

At IAS Part ^{II} of the Supreme Court of New York, held in and for the County of Suffolk, at the Courthouse at 1 Court Street, Riverhead, New York, New York on the 9 Day of February, 2023

Present:

Thomas F. Whelan

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

HON. ANTHONY H. PALUMBO

Plaintiff,

-against-

THE NEW YORK STATE SENATE, BRAD HOYLMAN-SIGAL, NEIL D. BRESLIN, ANDREW GOUNARDES, JOHN C. LIU, SHELLEY B. MAYER, ZELNOR MYRIE, JESSICA RAMOS, SEAN M. RYAN, JAMES SKOUFIS, TOBY ANN STAVISKY, and ANDREA STEWART-COUSINS

Defendants.

Index No.

603276/2023

Hon.

ORDER TO SHOW CAUSE

UPON reading and filing the annexed Affirmation of Urgency of James M. Catterson, dated February 9, 2023 (hereinafter referred to as the "Catterson Aff."); the Complaint dated February 9, 2023 (hereinafter referred to as the "Complaint"); and upon all of the pleadings and proceedings heretofore had herein, and sufficient cause having been shown,

LET Defendants The New York State Senate, Brad Hoylman-Sigal, Neil D. Breslin, Andrew Gounardes, John C. Liu, Shelley B. Mayer, Zellnor Myrie, Jessica Ramos, Sean M. Ryan, James Skoufis, Toby Ann Stavisky, and Andrea Stewart-Cousins (hereinafter collectively referred to as "Defendants"), by and through their attorneys, show cause before this Court at IAS

Part 33 of the Supreme Court of the State of New York, County of Suffolk, to be held at the

Court, located at 1 Court Street, Riverhead, New York, Room ~~177~~ ¹⁷⁷ on February 8, 2023, at

TFW 12:30 p.m., or as soon thereafter as counsel may be heard, why an Order should not be made and entered:

- a) on the first cause of action, issuing a declaration that Article VI of the New York State Constitution requires a full floor vote on a judicial nomination to the Court of Appeals;
- b) on the second cause of action, issuing a declaration that Judiciary Law § 68 requires a full floor vote on a judicial nomination to the Court of Appeals;
- c) on the third cause of action, issuing a declaration that Public Officers Law § 7 requires a letter from the President of the Senate;
- d) granting such further and additional relief as this Court deems just and proper.

Sufficient reason appearing therefore, it is hereby


TFW JC **ORDERED** that Plaintiff's request for immediate relief in the form of an expedited briefing schedule is granted; and it is further;

TFW **ORDERED** that opposition papers, if any, are to be served upon Plaintiff's counsel via e-filing on or before the ~~13th~~ ^{15th} day of February, 2023; and it is further

TFW **ORDERED** that reply papers, if any, shall be served upon Defendants' counsel via e-filing on or before the ~~15th~~ ^{17th} day of February, 2023; and it is further

TFW **ORDERED** that service of a copy of this order and the papers upon which it is based, be made on or before the 10th day of February, 2023, via e-mail, and that such service shall be deemed good and sufficient notice of this application.

TFW JC The assigned Justice being unavailable and as the Special Term Justice, and the Court having made substantial determinations granting emergency and urgent relief, **ORDERED** that the Justice shall retain jurisdiction and the

ENTER 
J.S.C.
Thomas F. Whelan

GRANTED
FEB 09 2023
VINCENT PULEO
Clerk of Suffolk County