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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-03325-AT**

Yang et al v. New York State Board of Elections
Assigned to: Judge Analisa Torres
Demand: \$1,000
Related Case: [1:20-cv-03533-AT](#)
Case in other court: USCA 2nd Circ., 20-01494
Cause: 28:1331 Fed. Question

Date Filed: 04/28/2020
Date Terminated: 09/01/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Andrew Yang
individually

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Plaintiff

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Plaintiff

Hellen Suh
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Plaintiff

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Plaintiff

Shlomo Small
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Jeffrey Mead Kurzon
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Plaintiff

Alison Hwang
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Plaintiff

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Plaintiff

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Plaintiff

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similarly situated

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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similarly situated**

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Plaintiff

**Kristen Medeiros, on behalf of all others
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Plaintiff

**Hellen Suh, on behalf of all others
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Plaintiff

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similarly situated**

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V.

Defendant

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Defendant

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Defendant

**Andrew Spano, Commissioner,
individually and in his official capacities
at the NYS BOE**

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Defendant

**Peter S. Kosinski, Co-Chair and
Commissioner, individually and in his
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Defendant

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Defendant

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Defendant

Andrew Cuomo
As Governor of the State of New York

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Defendant

Andrew Cuomo
as Governor of the State of New York

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Intervenor Defendant

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Intervenor Defendant

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Intervenor Plaintiff

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Intervenor Plaintiff

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Intervenor Plaintiff

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Intervenor Plaintiff

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Intervenor Plaintiff**Joshua Sauberman**

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Intervenor Plaintiff**Cari Gardner**

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Intervenor Plaintiff**Stephen Carpineta**

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Intervenor Plaintiff

Ting Barrow

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Interpleader Plaintiff

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Interpleader Plaintiff

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Remy Green
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ADR Provider

Kellner Douglas

As Commissioner of the NY State Board of Elections

ADR Provider

NY State Board of Elections

represented by **Matthew Lawrence Conrad**
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Date Filed	#	Docket Text
04/28/2020	1 R	COMPLAINT against New York State Board of Elections. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19619547) Document filed by Shlomo Small, Jonathan Herzog, Alison Hwang, Dr. Roger Green, Andrew Yang, Kristen Medeiros, Hellen Suh, Brian Vogel. (Attachments: # 1 R Exhibit Exhibit A - Yang Aff., # 2 R Exhibit Exhibit B - Herzog Aff., # 3 R Exhibit Exhibit C - Suh Aff., # 4 R Exhibit Exhibit D - Vogel Aff., # 5 R Exhibit Exhibit E - Small Aff., # 6 R Exhibit Exhibit F - Hwang Aff., # 7 R Exhibit Exhibit G - Medeiros Aff., # 8 R Exhibit Exhibit H - Dr. Green Aff., # 9 R Exhibit Attorney Affidavit, # 10 R Civil Cover Sheet Cover Sheet, # 11 R Text of Proposed Order Order to Show Cause).(Kurzon, Jeffrey) (Entered: 04/28/2020)
04/29/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Analisa Torres. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(pne) (Entered: 04/29/2020)
04/29/2020		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (pne) (Entered: 04/29/2020)
04/29/2020		Case Designated ECF. (pne) (Entered: 04/29/2020)
04/29/2020		***NOTICE TO ATTORNEY TO RE-FILE CIVIL COVER SHEET. Notice to Attorney Jeffrey Mead Kurzon. Attorney must re-file the Civil Cover Sheet using the event type Civil Cover Sheet found under the event list Other Documents. (pne) (Entered: 04/29/2020)
04/29/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to

		Attorney Jeffrey Mead Kurzon re: Document No. 1 <u>1</u>  Complaint,,. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; Shlomo Small, Jonathan Herzog, Alison Hwang, Dr. Roger Green, Andrew Yang, Kristen Medeiros, Hellen Suh, and Brian Vogel must each be added to the case a second time, with party text " on behalf of all others similarly situated". Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents. **DO NOT USE GOOGLE CHROME OR SAFARI BROWSERS** (pne) (Entered: 04/29/2020)
04/29/2020	<u>2</u> 	CIVIL COVER SHEET filed..(Kurzon, Jeffrey) (Entered: 04/29/2020)
04/29/2020		ADD PARTY FOR PLEADING. Plaintiffs/Petitioners Andrew Yang, on behalf of all others similarly situated, Brian Vogel, on behalf of all others similarly situated, Dr. Roger Green, on behalf of all others similarly situated, Shlomo Small, on behalf of all others similarly situated, Jonathan Herzog, on behalf of all others similarly situated, Kristen Medeiros, on behalf of all others similarly situated, Hellen Suh, on behalf of all others similarly situated, Alison Hwang, on behalf of all others similarly situated added. Party added pursuant to <u>1</u>  Complaint,,Document filed by Andrew Yang, on behalf of all others similarly situated, Brian Vogel, on behalf of all others similarly situated, Dr. Roger Green, on behalf of all others similarly situated, Shlomo Small, on behalf of all others similarly situated, Jonathan Herzog, on behalf of all others similarly situated, Kristen Medeiros, on behalf of all others similarly situated, Hellen Suh, on behalf of all others similarly situated, Alison Hwang, on behalf of all others similarly situated. Related document: <u>1</u>  Complaint,,.(Kurzon, Jeffrey) (Entered: 04/29/2020)
04/29/2020	<u>3</u> 	ORDER: On April 29, 2020, Plaintiffs filed an application seeking emergency relief under Rule 65 of the Federal Rules of Civil Procedure. ECF No. 1. It is hereby ORDERED that: 1. Plaintiffs shall file a memorandum of law in support of their application by May 4, 2020; 2. Defendant shall file a response by May 8, 2020; and 3. The parties shall appear for a telephonic hearing on Plaintiffs' application on May 12, 2020, at 1:00 p.m. The parties are directed to call either (888) 398-2342 or (215) 861-0674, and enter access code 5598827. The parties shall email their appearance information to Torres_NYSDChambers@nysd.uscourts.gov by May 11, 2020, at 5:00 p.m. It is further ORDERED that by 12:00 p.m. on April 30, 2020, Plaintiffs shall serve a copy of the complaint, supporting documents, and this order on Defendant, and shall file proof of service on the docket. Service may be effected by reliable electronic means. (Telephone Conference set for 5/12/2020 at 01:00 PM before Judge Analisa Torres.) (Signed by Judge Analisa Torres on 4/29/2020) (cf) (Entered: 04/29/2020)
04/29/2020		Set/Reset Deadlines: Service due by 4/30/2020. (cf) (Entered: 04/29/2020)
04/29/2020	<u>4</u> 	LETTER MOTION for Oral Argument <i>schedule modification</i> addressed to Judge Analisa Torres from Douglas A. Kellner, Co-Chair New York State Board of Elections dated April 29, 2020. Document filed by DOUGLAS A New York State Board of Elections..(Kellner, Douglas) (Entered: 04/29/2020)
04/29/2020	<u>5</u> 	ORDER granting <u>4</u>  Letter Motion for Oral Argument. It is ORDERED that the Court's scheduling order, ECF No. 3, is AMENDED as follows: 1. Plaintiffs shall file a memorandum of law in support of their application seeking emergency relief by April 30, 2020; 2. Defendant shall file a response by May 1, 2020; and 3. The parties shall appear for a telephonic hearing on Plaintiffs' application on May 4, 2020, at 2:00 p.m. The parties are directed to call either (888) 398-2342 or (215) 861-0674, and enter access code 5598827. The parties shall email their appearance information to Torres_NYSDChambers@nysd.uscomts.gov by May 4, 2020, at 9:00 a.m. (Signed by Judge Analisa Torres on 4/29/2020) (cf) (Entered: 04/29/2020)
04/29/2020		Set/Reset Deadlines:, Set/Reset Hearings:(Telephone Conference set for 5/4/2020 at

