

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

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Michael Williams, José Ramírez-Garofalo, Aixa Torres, and  
Melissa Carty,

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

Petitioners,

-against-

**AFFIRMATION IN SUPPORT  
OF PETITIONERS' ORDER  
TO SHOW CAUSE**

Board of Elections of the State of New York; Kristen Zebrowski Stavisky, in her official capacity as Co-Executive Director of the Board of Elections of the State of New York; Raymond J. Riley, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; Peter S. Kosinski, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Henry T. Berger, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Anthony J. Casale, in his official capacity as Commissioner of the Board of Elections of the State of New York; Essma Bagnuola, in her official capacity as Commissioner of the Board of Elections of the State of New York; Kathy Hochul, in her official capacity as Governor of New York; Andrea Stewart-Cousins, in her official capacity as New York State Senate Majority Leader and President *Pro Tempore* of the Senate; Carl E. Heastie, in his official capacity as Speaker of the New York State Assembly; and Letitia James, in her official capacity as Attorney General of New York,

Respondents.

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ANDREW G. CELLI, JR., an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following under penalty of perjury:

1. I am a Partner at Emery Celli Brinckerhoff Abady Ward & Maazel LLP, counsel for Petitioners in this Civil Practice Law and Rules Art. 4 special proceeding.
2. Petitioner Michael Williams, an elector of the state of New York, residing in Richmond County, Petitioner José Ramírez-Garofalo, an elector of the state of New

York, residing in Richmond County, Petitioner Aixa Torres, an elector of the state of New York, residing in New York County, and Melissa Carty, an elector of the state of New York, residing in New York County, all of whom are New York residents, by their counsel, pursuant to Article III, Sections 4 and 5 of the New York Constitution, Unconsolidated Laws § 4221 (L.1911, c. 773, § 1), and Civil Practice Law and Rules 3001, commenced this Civil Practice Law and Rules Art. 4 special proceeding by filing a Petition to challenge an apportionment and a proposed Order to Show Cause.<sup>1</sup>

3. I submit this Affirmation solely to present to the Court information and materials supporting Petitioners' petition and proposed Order to Show Cause submitted herewith, which materials are attached hereto as described below.
4. Attached hereto as Exhibit A is a copy of Article III, Sections 4 and 5 of the New York Constitution.
5. Attached hereto as Exhibit B is a copy of Unconsolidated Laws § 4221 (L.1911, c. 773, § 1. Amended L.2024, c. 91, § 2, eff. Feb. 28, 2024.), which provides:

An apportionment by the legislature shall be subject to review at the suit of any citizen, upon the petition of any citizen to the supreme court in any of the following designated counties in a judicial department where at least one petitioner resides: (a) first judicial department: New York county; (b) second judicial department: Westchester county; (c) third judicial department: Albany county; or (d) fourth judicial department: Erie county and upon such service thereof upon the attorney-general, the temporary president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court may direct.

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<sup>1</sup> Civil Practice Law and Rules 403(d) provides that "[t]he court may grant an order to show cause to be served, in lieu of a notice of petition at a time and in a manner specified therein."

6. Attached hereto as Exhibit C is a copy of Unconsolidated Laws § 4223 (L.1911, c. 773, § 3. Amended L.1972, c. 11, § 3.), which provides:

Any such petition shall pray that the constitutionality of the apportionment be reviewed, and for such other relief as may be proper. The determination of the court shall be embodied in a tentative order which shall become final thirty days after service of copies thereof upon the parties unless the court shall, in the interval, on application of any party, resettle its order. The court may enter an order directing any officer of the state charged with the duty of issuing notices of election to issue notices of any ensuing election in accordance with its determination.

7. Attached hereto as Exhibit D is a copy of 2024 NY Senate Bill S8653A and 2024 NY Assembly Bill 9310A, as downloaded from <https://www.nysenate.gov/legislation/bills/2023/S8653/amendment/A>.
8. Attached hereto as Exhibit E is a copy of the August 31, 2017 *New York Times* article entitled "A Troll in Staten Island Politics", available at <https://www.nytimes.com/2017/08/31/nyregion/richard-luthmann-staten-island-facebook-posts.html>.

Dated: October 27, 2025  
New York, New York



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