

Supreme Court of the State of New York

Appellate Division: Third Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

Anthony S. Hoffman, Marco Carrión, Courtney Gibbons, Lauren Foley, Mary Kain, Kevin Meggett, Clinton Miller, Seth Pearce, Verity Van Tassel Richards, and Nancy Van Tassel,

- against -

The New York State Independent Redistricting Commission, Independent Redistricting Commission Chairperson David Imamura, Independent Redistricting Commissioner Ross Brady, Independent Redistricting Commissioner John Conway III, Independent Redistricting Commissioner Ivelisse Cuevas-Molina, Independent Redistricting Commissioner Elaine Frazier, Independent Redistricting Commissioner Lisa Harris, Independent Redistricting Commissioner Charles Nesbitt, Independent Redistricting Commissioner Willis H. Stephens.

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type

- | | |
|--|--|
| <input type="checkbox"/> Civil Action | <input checked="" type="checkbox"/> CPLR article 78 Proceeding |
| <input type="checkbox"/> CPLR article 75 Arbitration | <input type="checkbox"/> Special Proceeding Other |
| | <input type="checkbox"/> Habeas Corpus Proceeding |

Filing Type

- | | |
|---|---|
| <input checked="" type="checkbox"/> Appeal | <input type="checkbox"/> Transferred Proceeding |
| <input type="checkbox"/> Original Proceedings | <input type="checkbox"/> CPLR Article 78 |
| <input type="checkbox"/> CPLR Article 78 | <input type="checkbox"/> Executive Law § 298 |
| <input type="checkbox"/> Eminent Domain | <input type="checkbox"/> CPLR 5704 Review |
| <input type="checkbox"/> Labor Law 220 or 220-b | |
| <input type="checkbox"/> Public Officers Law § 36 | |
| <input type="checkbox"/> Real Property Tax Law § 1278 | |

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input checked="" type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal	
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment
<input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: Supreme Court	County: Albany
Dated: 09/12/2022	Entered: 9/14/2022
Judge (name in full): Peter A. Lynch	Index No.: 904972-22
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal and Related Case Information	
Are any appeals arising in the same action or proceeding currently pending in the court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.	
Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:	
Original Proceeding	
Commenced by: <input checked="" type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division: NY CPLR § 5701(a)	
Proceeding Transferred Pursuant to CPLR 7804(g)	
Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: Choose Court	County: Choose County
Judge (name in full):	Dated:
Description of Appeal, Proceeding or Application and Statement of Issues	
<p>Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.</p> <p>Decision and Order granting the Respondents' and Intervenor-Respondents' motions to dismiss an Article 78 petition. The petition asked the court to issue a writ of mandamus commanding the Respondents to fulfill their constitutional duty under Article III, Sections 4 and 5 of the New York Constitution by submitting a second round of proposed congressional districting plans for consideration by the Legislature, in order to ensure that a lawful plan is in place following the 2022 elections and can be used for subsequent elections this decade.</p>	

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Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Petitioners appeal each and every part of the Decision and Order, including the Court's conclusions that (1) the Independent Redistricting Commission ("IRC") has no authority to issue redistricting plans after February 28, 2022, in advance of the federal census in 2030, (2) there is no enforceable remedy available to Petitioners to compel the IRC to submit a second redistricting plan or plans, and (3) compelling the IRC to do so would be futile. Petitioners appeal on the grounds that mandamus relief is available to compel the IRC to submit a second set of redistricting plans pursuant to Article III, Sections 4 and 5 of the New York Constitution. Petitioners seek an order reversing the Supreme Court's order and remanding this matter for further proceedings.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Anthony S. Hoffman	Petitioner	Appellant
2	Marco Carrión	Petitioner	Appellant
3	Courtney Gibbons	Petitioner	Appellant
4	Lauren Foley	Petitioner	Appellant
5	Mary Kain	Petitioner	Appellant
6	Kevin Meggett	Petitioner	Appellant
7	Clinton Miller	Petitioner	Appellant
8	Seth Pearce	Petitioner	Appellant
9	Verity Van Tassel Richards	Petitioner	Appellant
10	Nancy Van Tassel	Petitioner	Appellant
11	New York State Independent Redistricting Commission	Respondent	Respondent
12	Independent Redistricting Commission Chair David Imamura	Respondent	Respondent
13	Independent Redistricting Commissioner Ross Brady	Respondent	Respondent
14	Independent Redistricting Commissioner John Conway III	Respondent	Respondent
15	Independent Redistricting Commissioner Ivelisse Cuevas-Molina	Respondent	Respondent
16	Independent Redistricting Commissioner Elaine Frazier	Respondent	Respondent
17	Independent Redistricting Commissioner Lisa Harris	Respondent	Respondent
18	Independent Redistricting Commissioner Charles Nesbitt	Respondent	Respondent
19	Independent Redistricting Commissioner Willis H. Stephens	Respondent	Respondent
20	Tim Harkenrider	Intervenor	Intervenor

**Party Information
(continued)**

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
21	Guy C. Brought	Intervenor	Intervenor
22	Lawrence Canning	Intervenor	Intervenor
23	Patricia Clarino	Intervenor	Intervenor
24	George Dooher, Jr.	Intervenor	Intervenor
25	Stephen Evans	Intervenor	Intervenor
26	Linda Fanton	Intervenor	Intervenor
27	Jerry Fishman	Intervenor	Intervenor
28	Jay Frantz	Intervenor	Intervenor
29	Lawrence Garvey	Intervenor	Intervenor
30	Alan Nephew	Intervenor	Intervenor
31	Susan Rowley	Intervenor	Intervenor
32	Josephine Thomas	Intervenor	Intervenor
33	Marianne Volante	Intervenor	Intervenor
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Informational Statement - Civil

Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Aria C. Branch, Elias Law Group LLP

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Party or Parties Represented (set forth party number(s) from table above): 20-33