

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK A FAVORS, et al.,

11-cv-5632 (DLI) (RLM)

Plaintiffs,

-against-

**ANSWER TO ROSE
INTERVENORS**

ANDREW M. CUOMO, et al.,

Defendants.
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Defendant, Robert Oaks, named herein as a member of LAFTOR (“Oaks”) s/h/i/a Robert Oakes, by his attorneys, Sinnreich Kosakoff & Messina LLP, submits this Answer to the Complaint-in-Intervention of Intervenor-Plaintiffs Linda Rose, Everet Mills, Anthony Hoffman, Kim Thompson-Werekoh, Carlotta Bishop, Carol Rinzler, George Stamatiades, Josephine Rodriguez and Scott Auster (the “Rose Complaint”):

1. The Defendant denies each and every allegation in the complaint except that Defendant admits the allegations contained in paragraphs numbered “10”, “11” “12”, “13”, “14”, “15”, “16”, and “17”.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. None of the Intervenor Plaintiffs have suffered an injury in fact.

3. By virtue of the foregoing, the Intervenor Plaintiffs lack standing to maintain this proceeding.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

4. Defendant LATFOR's reapportionment plan is still being developed and is not yet finalized.

5. By virtue of the foregoing, there is no "case or controversy" for the Court to decide, and Intervenor Plaintiffs' claims should therefore be dismissed for lack of subject matter jurisdiction under FRCP 12(b)(1).

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

6. Intervenor Plaintiffs' Complaint herein fails to state a claim upon which relief can be granted.

7. By virtue of the foregoing, Intervenor Plaintiffs' claims should therefore be dismissed under FRCP 12(b)(6).

WHEREFORE answering Defendant herein respectfully requests the entry of a judgment dismissing the Intervenor Plaintiffs' Complaint in its entirety.

Dated: Central Islip, New York
March 7, 2012.

SINNREICH KOSAKOFF & MESSINA LLP

By: _____/s/_____

JONATHAN SINNREICH

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