

December 30, 2022

VIA NYSCEF

Susanna Molina Rojas, Esq.
Clerk of the Court
New York State Supreme Court
Appellate Division, First Department
27 Madison Avenue
New York, New York 10010

Re: *Matter of Nichols v. Hochul*
(First Dep't Dkt. No. 2022-04649; N.Y. County Index No. 154213/2022)

Dear Ms. Rojas:

I represent Petitioner-Appellant Gavin Wax in the above-referenced matter. This correspondence relates to series of correspondence to the Court which was initiated by a letter sent yesterday by the other two appellants—Gary Greenberg and Paul Nichols, who are represented by separate counsel—and which requested oral argument in the above-captioned appeal.

On December 16, 2022, this office submitted a separate brief on behalf of Mr. Wax articulating that he “views this appeal differently from the other two petitioners” and detailed how this appeal is now on “very different footing” from a *prior* appeal which was then, in contrast to the pending appeal, pursued as a complete joint, bipartisan effort among all three petitioners. *See* NYSCEF No. 18 at 1.

If the Court is inclined to grant the request for oral argument submitted by the other two appellants, I respectfully request 15 minutes of oral argument on behalf of Appellant Gavin Wax (or such other time that would equal the time authorized for argument on behalf of Appellants Nichols and Greenberg).

Respectfully submitted,



Aaron Foldenauer

Attorney for Appellant Gavin Wax

cc: All Counsel of Record (via NYSCEF)