite its constitutional obligation to do so.

6. In response, on February 3, 2022, the Assembly passed Bill Number A09040A (the "Bill"), which established the Assembly and State Senate district maps for the 2022 and subsequent elections.

7. The Bill passed in the Assembly by a vote of 118 to 29.

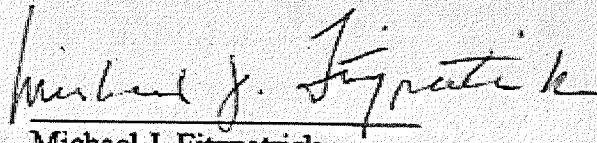
8. I voted in favor of the Bill, as did 14 of my Republican colleagues: Representatives Angelino, Barclay, Brabenec, Giglio, Goodell, Hawley, Jensen, Lalor, Lemondes, Miller, Morinello, Norris, and Tague. Thus, the Bill was enacted with bipartisan support in the Assembly.

9. I voted in favor of the Bill because I believe the Assembly district maps contained therein to be fair.

10. I recognized the possibility that a lawsuit would be filed challenging the Senate and Congressional maps. I was unaware of any intention for a lawsuit to challenge the Assembly map.

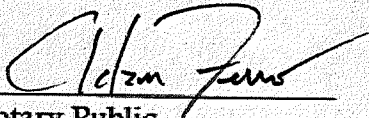
11. I make this affidavit in support of the respondents' Motion to Dismiss.

Dated: Albany, New York  
May 20, 2022

  
Michael J. Fitzpatrick

Sworn to before me this  
20<sup>th</sup> day of May, 2022

This remote notarial act involved the use of communication technology

  
Notary Public

Adam Fusco, Esq.  
NOTARY PUBLIC, State of New York  
Qualified in Fulton County  
No. 02FU6325525  
MCE 5-26-2023