

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

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Michal Williams; José Ramírez-Garofalo; Aixa Torres; and
Melissa Carty,

Petitioners,

-against-

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 Senate Majority Leader and President *Pro Tempore* of the New York State 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,

-and-

Nicole Malliotakis; Edward L. Lai, Joel Medina, Solomon B. Reeves, Angela Sisto, and Faith Togba,

Intervenors-Respondents,

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AFFIRMATION OF BENNET J. MOSKOWITZ IN SUPPORT OF INTERVENOR-RESPONDENTS' MOTION TO DISMISS AND OPPOSITION TO PETITIONERS' MOTION FOR JUDGMENT

I, Bennet J. Moskowitz, an attorney admitted to practice before the courts of the State of New York, affirm the truth of the following under penalty of perjury pursuant to CPLR § 2106:

1. I am a partner at the law firm Troutman Pepper Locke LLP, counsel for Intervenor-Respondents Congresswoman Nicole Malliotakis and Individual Voters Edward L. Lai, Joel Medina, Solomon B. Reeves, Angela Sisto, and Faith Togba, (collectively, “Intervenor-Respondents”) in this CPLR Article 4 Proceeding.

2. I submit this Affirmation solely to present to the Court information and materials relating to the Intervenor-Respondents’ Motion to Dismiss and Opposition to Petitioners’ Motion for Judgment, which materials are attached hereto as described below. I am fully familiar with the facts and circumstances set forth herein.

3. Attached hereto as Exhibit A is a true and correct copy of the New York Times article, *How N.Y. Democrats Came Up With Gerrymandered Districts on Their New Map*, written by Nicholas Fandos, dated January 31, 2022, originally available at <https://www.nytimes.com/2022/01/31/nyregion/nyc-congressional-district-nadler.html>, last accessed December 8, 2025.

4. Attached hereto as Exhibit B is a true and correct copy of the NBC News article, *New York Legislature OKs gerrymander that could net Democrats 3 more seats*, written by Jane C. Trimm, dated February 2, 2022, originally available at <https://www.nbcnews.com/politics/elections/new%1eyork%1elegislature%1eoks%1egerrymander%1enet%1edemocrats-3-seats-rcna14526>, last accessed December 8, 2025.

5. Attached hereto as Exhibit C is a true and correct copy of the 2012 New York City Congressional District Map, originally available at https://www.latfor.state.ny.us/maps/2012c/CD_nyc.pdf, last accessed December 8, 2025.

6. Attached hereto as Exhibit D is a true and correct copy of the 2002 New York City Congressional District Map, originally available at <https://www.latfor.state.ny.us/maps/2002cong/fcnyc.pdf>, last accessed December 8, 2025.

7. Attached hereto as Exhibit E is a true and correct copy of the 1997 New York City Congressional District Map, originally available at <https://www.latfor.state.ny.us/maps/1992cong/cnyc.pdf>, last accessed December 8, 2025.

8. Attached hereto as Exhibit F is a true and correct copy of the 1983 New York City Congressional District Map, issued in January 1983 by the U.S. Department of Commerce.

9. Attached hereto as Exhibit G is a true and correct copy of the New York State Independent Redistricting Commission's Congressional Plan 2024, originally available at https://www.nyirc.gov/storage/plans/20240215/congressional_plan.pdf, last accessed December 8, 2025.

10. Attached hereto as Exhibit H is a true and correct copy of the 2020 New York State Board of Elections Results, dated November 3, 2020, originally available at <https://results.elections.ny.gov/contest/543?fusion=0>, last accessed December 8, 2025.

11. Attached hereto as Exhibit I is a true and correct copy of the 2022 New York State Board of Elections Results, dated November 8, 2022, originally available at <https://results.elections.ny.gov/contest/15?fusion=0&pct=1>, last accessed December 8, 2025.

12. Attached hereto as Exhibit J is a true and correct copy of the BBC News New York Midterm Election 2022 Results, originally available at <https://www.bbc.com/news/election/2022/us/states/ny>, last accessed December 8, 2025.

13. Attached hereto as Exhibit K is a true and correct copy of the 2024 New York State Board of Elections Results, dated November 5, 2024, originally available at <https://results.elections.ny.gov/contest/5609?fusion=0&pct=1>, last accessed December 8, 2025.

14. Attached hereto as Exhibit L is a true and correct copy of the Politico New York House 2024 Election Results, dated October 10, 2025, originally available at <https://www.politico.com/2024-election/results/new-york/house/>, last accessed December 8, 2025.

15. Attached hereto as Exhibit M is a true and correct copy of the Expert Report of Dr. Sean P. Trende.

16. Attached hereto as Exhibit N is a true and correct copy of the Expert Report of Dr. D. Stephen Voss.

17. Attached hereto as Exhibit O is a true and correct copy of the Expert Report of Joseph C. Borelli.

18. I certify pursuant to Rule 18 of the Part 44 Rules that no generative artificial intelligence program was used in the drafting of any affidavit, affirmation, or memorandum of law contained within this submission.

19. No prior request for the relief sought herein has been made.

I affirm this 8th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



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and Individual Voters Edward L. Lai, Joel Medina,
Solomon B. Reeves, Angela Sisto, and Faith Togba*

WORD COUNT CERTIFICATION

Pursuant to 22 NYCRR 202.8-b, I hereby certify that this Affirmation contains 700 words, exclusive of the caption and signature blocks, and therefore complies with the word-count limit of 7,000 words.

Dated: December 8, 2025

A handwritten signature in blue ink, appearing to read "Bennet J. Moskowitz", is written over a horizontal line.

Bennet J. Moskowitz