At___Part__of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse, 60 Centre Street, New York, NY on the___day of May, 2022

PRESENT:

PAUL NICHOLS, GAVIN WAX, and GARY GREENBERG Petitioners, v. 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, Respondents.	Index No. _____ **[PROPOSED] ORDER TO SHOW CAUSE REGARDING PETITIONERS' PETITION AND EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER**

WHEREAS, Petitioner Paul Nichols, a resident and registered voter of Queens County and candidate for Governor of New York State; Petitioner Gavin Wax, a resident and registered voter of New York County; and Petitioner Gary Greenberg, a resident and registered voter of Greene County and potential candidate for Congressional or State office, by their undersigned counsel, pursuant to Article III, section 5 of the New York Constitution, Unconsolidated Laws § 4221 (L 1911, ch. 773, § 1), and CPLR § 3001, commenced this CPLR Art. 4 special proceeding by filing a Petition to challenge an apportionment;

UPON the reading and filing of the annexed Petition, the Affirmation of Paul Nichols, the Affidavit of Gavin Wax, the Affidavit of Gary Greenberg, the Affirmation of Peter A. Devlin and the exhibits annexed thereto, the accompanying Memorandum of Law, and all of the pleadings and

proceedings heretofore had herein;

LET Respondents or their counsel show cause before this Court, at IAS Part ___, Room _____, at the Courthouse located at 60 Centre Street, New York, NY on the _____ day of May, 2022, at 9:30 a.m., or as soon thereafter as counsel can be heard, why Judgment should not be made and entered pursuant to CPLR § 411 and CPLR § 3001:

1. Declaring pursuant to CPLR § 3001 that the 2022 State Assembly map, *see* 2021–2022 N.Y. Reg. Sess. Leg. Bills A.9040-A and A.9168, is void based upon the constitutional flaws in its adoption previously found by the Court of Appeals;
2. Appointing a special master to adopt a legally compliant State Assembly map;
3. Enjoining Respondents to adjourn the primary election date for state and local elections to August 23, 2022, or, alternatively, September 13, 2022;
4. Enjoining Respondents to open designating and independent nominating petition periods, *see* N.Y. Elec. Law §§ 6-134, 6-138, for Statewide, Congressional, State Assembly, State Senate, and local offices with deadlines sufficient for current candidates to obtain new designating petition signatures or run independently, and for potential candidates to newly qualify for primary elections or as an independent in the general election;
5. Suspending or enjoining the operation of any other state laws, or vacating any certifications or other official acts of the acts of the New York State Board of Elections or other governmental body, that would undermine this Court's ability to offer effective and complete relief for the November 2022 elections and related primaries;
6. Awarding Petitioners reasonable attorneys' fees and costs; and

7. Awarding such other and further relief as this Court may deem just and proper.

SUFFICIENT CAUSE APPEARING THEREFORE, IT IS FURTHER ORDERED that, pending hearing and determination of the within Petition:

1. Respondents are hereby enjoined from using the 2022 State Assembly map in administering the 2022 primary and general elections; and
2. The Court will appoint a special master to begin proceedings to evaluate and draft a State Assembly map for the 2022 primary and general elections.

SUFFICIENT CAUSE APPEARING THEREFORE,

IT IS ORDERED, that service of a copy of this Order to Show Cause and the papers upon which it is based, upon the Respondents and anyone else required to receive service pursuant to Unconsolidated Laws § 4221, in the same manner as a summons, on or before the ____ day of May, 2022, shall be deemed good and sufficient service;

ORDERED, that service upon the following persons, by email, at the following addresses, shall be deemed good and sufficient service of the temporary restraining order contained herein pending hearing and determination of the Petition: Governor Kathy Hochul (heather.mckay@ag.ny.gov, matthew.brown@ag.ny.gov); Senate Majority Leader and President Pro Tempore of the Senate Andrea Stewart-Cousins (agoldenberg@chwllp.com, jcuti@chwllp.com, areiter@chwllp.com, dmullkoff@chwllp.com, ehecker@chwllp.com, hgregorio@chwllp.com); Speaker of the Assembly Carl Heastie (dchill@graubard.com, jlessem@graubard.com, ereich@graubard.com, cbucki@phillipslytle.com, ssalcedo@phillipslytle.com, rvalentine@phillipslytle.com); New York State Board of Elections (brian.quail@elections.ny.gov, Kimberly.Galvin@elections.ny.gov);

ORDERED, that any party appearing in this matter shall appear via NYSCEF and serve

and file papers in electronically via NYSCEF absent good cause shown;

ORDERED, that answering papers, if any, shall be served by NYSCEF upon Petitioners' counsel at least _____ days before the time at which the Petition is noticed to be heard; and

ORDERED, that reply papers, if any, shall be served by NYSCEF upon Respondents' counsel at least ____ days before the time at which the Petition shall be heard by email at the addresses given above.

DATED: New York, New York
May ___, 2022

ENTER:

_____
Hon.