		02:00 PM before Judge Analisa Torres.) (cf) (Entered: 04/29/2020)
04/29/2020	<u>6</u> R	AFFIDAVIT OF SERVICE. New York State Board of Elections served on 4/29/2020, answer due 5/20/2020; DOUGLAS A New York State Board of Elections served on 4/29/2020, answer due 5/20/2020. Service was made by email. Document filed by Alison Hwang; Andrew Yang; Shlomo Small; Brian Vogel, on behalf of all others similarly situated; Jonathan Herzog; Dr. Roger Green; Alison Hwang, on behalf of all others similarly situated; Dr. Roger Green, on behalf of all others similarly situated; Kristen Medeiros, on behalf of all others similarly situated; Kristen Medeiros; Hellen Suh; Hellen Suh, on behalf of all others similarly situated; Jonathan Herzog, on behalf of all others similarly situated; Andrew Yang, on behalf of all others similarly situated; Shlomo Small, on behalf of all others similarly situated; Brian Vogel..(Kurzon, Jeffrey) (Entered: 04/29/2020)
04/30/2020	<u>7</u> R	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR - FIRST AMENDED COMPLAINT amending <u>1</u> R Complaint,, against New York State Board of Elections, DOUGLAS A New York State Board of Elections.Document filed by Alison Hwang, Andrew Yang, Shlomo Small, Brian Vogel, on behalf of all others similarly situated, Jonathan Herzog, Dr. Roger Green, Alison Hwang, on behalf of all others similarly situated, Dr. Roger Green, on behalf of all others similarly situated, Kristen Medeiros, on behalf of all others similarly situated, Kristen Medeiros, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Jonathan Herzog, on behalf of all others similarly situated, Andrew Yang, on behalf of all others similarly situated, Shlomo Small, on behalf of all others similarly situated, Brian Vogel. Related document: <u>1</u> R Complaint,,. (Attachments: # <u>1</u> R Exhibit Ex. A - Andrew Yang, # <u>2</u> R Exhibit Ex. B - Jonathan Herzog, # <u>3</u> R Exhibit Ex C. - Hellen Suh, # <u>4</u> R Exhibit Ex D. - Brian Vogel, # <u>5</u> R Exhibit Ex E. - Shlomo Small, # <u>6</u> R Exhibit Ex F. - Alison Hwang, # <u>7</u> R Exhibit Ex G. - Kristen Medeiros, # <u>8</u> R Exhibit Ex. H - Dr. Roger Green, # <u>9</u> R Exhibit Ex I - Hadassah Mativetsky, # <u>10</u> R Exhibit Ex J - Eli Smith, # <u>11</u> R Exhibit Ex K - Nechama Gluck, # <u>12</u> R Exhibit Ex L - Malcolm Seymour).(Kurzon, Jeffrey) Modified on 5/1/2020 (jgo). (Entered: 04/30/2020)
04/30/2020	<u>8</u> R	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,,,,. New York State Board of Elections served on 4/30/2020, answer due 5/21/2020; DOUGLAS A New York State Board of Elections served on 4/30/2020, answer due 5/21/2020. Document filed by Alison Hwang; Andrew Yang; Shlomo Small; Brian Vogel, on behalf of all others similarly situated; Jonathan Herzog; Dr. Roger Green; Alison Hwang, on behalf of all others similarly situated; Dr. Roger Green, on behalf of all others similarly situated; Kristen Medeiros, on behalf of all others similarly situated; Kristen Medeiros; Hellen Suh; Hellen Suh, on behalf of all others similarly situated; Jonathan Herzog, on behalf of all others similarly situated; Andrew Yang, on behalf of all others similarly situated; Shlomo Small, on behalf of all others similarly situated; Brian Vogel..(Kurzon, Jeffrey) (Entered: 04/30/2020)
04/30/2020	<u>9</u> R	ORDER: On April 29, 2020, the Court directed Plaintiffs to submit a memorandum of law in support of their application seeking emergency relief by April 30, 2020, and Defendant to respond by May 1, 2020. ECF No. 5. It is ORDERED that the parties' briefs shall address the question of the Court's subject matter jurisdiction, including the effect, if any, of the Eleventh Amendment to the United States Constitution. See Murawski v. NY. State Bd. of Elections, 285 F. Supp. 3d 691, 695-96 (S.D.N.Y. 2018); Tiraco v. NY. State Bd. of Elections, 963 F. Supp. 2d 184, 192- 93 (E.D.N.Y. 2013). (Signed by Judge Analisa Torres on 4/30/2020) (cf) (Entered: 04/30/2020)
04/30/2020	<u>10</u> R	LETTER MOTION for Leave to File Second Amended Complaint addressed to Judge Analisa Torres from Jeffrey M. Kurzon dated April 30, 2020. Document filed by Dr. Roger Green, Dr. Roger Green, on behalf of all others similarly situated, Jonathan

