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January 28, 2026

Heather Davis
Chief Clerk of Court
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207

**Re: Williams et al. v. Board of Elections of the State of New York et al.,
New York County Index No.164002/2025**

Dear Ms. Davis:

We represent Appellants-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 the above-referenced special proceeding. On January 21, 2026, the Supreme Court, Civil Branch, New York County issued a Decision and Order deeming the current configuration of New York State's 11th Congressional District to be unconstitutional under Article III, Section 4(c)(1) of the New York Constitution (the "Order"). The Order enjoins certain state officials from conducting any election under the State's current congressional map, and orders the Independent Redistricting Commission to reconvene to complete a new congressional map by February 6, 2026.

On January 26, 2026, Intervenor-Respondents filed a Notice of Appeal from the Order in both this Court and in the Appellate Division, First Department. In their cover letter to the Notice of Appeal, Intervenor-Respondents explained that it is unclear whether the Order "finally determines [the] action," CPLR § 5601(b)(2), given the Supreme Court's decision to label that Order as a "non-final disposition." Intervenor-Respondents further explained their intent to file an Emergency Motion For Interim Stay And Stay Pending Appeal shortly after this Court issues a docket number for this proceeding.

Although Intervenor-Respondents understand that they cannot file documents with this Court at this time, we provide the Court with a copy of the emergency stay papers that Intervenor-Respondents intend to file should this Court permit them to do so.

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As indicated in the first footnote of Intervenor-Respondents' attached Memorandum Of Law In Support Of The Emergency Motion For Interim Stay And Stay, Intervenor-Respondents recognize that this Court may well conclude that the Supreme Court's order is not appealable to this Court under CPLR § 5601(b)(2). See NYSCEF Doc. No.258, *Williams v. Bd. of Elections*, N.Y. Cnty. Index No.164002/2025 (letter submitted by Petitioners' counsel making this non-finality argument at length). But if this Court reaches that conclusion, it would follow that this Court could never could grant relief from the Supreme Court's order blocking indefinitely the congressional elections for the entire State for the same non-finality reason, unless the Appellate Division authorizes leave to appeal to this Court (or if there is a dissent authored by two Justices in the Appellate Division). See CPLR § 5601(a)–(b). That would be an unusual state of affairs, given the Order's massive statewide impact and this Court's institutional role. In light of the foregoing, Intervenor-Respondents have already asked the Appellate Division for an emergency order granting leave to appeal to this Court. As Intervenor-Respondents have explained, they will need to seek relief from the U.S. Supreme Court if the New York appellate courts do not stay the Supreme Court's indefensible Order—which is utterly destructive of core federal rights, in violation of the U.S. Supreme Court's caselaw—by February 10, 2026.

By submitting all of the above-described papers to both courts, Intervenor-Respondents have endeavored to give those appellate courts, including this Court, every procedural avenue to grant this badly needed relief by February 10. That would allow New York's congressional elections to begin on February 24, 2026, under the entirely lawful map that the Legislature adopted, avoiding the need for U.S. Supreme Court intervention.

Respectfully submitted,



Bennet J. Moskowitz

Attachment

CC: Counsel for all Parties by FedEx and Email

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