# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

MARK A. FAVORS, et al.	)	
Plaintiffs,	)	
v.	)	Case: 1:11-cv-05632-DLI-RLM
ANDREW M. CUOMO, et al.	)	Date of Service: March 7, 2012
Defendants.	)	

# ANSWER OF DEFENDANTS DEAN G. SKELOS, MICHAEL F. NOZZOLIO, AND WELQUIS R. LOPEZ TO COMPLAINT OF INTERVENORS LEE, CHUNG, HONG, AND YANG

Pursuant to the Court's Order, Defendants Dean G. Skelos, Michael F. Nozzolio, and Welquis R. Lopez generally deny that Intervenors Linda Lee, Shing Chor Chung, Jung Ho Hong, and Julia Yang are entitled to any of the relief they seek in their Complaint, and, without assuming the burden of proof, assert the following affirmative defenses:

## FIRST AFFIRMATIVE DEFENSE

(Failure To State A Claim)

Intervenors have failed to allege sufficient facts upon which a claim for relief may be granted.

## **SECOND AFFIRMATIVE DEFENSE**

(Standing)

Intervenors lack standing to assert their claims.

#### THIRD AFFIRMATIVE DEFENSE

## (Lack Of Justiciable Controversy)

Intervenors fail to raise a justiciable controversy between Intervenors and Defendants because Intervenors' claims are not ripe and/or are moot.

# **FOURTH AFFIRMATIVE DEFENSE**

#### (Abstention)

The Court must abstain from resolving any justiciable controversy because Intervenors' claims are premature as the Legislature has sufficient time to enact redistricting legislation.

WHEREFORE, Defendants respectfully request that the Court:

- Dismiss Intervenors' claims with prejudice and enter judgment for Defendants;
  - 2. Grant such other relief to Defendants as the Court may deem just and proper.

Respectfully submitted,

Dated: March 7, 2012

## /s/Michael A. Carvin

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#### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 7th day of March, 2012, a true and correct copy of the

foregoing was served on the following counsel of record through the Court's CM/ECF system:

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