		Herzog, Jonathan Herzog, on behalf of all others similarly situated, Alison Hwang, Alison Hwang, on behalf of all others similarly situated, Kristen Medeiros, Kristen Medeiros, on behalf of all others similarly situated, Shlomo Small, Shlomo Small, on behalf of all others similarly situated, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Brian Vogel, Brian Vogel, on behalf of all others similarly situated, Andrew Yang, Andrew Yang, on behalf of all others similarly situated. Return Date set for 5/1/2020 at 11:59 PM..(Kurzon, Jeffrey) (Entered: 04/30/2020)
04/30/2020	11	ORDER granting in part and denying in part 10 R Letter Motion for Leave to File Document. Under Rule 15 of the Federal Rules of Civil Procedure, "[t]he court should freely give leave when justice so requires." Finding no "apparent or declared reason--such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc." to deny the request, Foman v. Davis, 371 U.S. 178, 182 (1962), Plaintiffs' motion for leave to amend their complaint is GRANTED. Accordingly, by 12:00 p.m. on May 1, 2020, Plaintiffs shall file their second amended complaint. It is further ORDERED that by 1:00 p.m. on May 1, 2020, Plaintiffs shall serve the second amended complaint and all papers in support of their motion for emergency relief upon Defendants by reliable electronic means, and file proof of service on the docket. (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (jw) (Entered: 04/30/2020)
04/30/2020	12 R	LETTER MOTION for Extension of Time <i>on the Court's Scheduled Hearing</i> addressed to Judge Analisa Torres from Counsel for Proposed Plaintiff-Intervenors dated 04/30/2020., LETTER MOTION for Extension of Time to File <i>Merits Briefing</i> addressed to Judge Analisa Torres from Counsel for Proposed Plaintiff-Intervenors dated 04/30/2020. Document filed by Penny Mintz. (Attachments: # 1 R Errata Appearance of Counsel).(Green, Remy) (Entered: 04/30/2020)
04/30/2020	13 R	NOTICE OF APPEARANCE by Arthur Z Schwartz on behalf of George Albro.. (Schwartz, Arthur) (Entered: 04/30/2020)
04/30/2020	14	ORDER with respect to 12 R Letter Motion for Extension of Time; with respect to 12 R Letter Motion for Extension of Time to File: On April 30, 2020, a group of putative intervenors in this action submitted a letter stating their intent to file a motion to intervene, and requesting that the Court "readjust" the briefing schedule already set for the parties. ECF No. 12.Any motion to intervene and supporting memorandum shall be filed by May 1, 2020, and must comply with Rule 24(c) of the Federal Rules of Civil Procedure. Any memorandum of law that proposed intervenors wish to file with respect to Plaintiffs' motion for emergency relief must also be filed by May 1, 2020. The current briefing schedule for the parties and hearing date, as set forth at ECF No. 5, shall remain the same, except that by 5:00 p.m. on May 2, 2020, Plaintiffs and Defendant may each file a reply not to exceed 10 pages. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (AH) (Entered: 04/30/2020)
04/30/2020	15 R	FIRST BRIEF <i>of law pursuant to J. Torres Order ECF Dkt 5</i> . Document filed by Dr. Roger Green, Dr. Roger Green, on behalf of all others similarly situated, Jonathan Herzog, Jonathan Herzog, on behalf of all others similarly situated, Alison Hwang, Alison Hwang, on behalf of all others similarly situated, Kristen Medeiros, Kristen Medeiros, on behalf of all others similarly situated, Penny Mintz, Shlomo Small, Shlomo Small, on behalf of all others similarly situated, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Brian Vogel, Brian Vogel, on behalf of all others similarly situated, Andrew Yang, Andrew Yang, on behalf of all others similarly situated. (Attachments: # 1 R Exhibit Professor Pascale Letter - Example of Public Support).(Kurzon, Jeffrey) (Entered: 04/30/2020)

05/01/2020	<u>16</u>  FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - COMPLAINT against New York State Board of Elections, DOUGLAS A New York State Board of Elections, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE, Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19670478) Document filed by Alison Hwang, Andrew Yang, Shlomo Small, Brian Vogel, on behalf of all others similarly situated, Jonathan Herzog, Dr. Roger Green, Alison Hwang, on behalf of all others similarly situated, Dr. Roger Green, on behalf of all others similarly situated, Kristen Medeiros, on behalf of all others similarly situated, Kristen Medeiros, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Jonathan Herzog, on behalf of all others similarly situated, Andrew Yang, on behalf of all others similarly situated, Shlomo Small, on behalf of all others similarly situated, Brian Vogel. (Attachments: # <u>1</u>  Exhibit Ex. A - Yang Aff., # <u>2</u>  Exhibit Ex. B - Herzog Aff., # <u>3</u>  Exhibit Ex. C - Suh Aff., # <u>4</u>  Exhibit Ex. D - Vogel Aff., # <u>5</u>  Exhibit Ex. E - Small Aff., # <u>6</u>  Exhibit Ex. F - Hwang Aff., # <u>7</u>  Exhibit Ex G - Medeiros Aff., # <u>8</u>  Exhibit Ex H - Dr. Green Aff., # <u>9</u>  Exhibit Ex I - Mativetsky Aff., # <u>10</u>  Exhibit Ex J - Smith Aff, # <u>11</u>  Exhibit Ex K - Gluck Aff., # <u>12</u>  Exhibit Ex L - Seymour letter).(Kurzon, Jeffrey) Modified on 5/1/2020 (jgo). (Entered: 05/01/2020)
05/01/2020	<u>17</u>  AFFIDAVIT OF SERVICE of Summons and Complaint,,,,,,. Alison Hwang served on 5/1/2020, answer due 5/22/2020; Penny Mintz served on 5/1/2020, answer due 5/22/2020; George Albro served on 5/1/2020, answer due 5/22/2020; Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; New York State Board of Elections served on 5/1/2020, answer due 5/22/2020; DOUGLAS A New York State Board of Elections served on 5/1/2020, answer due 5/22/2020; Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020. Document filed by Alison Hwang; Andrew Yang; Penny Mintz; Shlomo Small; Brian Vogel, on behalf of all others similarly situated; Jonathan Herzog; Dr. Roger Green; Alison Hwang, on behalf of all others similarly situated; Dr. Roger Green, on behalf of all others similarly situated; Kristen Medeiros, on behalf of all others similarly situated; Kristen Medeiros; Hellen Suh; Hellen Suh, on behalf of all others similarly situated; Andrew Yang, on behalf of all others similarly situated; Jonathan Herzog, on behalf of all others similarly situated; Shlomo Small, on behalf of all others similarly situated; Brian Vogel..(Kurzon, Jeffrey) (Entered: 05/01/2020)
05/01/2020	***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Jeffrey Mead Kurzon to RE-FILE Document No. <u>7</u>  Amended Complaint. The filing is deficient for the following reason(s): the wrong party/parties whom the pleading is against were selected. Only select the parties listed on the pleading caption. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select

