

4. Defendants admit that Plaintiffs-Intervenors' complaint arises under the United States Constitution and federal statutes, but deny that Plaintiffs-Intervenors are entitled to relief.

5. Defendants admit that the Court has subject matter jurisdiction over the federal constitutional claims in Plaintiffs-Intervenors' Complaint, but deny that Plaintiffs-Intervenors are entitled to relief.

6. Defendants admit that the Court has jurisdiction over Plaintiffs-Intervenors' Voting Rights Act claims, but deny that Plaintiffs-Intervenors are entitled to relief.

7. Defendants deny the allegations of paragraph 7 of the Complaint.

8. Defendants deny the allegations of paragraph 8 of the Complaint.

9. Defendants admit that venue is proper in this Court.

10. Paragraph 10 contains conclusions of law to which no response is required. To the extent a response is required, Defendants admit that a three-judge Court had been convened to adjudicate the constitutionality of the apportionment of congressional districts or the apportionment of a statewide legislative body.

11. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 11 and therefore deny them.

12. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 12 and therefore deny them.

13. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 13 and therefore deny them.

14. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 14 and therefore deny them.

15. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 15 and therefore deny them.

16. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 16 and therefore deny them.

17. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 17 and therefore deny them.

18. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 18 and therefore deny them.

19. Defendants admit the first sentence of paragraph 19. The second sentence expresses Plaintiffs-Intervenors' intention to sue the Governor in his official capacity and requires no responsive pleading.

20. Defendants admit the first sentence of paragraph 20. The second sentence expresses Plaintiffs-Intervenors' intention to sue the Attorney General in his official capacity and requires no responsive pleading.

21. Defendants admit the first sentence of paragraph 21. The second sentence expresses Plaintiffs-Intervenors' intention to sue the Lieutenant Governor in his official capacity and requires no responsive pleading.

22. Plaintiffs-Intervenors have omitted paragraph 22 in their Complaint.

23. Defendants admit the first sentence of paragraph 23. The second sentence expresses Plaintiffs-Intervenors' intention to sue Defendant Skelos in his official capacity and requires no responsive pleading.

24. Defendants admit the first sentence of paragraph 24. The second sentence expresses Plaintiffs-Intervenors' intention to sue Assembly Speaker Silver in his official capacity and requires no responsive pleading.

25. Defendants admit the first sentence of paragraph 25. The second sentence expresses Plaintiffs-Intervenors' intention to sue Senate Minority Leader Sampson in his official capacity and requires no responsive pleading.

26. Defendants admit the first sentence of paragraph 26. The second sentence expresses Plaintiffs-Intervenors' intention to sue Assembly Minority Leader Kolb in his official capacity and requires no responsive pleading.

27. Defendants admit the allegations of paragraph 27 and aver that the statute that sets forth the scope of LATFOR's duties and powers speaks for itself.

28. Defendants admit the first sentence of paragraph 28. The second sentence expresses Plaintiffs-Intervenors' intention to sue Defendant Nozzolio, Defendant Lopez, John J. McEneny, Robert Oaks, Roman Hedges, and Martin Malave Dilan in their official capacity and requires no responsive pleading.

29. Defendants admit the allegations of paragraph 29.

30. Paragraph 30 contains conclusions of law to which no responsive pleading is required.

31. Defendants admit the allegations of paragraph 31.

32. Defendants admit that population disparities as reflected in the 2010 Census required that New York State Senate and Assembly districts be redrawn.

33. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 33, and therefore deny them. Defendants further aver that the census data speaks for itself.

34. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 34, and therefore deny them. Defendants further aver that the census data speaks for itself.

35. Defendants admit the allegations of paragraph 35.

36. Defendants admit the allegations of paragraph 36.

37. Defendants admit the allegations of paragraph 37.

38. Defendants admit the allegations of paragraph 38.

39. Defendants deny the allegations of paragraph 39.

40. Paragraph 40 contains conclusions of law to which no responsive pleading is required.

41. Defendants admit the allegations of paragraph 41.

42. Defendants admit the first sentence of paragraph 42. Defendants deny the remaining allegations in paragraph 42.

43. Defendants admit the allegations of paragraph 43.

44. Defendants admit the allegations in the first sentence of paragraph 44, deny the allegations in the second sentence of paragraph 42, and aver that the New York State Senate filed an action for a declaratory judgment in the United States District Court for the District of Columbia on March 16, 2012.

