

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARK A. FAVORS, et al.,

Plaintiffs,

DONNA KAY DRAYTON, et al.,

Intervenor-Plaintiffs,

11CV 5632

(RR)(GEL)(DLI)

v.

ANDREW M. CUOMO, as Governor of the  
State of New York, et al.,

Defendants.  
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**LEE INTERVENORS' RESPONSE TO SENATE MAJORITY DEFENDANTS' MOTION  
TO DISMISS COUNTS I, II AND III OF THEIR FIRST AMENDED COMPLAINT-IN-  
INTERVENTION**

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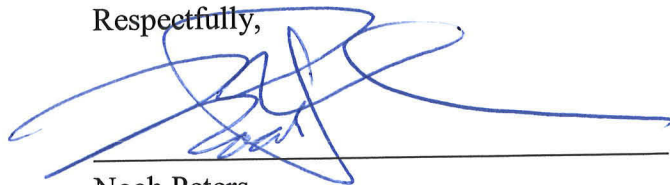
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For substantially the reasons stated by the Favors Plaintiffs in their Memorandum of Law filed today in opposition to the Senate Majority Defendants Motion to Dismiss Plaintiffs' First Amended Complaint (Docket 286), Plaintiff-Intervenors Linda Lee, Shing Chor Chung, Jung Ho Hong and Julia Yang (the "Lee Intervenors") oppose the Senate Majority Defendants' motion to dismiss Counts I, II and III of their First Amended Complaint-in-Intervention. The Lee Intervenors continue to believe that their claims are ripe, and that "[t]his Court cannot afford to wait for clarity from the state courts and the Department of Justice regarding the lawfulness of the Legislature's plan, and should therefore begin the process of developing a plan now," as the Supreme Court approved in *Branch v. Smith*, 538 U.S. 254 (2003). (See Lee Intervenors' First Amended Complaint-in-Intervention, Docket 256 ["Amended Complaint-in-Intervention"] at ¶ 64).

For these reasons and the other reasons set forth in the Favors Plaintiffs' Memorandum (Doc. 296), and because the Lee Intervenors seek "to place their interests before the Special Master and this Court as it considers the new contours" of New York's legislative boundaries (Amended Complaint-in-Intervention at ¶ 2), the Lee Intervenors urge that this Court deny the Senate Majority Defendants' motion insofar as it seeks to dismiss parts of their First Amended Complaint-in-Intervention filed on March 27, 2012.

Dated: April 9, 2012

Respectfully,



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