		the individually named party/parties the pleading is against. (jgo) (Entered: 05/01/2020)
05/01/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Jeffrey Mead Kurzon to RE-FILE Document No. 16 R Complaint,,,,,,. The filing is deficient for the following reason(s): the wrong event type was used to file the pleading; the First Amended Complaint deficiency must be cured before the Second Amended Complaint is accepted by the Court; if pleading is filed after the due date, Court leave must be granted. Re-file the pleading using the event type Second Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo) (Entered: 05/01/2020)
05/01/2020	<u>18</u> R	FIRST AMENDED COMPLAINT amending <u>7</u> R Amended Complaint,,,,, <u>1</u> R Complaint,, against New York State Board of Elections.Document filed by Alison Hwang, Andrew Yang, Shlomo Small, Brian Vogel, on behalf of all others similarly situated, Jonathan Herzog, Dr. Roger Green, Alison Hwang, on behalf of all others similarly situated, Dr. Roger Green, on behalf of all others similarly situated, Kristen Medeiros, on behalf of all others similarly situated, Kristen Medeiros, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Jonathan Herzog, on behalf of all others similarly situated, Andrew Yang, on behalf of all others similarly situated, Shlomo Small, on behalf of all others similarly situated, Brian Vogel. Related document: <u>7</u> R Amended Complaint,,,,, <u>1</u> R Complaint,, (Attachments: # <u>1</u> R Exhibit Exhibit A - Yang Aff., # <u>2</u> R Exhibit Exhibit B - Herzog Aff., # <u>3</u> R Exhibit Exhibit C - Suh Aff., # <u>4</u> R Exhibit Exhibit D - Vogel Aff., # <u>5</u> R Exhibit Exhibit E - Small Aff., # <u>6</u> R Exhibit Exhibit F - Hwang Aff., # <u>7</u> R Exhibit Exhibit G - Medeiros Aff, # <u>8</u> R Exhibit Exhibit H - Dr. Green Aff., # <u>9</u> R Exhibit Exhibit I - Mativestsky Aff, # <u>10</u> R Exhibit Exhibit J - Smith Aff, # <u>11</u> R Exhibit Exhibit K - Gluck Aff, # <u>12</u> R Exhibit Exhibit L - Seymour Aff).(Kurzon, Jeffrey) (Entered: 05/01/2020)
05/01/2020	19	ORDER: Due to docketing deficiencies with Plaintiffs' second amended complaint, ECF No. 16, Plaintiffs' deadline to file a second amended complaint is EXTENDED to 8:00 p.m., on May 1, 2020, only for the purposes of curing the docketing deficiencies of the previously filed document. It is further ORDERED that Plaintiffs shall serve the second amended complaint and all papers in support of their motion for emergency relief upon Defendants by reliable electronic means, and file proof of service on the docket. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (JT) (Entered: 05/01/2020)
05/01/2020	<u>20</u> R	SECOND AMENDED COMPLAINT amending <u>16</u> R Complaint,,,,,, <u>18</u> R Amended Complaint,,,,, <u>1</u> R Complaint,, against Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE.Document filed by Alison Hwang, Andrew Yang, Shlomo Small, Brian Vogel, on behalf of all others similarly situated, Jonathan Herzog, Dr. Roger Green, Alison Hwang, on behalf of all others similarly situated, Dr. Roger Green, on behalf of all others similarly situated, Kristen Medeiros, on behalf of all others similarly situated, Kristen Medeiros, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Jonathan Herzog, on behalf of all others similarly situated, Andrew Yang, on behalf of all others similarly situated, Shlomo Small, on behalf of all others similarly situated, Brian Vogel. Related document: <u>16</u> R Complaint,,,,,, <u>18</u> R Amended Complaint,,,,, <u>1</u>

