UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARK A. FAVORS, et al.,

Plaintiffs,

- against -

ANDREW CUOMO, et al.,

Defendants.

ANSWER OF DEFENDANTS ANDREW M. CUOMO AND ROBERT J. DUFFY TO AMENDED COMPLAINT-IN-INTERVENTION OF JUAN RAMOS ET AL.

11-CV-5632 (DLI-GEL-RR) (RLM)

Defendants ANDREW M. CUOMO and ROBERT J. DUFFY, by and through their counsel the Attorney General, submit this Answer to the Amended Complaint-in-Intervention of Intervenor-Plaintiffs Juan Ramos, Nick Chavarria, Graciela Heymann, Sandra Martinez, Edwin Roldan, and Manolin Tirado (the "Ramos Amended Complaint"):

PRELIMINARY STATEMENT

1. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 1 of the Ramos Amended Complaint.

2. Defendants Cuomo and Duffy deny that they or their administration has violated the rights of Hispanic voters or anyone else. Defendants Cuomo and Duffy knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 2 of the Ramos Amended Complaint.

3. All of the allegations in paragraph 3 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

JURISDICTION AND VENUE

4. All of the statements in paragraph 4 of the Ramos Amended Complaint

constitute legal conclusions to which no responsive pleading is required.

5. All of the statements in paragraph 5 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

6. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 6 of the Ramos Amended Complaint.

7. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 7 of the Ramos Amended Complaint.

8. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 8 of the Ramos Amended Complaint.

9. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 9 of the Ramos Amended Complaint.

10. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 10 of the Ramos Amended Complaint.

11. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 11 of the Ramos Amended Complaint.

12. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 12 of the

Ramos Amended Complaint.

13. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 13 of the Ramos Amended Complaint.

14. Defendants Cuomo and Duffy admit the allegations in paragraph 14 of the Ramos Amended Complaint.

15. Defendants Cuomo and Duffy admit the allegations in paragraph 15 of the Ramos Amended Complaint.

16. Defendants Cuomo and Duffy admit the allegations in paragraph 16 of the Ramos Amended Complaint.

17. Defendants Cuomo and Duffy admit the allegations in paragraph 17 of the Ramos Amended Complaint.

18. Defendants Cuomo and Duffy admit the allegations in paragraph 18 of the Ramos Amended Complaint.

19. Defendants Cuomo and Duffy admit the allegations in paragraph 19 of the Ramos Amended Complaint.

20. All of the allegations in paragraph 20 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

21. Defendants Cuomo and Duffy admit the allegations in paragraph 21 of the Ramos Amended Complaint.

FACTUAL ALLEGATIONS

22. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 22 of the

Ramos Amended Complaint.

23. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 23 of the Ramos Amended Complaint.

24. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 24 of the Ramos Amended Complaint.

25. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 25 of the Ramos Amended Complaint.

26. Defendants Cuomo and Duffy admit the allegations in paragraph 26 of the Ramos Amended Complaint.

27. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 27 of the Ramos Amended Complaint.

28. Defendants Cuomo and Duffy admit the allegations in paragraph 28 of the Ramos Amended Complaint.

29. All of the allegations in paragraph 29 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

30. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 30 of the Ramos Amended Complaint.

31. All of the allegations in paragraph 31 of the Ramos Amended Complaint

constitute legal conclusions to which no responsive pleading is required.

32. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 32 of the Ramos Amended Complaint.

33. All of the allegations in the first sentence of paragraph 33 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in the second sentence of paragraph 33 of the Ramos Amended Complaint.

34. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 34 of the Ramos Amended Complaint.

35. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 35 of the Ramos Amended Complaint except that Defendants Cuomo and Duffy admit that an action challenging the increase in senate seats from 62 to 63 is before the New York Supreme Court, New York County.

36. Defendants Cuomo and Duffy admit the allegations in paragraph 36 of the Ramos Amended Complaint.

37. All of the allegations in paragraph 37 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

38. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 38 of the

Ramos Amended Complaint.

39. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 39 of the Ramos Amended Complaint except admit that the State Assembly has 150 seats.

40. All of the allegations in paragraph 40 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

41. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 41 of the Ramos Amended Complaint.

42. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 42 of the Ramos Amended Complaint.

43. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 43 of the Ramos Amended Complaint.

44. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 44 of the Ramos Amended Complaint.

45. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 45 of the Ramos Amended Complaint.

46. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 46 of the

Ramos Amended Complaint.

47. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 47 of the Ramos Amended Complaint.

48. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 48 of the Ramos Amended Complaint.

49. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in the last clause of paragraph 49 of the Ramos Amended Complaint. All of the remaining allegations in the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

50. Defendants Cuomo and Duffy deny that they or their administration has diluted anyone's vote or denied anyone equal opportunity in electoral participation in this State. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 50 of the Ramos Amended Complaint.

51. Defendants Cuomo and Duffy deny that they or their administration has diluted anyone's vote or otherwise discriminated against anyone. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 51 of the Ramos Amended Complaint.

52. Defendants Cuomo and Duffy deny that they or their administration has infringed upon minority rights in any manner. Defendants Cuomo and Duffy deny

knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 52 of the Ramos Amended Complaint.

53. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 53 of the Ramos Amended Complaint.

54. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 54 of the Ramos Amended Complaint.

55. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 55 of the Ramos Amended Complaint.

56. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 56 of the Ramos Amended Complaint.

57. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 57 of the Ramos Amended Complaint.

58. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 58 of the Ramos Amended Complaint.

59. All of the allegations in paragraph 59 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

60. Defendants Cuomo and Duffy deny knowledge or information sufficient

to form a belief regarding the truth or falsity of the allegations in paragraph 60 of the Ramos Amended Complaint.

61. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 61 of the Ramos Amended Complaint.

62. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 62 of the Ramos Amended Complaint.

63. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 63 of the Ramos Amended Complaint.

64. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 64 of the Ramos Amended Complaint.

65. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 65 of the Ramos Amended Complaint.

66. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations in paragraph 66 of the Ramos Amended Complaint.

67. Defendants Cuomo and Duffy deny that they or their administration has diluted the voting strength of Latino voters or any other voters. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or

falsity of the remaining allegations in paragraph 67 of the Ramos Amended Complaint.

COUNT ONE

68. Defendants Cuomo and Duffy repeat their responses to paragraphs 1 through 67 of the Ramos Amended Complaint.

69. Defendants Cuomo and Duffy deny that they or their administration has violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution or that they or their administration has favored one part of New York State at the expense of any other region. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 69 of the Ramos Amended Complaint.

70. All of the statements in paragraph 70 of the Ramos Complaint constitute legal conclusions to which no responsive pleading is required.

COUNT TWO

71. Defendants Cuomo and Duffy repeat their responses to paragraphs 1 through 70 of the Ramos Amended Complaint.

72. Defendants Cuomo and Duffy deny that they or their administration has violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 72 of the Ramos Amended Complaint.

73. Defendants Cuomo and Duffy deny that they or their administration has diminished Plaintiff-Intervenors' voting rights or deprived them of any rights. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding

the truth or falsity of the remaining allegations in paragraph 73 of the Ramos Amended Complaint.

74. All of the statements in paragraph 74 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

COUNT THREE

75. Defendants Cuomo and Duffy repeat their responses to paragraphs 1 through 74 of the Ramos Amended Complaint.

76. All of the statements in paragraph 76 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

77. Defendants Cuomo and Duffy deny that they or their administration has diluted Latino voting strength. Defendants Cuomo and Duffy deny knowledge or information sufficient to form a belief regarding the truth or falsity of the remaining allegations in paragraph 77 of the Ramos Amended Complaint.

78. All of the statements in paragraph 78 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

79. All of the statements in paragraph 79 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

80. All of the statements in paragraph 80 of the Ramos Amended Complaint constitute legal conclusions to which no responsive pleading is required.

COUNT FOUR

81. Defendants Cuomo and Duffy repeat their responses to paragraphs 1 through 80 of the Ramos Amended Complaint.

82. All of the statements in paragraph 82 of the Ramos Amended Complaint

constitute legal conclusions to which no responsive pleading is required.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a cause of action.

SECOND AFFIRMATIVE DEFENSE

Defendants Cuomo and Duffy have had no personal involvement in any alleged violations of law.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs lack standing to assert causes of action with respect to districts in which they do not reside.

FOURTH AFFIRMATIVE DEFENSE

The Court must defer to the sovereign State of New York, including its judicial branch, with respect to redistricting claims.

FIFTH AFFIRMATIVE DEFENSE

The severability clause in Chapter 16 of the Laws of 2012 requires that if any provision of the redistricting map should be held unconstitutional, the remainder of the law remains in effect.

WHEREFORE, Defendants Cuomo and Duffy request that this Court dismiss this action and grant such other relief as the Court may deem just and proper.

Dated: New York, New York
April 2, 2012

Respectfully submitted,

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Attorney for Defendants Andrew M. Cuomo and Robert J. Duffy

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