		R Complaint,,. (Attachments: # 1 R Exhibit Ex. A - Yang Aff., # 2 R Exhibit Ex B - Herzog Aff., # 3 R Exhibit Ex C - Suh Aff., # 4 R Exhibit Ex D - Vogel Aff., # 5 R Exhibit Ex E - Small Aff., # 6 R Exhibit Ex F - Hwang Aff., # 7 R Exhibit Ex G - Medeiros Aff., # 8 R Exhibit Ex H - Dr. Green Aff., # 9 R Exhibit Ex I - Mativetsky Aff., # 10 R Exhibit Ex J - Smith Aff., # 11 R Exhibit Ex K - Gluck Aff., # 12 R Exhibit Ex L - Seymour Letter).(Kurzon, Jeffrey) (Entered: 05/01/2020)
05/01/2020	21 R	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,,,,, Complaint,,,,,, Amended Complaint,,,,,, Complaint,, Amended Complaint,,,,, Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; New York State Board of Elections served on 5/1/2020, answer due 5/22/2020; Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020; Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE served on 5/1/2020, answer due 5/22/2020. Document filed by Alison Hwang; Andrew Yang; Shlomo Small; Brian Vogel, on behalf of all others similarly situated; Jonathan Herzog; Dr. Roger Green; Alison Hwang, on behalf of all others similarly situated; Dr. Roger Green, on behalf of all others similarly situated; Kristen Medeiros, on behalf of all others similarly situated; Kristen Medeiros; Hellen Suh; Hellen Suh, on behalf of all others similarly situated; Jonathan Herzog, on behalf of all others similarly situated; Andrew Yang, on behalf of all others similarly situated; Shlomo Small, on behalf of all others similarly situated; Brian Vogel..(Kurzon, Jeffrey) (Entered: 05/01/2020)
05/01/2020	22 R	NOTICE OF APPEARANCE by Arthur Z Schwartz on behalf of George Albro, Penny Mintz, Jay Bellanca, Traci Strickland, Emily Adams, Nestor Medina, Simran Nanda, Kathryn Levy, Joshua Sauberman, Cari Gardner, Stephen Carpineta, Nancy DeDelva, Ting Barrow..(Schwartz, Arthur) (Entered: 05/01/2020)
05/01/2020	23 R	NOTICE OF APPEARANCE by Elena Louisa Cohen on behalf of Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Simran Nanda, Joshua Sauberman, Traci Strickland..(Cohen, Elena) (Entered: 05/01/2020)
05/01/2020	24 R	NOTICE OF APPEARANCE by Matthew Lawrence Conrad on behalf of Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 05/01/2020)
05/01/2020	25 R	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR - INTERVENOR COMPLAINT against Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, DOUGLAS A New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE.Document filed by Nestor Medina, Simran Nanda, Cari Gardner, Penny Mintz, Traci Strickland, Joshua

		Sauberman, Nancy DeDelva, George Albro, Kathryn Levy, Jay Bellanca, Stephen Carpineta, Ting Barrow, Emily Adams..(Schwartz, Arthur) Modified on 5/4/2020 (pc). (Entered: 05/01/2020)
05/01/2020	26 R	BRIEF re: 15 R Brief,,, <i>in Opposition to Plaintiffs' Request for Emergency Relief</i> . Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 05/01/2020)
05/01/2020	27 R	DECLARATION of Robert A. Brehm in Opposition re: 4 R LETTER MOTION for Oral Argument <i>schedule modification</i> addressed to Judge Analisa Torres from Douglas A. Kellner, Co-Chair New York State Board of Elections dated April 29, 2020.. Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE. (Attachments: # 1 R Exhibit Exhibit A, # 2 R Exhibit Exhibit B, # 3 R Exhibit Exhibit C, # 4 R Exhibit Exhibit D, # 5 R Exhibit Exhibit E, # 6 R Exhibit Exhibit F, # 7 R Exhibit Exhibit G).(Conrad, Matthew) (Entered: 05/01/2020)
05/01/2020	28 R	NOTICE OF APPEARANCE by Remy Green on behalf of Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland..(Green, Remy) (Entered: 05/01/2020)
05/01/2020	29 R	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION to Intervene . Document filed by Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland. (Attachments: # 1 R Memo of Law in Support, # 2 R Complaint in Intervention, # 3 R Exhibit B to the Complaint).(Green, Remy) Modified on 6/24/2020 (db). (Entered: 05/01/2020)
05/02/2020	30 R	MOTION for Preliminary Injunction <i>and Brief in Support of Plaintiffs' Motion</i> . Document filed by Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland. (Attachments: # 1 R Memo in Support).(Green, Remy) (Entered: 05/02/2020)
05/02/2020	31 R	LETTER MOTION for Leave to File ECF Nos. 30; 30-1 <i>nunc pro tunc, and for leave to file protected document publicly</i> addressed to Judge Analisa Torres from Counsel for Proposed Plaintiff-Intervenors dated 05/02/2020. Document filed by Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland..(Green, Remy) (Entered: 05/02/2020)
05/02/2020	32 R	AMENDED MEMORANDUM OF LAW in Support re: 30 R MOTION for Preliminary Injunction <i>and Brief in Support of Plaintiffs' Motion. CORRECTED FROM ECF No. 30-1</i> . Document filed by Emily Adams, George Albro, Ting Barrow, Jay

		Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland..(Green, Remy) (Entered: 05/02/2020)
05/02/2020	33 R	MEMORANDUM OF LAW in Opposition re: 29 R MOTION to Intervene ., 30 R MOTION for Preliminary Injunction <i>and Brief in Support of Plaintiffs' Motion</i> . . Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, DOUGLAS A New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 05/02/2020)
05/03/2020	34	EX PARTE MOTION for Walter H. Hackett, III to Appear Pro Hac Vice <i>in the present matter</i> . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Dr. Roger Green, Dr. Roger Green, on behalf of all others similarly situated, Jonathan Herzog, Jonathan Herzog, on behalf of all others similarly situated, Alison Hwang, Alison Hwang, on behalf of all others similarly situated, Kristen Medeiros, Kristen Medeiros, on behalf of all others similarly situated, Shlomo Small, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Brian Vogel, Brian Vogel, on behalf of all others similarly situated, Andrew Yang, Andrew Yang, on behalf of all others similarly situated. (Attachments: # 1 Affidavit Application of Walter H. Hackett, III for pro hac vice admission).(Kurzon, Jeffrey) (Entered: 05/03/2020)
05/03/2020	35 R	AFFIRMATION of Arthur Z Schwartz (by letter) in Support re: 30 R MOTION for Preliminary Injunction <i>and Brief in Support of Plaintiffs' Motion</i> .. Document filed by Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland. (Attachments: # 1 R Exhibit Exhibit A - NYS Democratic Party Delegate Selection Plan).(Schwartz, Arthur) (Entered: 05/03/2020)
05/03/2020	36 R	NOTICE OF APPEARANCE by Jonathan Wallace on behalf of Emily Adams, George Albro, Ting Barrow, Jay Bellanca, Stephen Carpineta, Nancy DeDelva, Cari Gardner, Kathryn Levy, Nestor Medina, Penny Mintz, Simran Nanda, Joshua Sauberman, Traci Strickland..(Wallace, Jonathan) (Entered: 05/03/2020)
05/03/2020	37 R	COMPLAINT against Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Andrew Cuomo. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19690132)Document filed by Nestor Medina, Simran Nanda, Cari Gardner, Penny Mintz, Traci Strickland, Joshua Sauberman, Nancy DeDelva, George Albro, Kathryn Levy, Jay Bellanca, Stephen Carpineta, Ting Barrow, Emily Adams. (Attachments: # 1 R Exhibit Exhibit A - NYS Democratic Party Delegate Selection Plan, # 2 R Exhibit Exhibit B - Absentee Ballot Mailed out in March).(Schwartz, Arthur) (Entered: 05/03/2020)
05/03/2020	38 R	ORDER granting 29 R Motion to Intervene. For the reasons stated above, the motion to intervene under Rule 24(b) of the Federal Rules of Civil Procedure is GRANTED. Plaintiff-Intervenors shall appear at the telephonic hearing on the pending motion for emergency relief scheduled for May 4, 2020, at 2:00 p.m., which may be accessed by calling either (888) 398-2342 or (215) 861-0674, and entering access code 5598827. By 9:00 a.m. on May 4, 2020, Plaintiff-Intervenors shall email appearance information to chambers, at Torres_NYSDChambers@nysd.uscourts.gov. The Clerk of Court is

		directed to terminate the motion at ECF No. 29, and to amend the caption as styled above. (As further set forth in this Order.) (Signed by Judge Analisa Torres on 5/3/2020) (cf) (Entered: 05/04/2020)
05/03/2020		Set/Reset Hearings: Telephone Conference set for 5/4/2020 at 02:00 PM before Judge Analisa Torres. (cf) (Entered: 05/04/2020)
05/04/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE re: Document No. 34 EX PARTE MOTION for Walter H. Hackett, III to Appear Pro Hac Vice in the present matter. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court California; missing Proposed Order and affidavit not included; the filing fee was not paid;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order. Pay the filing fee using the event Pro Hac Vice Fee Payment found under the event list Other Documents. (laq) (Entered: 05/04/2020)
05/04/2020		Pro Hac Vice Fee Due: for 34 EX PARTE MOTION for Walter H. Hackett, III to Appear Pro Hac Vice in the present matter. Motion and supporting papers to be reviewed by Clerk's Office staff.. (laq) (Entered: 05/04/2020)
05/04/2020	39	ORDER: "[O]ral arguments relating to a motion for [substantive relief] fall into the category of civil proceedings to which there is a First Amendment presumption of access." <i>Lugosch v. Pyramid Co. of Onondaga</i> , 435 F.3d 110, 124 (2d Cir. 2006). Accordingly, the hearing scheduled for May 4, 2020, at 2:00 p.m. is open for public attendance. Members of the public may access the hearing by calling either (888) 398-2342 or (215) 861-0674, and entering access code 5598827. However, any attendees are required to mute their phone lines for the duration of the conference, and recording is not permitted. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (AH) (Entered: 05/04/2020)
05/04/2020	40 R	NOTICE OF APPEARANCE by Leonard Moshe Kohen on behalf of Dr. Roger Green, Dr. Roger Green, on behalf of all others similarly situated, Jonathan Herzog, Jonathan Herzog, on behalf of all others similarly situated, Alison Hwang, Alison Hwang, on behalf of all others similarly situated, Kristen Medeiros, Kristen Medeiros, on behalf of all others similarly situated, Shlomo Small, Shlomo Small, on behalf of all others similarly situated, Hellen Suh, Hellen Suh, on behalf of all others similarly situated, Brian Vogel, Brian Vogel, on behalf of all others similarly situated, Andrew Yang, Andrew Yang, on behalf of all others similarly situated..(Kohen, Leonard) (Entered: 05/04/2020)
05/04/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Arthur Z Schwartz to RE-FILE re: Document No. 25 R Intervenor Complaint,,,. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; the wrong party/parties whom the pleading is against were selected; Intervenor Defendants are not listed on the caption title or on CM ECF. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents.. Re-file the pleading using the event type Intervenor Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (pc) (Entered: 05/04/2020)
05/04/2020		Minute Entry for proceedings held before Judge Analisa Torres: Oral Argument on the applications for a preliminary injunction, ECF Nos. 1, 20, and 30, held on 5/4/2020.

		(JT) (Entered: 05/04/2020)
05/04/2020	<u>41</u> R	FILING ERROR - DEFICIENT PLEADING - PDF ERROR - INTERVENOR COMPLAINT against Andrew Cuomo, Kellner Douglas, Andrew Spano, Douglas Kellner, NY State Board of Elections.Document filed by Nestor Medina, Simran Nanda, Cari Gardner, Penny Mintz, Joshua Sauberman, Nancy DeDelva, George Albro, Kathryn Levy, Jay Bellanca, Stephen Carpineta, Ting Barrow, Emily Adams. (Attachments: # <u>1</u> R Exhibit Exhibit A - NYS Democratic Party Delegate Selection Plan, # <u>2</u> R Exhibit Exhibit B - Absentee Ballot Mailed out in March).(Schwartz, Arthur) Modified on 5/5/2020 (pc). (Entered: 05/04/2020)
05/05/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Arthur Z Schwartz to RE-FILE Document No. <u>41</u> R Intervenor Complaint,, The filing is deficient for the following reason(s): the PDF attached to the docket entry for the pleading is not correct; Intervenor Defendants are not listed on the caption title. Re-file the pleading using the event type Intervenor Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (pc) (Entered: 05/05/2020)
05/05/2020	<u>42</u> R	INTERVENOR COMPLAINT against Douglas A. Kellner, New York State Board of Elections, Andrew Spano, Andrew Cuomo.Document filed by Nestor Medina, Simran Nanda, Cari Gardner, Penny Mintz, Traci Strickland, Joshua Sauberman, Nancy DeDelva, George Albro, Kathryn Levy, Jay Bellanca, Stephen Carpineta, Ting Barrow, Emily Adams. (Attachments: # <u>1</u> R Exhibit A - NYS Democratic Committee 2020 Delegate Selection Plan, # <u>2</u> R Exhibit B - 2020 Presidential Primary Absentee Ballot). (Schwartz, Arthur) Modified on 5/6/2020 (pc). (Entered: 05/05/2020)
05/05/2020	<u>43</u> R	OPINION AND ORDER: For the reasons stated in this opinion, the preliminary injunction is GRANTED to the extent that Kellner, Spano, Kosinski, Valentine, and Brehm, in their official capacities, are ORDERED to reinstate to the Democratic primary ballot those presidential and delegate candidates who were duly qualified as of April 26, 2020, and to hold the primary election on June 23, 2020. The Clerk of Court is directed to terminate the motions at ECF Nos. 12, 30, and 31. SO ORDERED. (Signed by Judge Analisa Torres on 5/5/2020) (jca) (Entered: 05/05/2020)
05/06/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Arthur Z Schwartz. The party information for the following party/parties has been modified: Governor Andrew Cuomo, Kellner Douglas, Andrew Spano, NY State Board of Elections. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party role was entered incorrectly; party text was omitted;. (pc) (Entered: 05/06/2020)
05/06/2020	<u>44</u> R	NOTICE OF INTERLOCUTORY APPEAL from <u>43</u> R Memorandum & Opinion,, Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, New York State Board of Elections, Andrew Spano, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Conrad, Matthew) (Entered: 05/06/2020)
05/06/2020		Appeal Fee Due: for <u>44</u> R Notice of Interlocutory Appeal. Appeal fee due by

		5/20/2020. (tp) (Entered: 05/06/2020)
05/06/2020		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 44 R Notice of Interlocutory Appeal. (tp) (Entered: 05/06/2020)
05/06/2020		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 44 R Notice of Interlocutory Appeal, filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Andrew Spano, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, New York State Board of Elections, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE were transmitted to the U.S. Court of Appeals..(tp) (Entered: 05/06/2020)
05/07/2020		Appeal Fee Payment: for 44 R Notice of Interlocutory Appeal,,, Filing fee \$ 505.00, receipt number ANYSDC-19744239..(Conrad, Matthew) (Entered: 05/07/2020)
05/07/2020		USCA Case Number 20-1494 from the USCA 2nd Circ. assigned to 44 R Notice of Interlocutory Appeal,,, filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Andrew Spano, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, New York State Board of Elections, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE..(nd) (Entered: 05/07/2020)
05/12/2020	45	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/4/2020 before Judge Analisa Torres. Court Reporter/Transcriber: Kristen Carannante, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/2/2020. Redacted Transcript Deadline set for 6/12/2020. Release of Transcript Restriction set for 8/10/2020..(McGuirk, Kelly) (Entered: 05/12/2020)
05/12/2020	46	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/4/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 05/12/2020)
05/19/2020	47 R	MANDATE of USCA (Certified Copy) as to 44 R Notice of Interlocutory Appeal,,, filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Andrew Spano, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Douglas A. Kellner, New York State Board of Elections, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE. USCA Case Number 20-1494-cv. UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the May 5, 2020 order of the District Court granting the application for preliminary injunction be and hereby is AFFIRMED. An opinion of the Court explaining its reasoning in further detail will follow. Catherine

		O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 05/19/2020.. (nd) (Entered: 05/19/2020)
05/19/2020		Transmission of USCA Mandate to the District Judge re: 47 R USCA Mandate,,,,,(nd) (Entered: 05/19/2020)
05/21/2020	48	CONSENT LETTER MOTION for Extension of Time to File Answer addressed to Judge Analisa Torres from Matthew L. Conrad dated May 21, 2020. Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Cuomo(as Governor of the State of New York), Andrew Cuomo(As Governor of the State of New York), Douglas A. Kellner, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, NY State Board of Elections, New York State Board of Elections, New York State Board of Elections, Andrew Spano, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 05/21/2020)
05/21/2020	49	ORDER granting 48 Letter Motion for Extension of Time to Answer. GRANTED. By June 22, 2020, Defendants shall answer or otherwise respond to Plaintiffs and Plaintiff-Intervenors' complaint. Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 6/22/2020; Andrew Cuomo(as Governor of the State of New York) answer due 6/22/2020; Andrew Cuomo(As Governor of the State of New York) answer due 6/22/2020; Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 6/22/2020; Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 6/22/2020; New York State Board of Elections answer due 6/22/2020; Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE answer due 6/22/2020; Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 6/22/2020. (Signed by Judge Analisa Torres on 5/21/2020) (cf) (Entered: 05/21/2020)
06/17/2020	50 R	CONSENT LETTER MOTION for Extension of Time to File Answer addressed to Judge Analisa Torres from Matthew L. Conrad dated June 17, 2020. Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Cuomo(as Governor of the State of New York), Andrew Cuomo(As Governor of the State of New York), Douglas A. Kellner, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, New York State Board of Elections, Andrew Spano, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 06/17/2020)
06/18/2020	51	ORDER granting 50 R Letter Motion for Extension of Time to Answer re 20 R Amended Complaint., GRANTED. By July 22, 2020, Defendants shall answer or otherwise respond to Plaintiffs and Plaintiff-Intervenors' complaint. SO ORDERED. Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 7/22/2020; Andrew Cuomo(as Governor of the State of New York) answer due 7/22/2020; Andrew Cuomo(As Governor of the State of New York) answer due 7/22/2020; Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 7/22/2020; Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE

		answer due 7/22/2020; New York State Board of Elections answer due 7/22/2020; Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE answer due 7/22/2020; Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 7/22/2020. (Signed by Judge Analisa Torres on 6/18/2020) (kv) (Entered: 06/18/2020)
07/13/2020	52	Costs Taxed as to 47 R USCA Mandate, USCA Case Number 20-1494-cv, in the amount of \$230.60 on 7/13/2020 in favor of Intervenor-Plaintiffs-Appellees Jay Bellanca, Traci Strickland, Emily Adams, Nestor Medina, Simran Nanda, Kathryn Levy, Joshua Sauberman, Cari Gardner, Stephen Carpineta, Nancy DeDelva, Ting Barrow, Penny Mintz, George Albro, against Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Todd D. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE, Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, and also in the amount of \$225.80 on 7/13/2020 in favor of Plaintiffs-Appellees Andrew Yang, individually and on behalf of all others similarly situated, Jonathan Herzog, individually and on behalf of all others similarly situated, Hellen Suh, individually and on behalf of all others similarly situated, Brian Vogel, individually and on behalf of all others similarly situated, Shlomo Small, individually and on behalf of all others similarly situated, Alison Hwang, individually and on behalf of all others similarly situated, Kristen Medeiros, individually and on behalf of all others similarly situated, Roger Green, individually and on behalf of all others similarly situated, against Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Todd D. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE, Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE. (tp) (Entered: 07/13/2020)
07/20/2020	53	CONSENT LETTER MOTION for Extension of Time to File Answer addressed to Judge Analisa Torres from Matthew L. Conrad dated July 20, 2020. Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Cuomo(as Governor of the State of New York), Andrew Cuomo(As Governor of the State of New York), Douglas A. Kellner, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, New York State Board of Elections, Andrew Spano, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 07/20/2020)
07/20/2020	54	ORDER: granting 53 Letter Motion for Extension of Time to Answer. GRANTED. By August 21, 2020, Defendants shall answer or otherwise respond to the complaint. SO ORDERED. Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 8/21/2020; Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 8/21/2020; Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 8/21/2020; New York State Board of Elections answer due 8/21/2020; Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE answer due 8/21/2020; Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 8/21/2020. (Signed by Judge Analisa Torres on 7/20/2020) (ama) (Entered: 07/20/2020)
08/20/2020	55	CONSENT LETTER MOTION for Extension of Time to File Answer addressed to Judge Analisa Torres from Matthew L. Conrad dated August 20, 2020. Document filed

		by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Cuomo(as Governor of the State of New York), Andrew Cuomo(As Governor of the State of New York), Douglas A. Kellner, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, New York State Board of Elections, Andrew Spano, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 08/20/2020)
08/21/2020	56	ORDER granting 55 Letter Motion for Extension of Time to Answer re 20 R Amended Complaint. GRANTED. By September 4, 2020, Defendants shall answer or otherwise respond to the complaint. SO ORDERED. (Signed by Judge Analisa Torres on 8/21/2020) (kv) Modified on 8/28/2020 (kv). (Entered: 08/21/2020)
08/21/2020		Set/Reset Deadlines: Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 9/4/2020; Andrew Cuomo(as Governor of the State of New York) answer due 9/4/2020; Andrew Cuomo(As Governor of the State of New York) answer due 9/4/2020; Douglas A. Kellner answer due 9/4/2020; Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 9/4/2020; Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE answer due 9/4/2020; New York State Board of Elections answer due 9/4/2020; New York State Board of Elections answer due 9/4/2020; Andrew Spano answer due 9/4/2020; Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE answer due 9/4/2020; Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE answer due 9/4/2020. (kv) (Entered: 08/28/2020)
08/31/2020	57	PROPOSED STIPULATION AND ORDER. Document filed by Robert A. Brehm, Co-Executive Director, individually and in his official capacities at the NYS BOE, Andrew Cuomo(as Governor of the State of New York), Andrew Cuomo(As Governor of the State of New York), Douglas A. Kellner, Douglas A. Kellner, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, Peter S. Kosinski, Co-Chair and Commissioner, individually and in his official capacities at the NYS BOE, New York State Board of Elections, New York State Board of Elections, Andrew Spano, Andrew Spano, Commissioner, individually and in his official capacities at the NYS BOE, Todd A. Valentine, Co-Executive Director, individually and in his official capacities at the NYS BOE..(Conrad, Matthew) (Entered: 08/31/2020)
09/01/2020	58 R	STIPULATION OF SETTLEMENT AND ORDER: Upon the Court "so ordering" this Stipulation, the Action, and all claims asserted within, are dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and without payments, attorney's fees, costs, disbursements, or expenses except as specified in Paragraph 5 of this Stipulation. For and in consideration of the undertakings by Plaintiffs set forth in this Stipulation, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Defendants hereby agree as follows: a) The State of New York, on behalf of Defendants, agrees to pay to Plaintiffs' counsel the sum of fifty-five thousand, three hundred and seven dollars and thirty-three cents (\$55,307.33) ("Plaintiffs' Settlement Amount Payment"), for which I.R.S. Forms 1099 shall be issued to Kurzon Kohen LLP, in full and complete satisfaction of any and all claims, allegations, or causes of action against the Defendants for attorney's fees, costs, disbursements, and expenses that Plaintiffs may have for any and all attorneys who have at any time represented, consulted with, or acted on behalf of Plaintiffs in connection with the Complaints or this Action. Plaintiffs' Settlement Amount Payment shall be made payable to Kurzon Kohen LLP. b) The State of New York, on behalf of Defendants,

	agrees to pay to Plaintiff- Intervenor counsel the sum of one hundred and sixty-four thousand, six-hundredninety two dollars and sixty-seven cents (\$164,692.67) ("Plaintiff- Intervenor Settlement Amount Payment") as follows, for which I.R.S. Forms 1099 shall be issued to Cohen Green PLLC, Advocates for Justice Chartered Attorneys, and Jonathan Wallace (in the amounts below) in full and complete satisfaction of any and all claims, allegations, or causes of action against the Defendants for attorneys fees, costs, disbursements, and expenses that Plaintiffs may have for any and all attorneys who have at any time represented, consulted with, or acted on behalf of Plaintiffs in connection with the Complaints or this Action. Plaintiff Intervenor Settlement Amount Payment shall be made payable by three separate payments, as follows: a. \$92,449.41 payable to Cohen Green PLLC b. \$47,809.19 payable to Advocates for Justice Chartered Attorneys c. \$24,434.07 payable to Jonathan Wallace. (as further set forth herein). SO ORDERED. (Signed by Judge Analisa Torres on 9/1/2020) (kv) Transmission to Finance Unit (Cashiers) for processing. (Entered: 09/01/2020)
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