45. Defendants admit the first sentence of paragraph 45 and deny the second sentence of paragraph 45.

46. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 46, and therefore deny them.

47. Defendants admit the allegations of paragraph 47 and aver that the New York County Supreme Court has denied the petition in the *Cohen v. Cuomo* proceeding and entered a judgment for the respondents.

48. Defendants deny the allegations of paragraph 48.

49. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 50, and therefore deny them. Defendants further aver that the census data speaks for itself.

50. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 50, and therefore deny them.

51. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 51, and therefore deny them.

52. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 52, and therefore deny them.

53. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in sentence one and sentence two, and therefore deny them. Defendants deny the remaining allegations in paragraph 53.

54. Defendants deny the allegations of paragraph 54.

55. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 55, and therefore deny them.

56. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 56, and therefore deny them.

57. Defendants deny the allegations of paragraph 57.

58. Defendants deny the allegations of paragraph 58.

59. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 59 concerning the Assembly Plan, and therefore deny them.

60. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 60 concerning the Assembly Plan--which is mislabeled as a second paragraph 59 in the Complaint—and therefore deny them.

61. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 61 concerning the Assembly Plan, and therefore deny them.

62. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 62 concerning the Assembly Plan, and therefore deny them.

63. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 63 concerning the Assembly Plan, and therefore deny them.

64. Defendants deny the allegations in paragraph 64.

65. Defendants deny the allegations of paragraph 65.

66. Defendants deny the allegations of paragraph 66.

67. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 67, and therefore deny them.

67. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in Plaintiff's second paragraph 67 of their Complaint, and therefore deny them.

68. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 68, and therefore deny them.

69. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 69, and therefore deny them.

70. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 70, and therefore deny them.

71. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 71, and therefore deny them.

72. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 72, and therefore deny them.

73. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 73, and therefore deny them.

74. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in the first sentence, and therefore deny them. Defendants deny the remaining allegations in paragraph 74.

75. Defendants deny the allegations of paragraph 75.

76. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 76, and therefore deny them.

77. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 77, and therefore deny them.

78. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 78, and therefore deny them.

79. Defendants deny the allegations of paragraph 79.

80. Defendants deny the allegations of paragraph 80.

81. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

81. Defendants deny the allegations in Plaintiff's second paragraph 81 in their Complaint.

82. Defendants deny the allegations in paragraph 82.

83. Defendants deny the allegations of paragraph 83.

84. Defendants deny the allegations of paragraph 84.

85. Defendants deny the allegations of paragraph 85.

86. Defendants deny the allegations of paragraph 86.

87. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

88. Defendants deny the allegations in paragraph 88.

89. Defendants deny the allegations of paragraph 89.

90. Defendants deny the allegations of paragraph 90.

91. Defendants deny the allegations of paragraph 91.

92. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

93. Defendants deny the allegations of paragraph 93.

94. Defendants deny the allegations of paragraph 94.

95. Defendants deny the allegations of paragraph 95.

96. Defendants deny the allegations of paragraph 96.

97. Defendants deny the allegations of paragraph 97.

98. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

99. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 99, and therefore deny them. Defendants further aver that the census data speaks for itself.

100. Defendants deny the allegations of paragraph 100.

101. Defendants deny the allegations of paragraph 101.

102. Defendants admit the allegations of paragraph 102.

103. Defendants admit the allegations of paragraph 103.

104. Defendants admit the allegations of paragraph 104.

105. Defendants deny the first sentence of paragraph 105. Defendants admit that a new Senate district is located outside New York City and deny the remaining allegations in paragraph 105.

106. Defendants deny the allegations of paragraph 106.

107. Defendants deny the allegations of paragraph 107.

108. Defendants admit the allegations of paragraph 108.

109. Defendants deny the allegations of paragraph 109.

110. Defendants deny the allegations of paragraph 110.

111. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

112. Defendants deny the allegations of paragraph 112.

113. Paragraph 113 contains conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations of paragraph 113.

114. Defendants deny the allegations of paragraph 114.

115. Defendants deny the allegations of paragraph 115.

116. Defendants deny the allegations of paragraph 116.

117. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 117, and therefore deny them.

118. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 118, and therefore deny them.

119. Defendants deny the allegations of paragraph 119.

120. Defendants deny the allegations of paragraph 120.

121. Defendants deny the allegations of paragraph 121.

122. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

123. Defendants deny the allegations of paragraph 123.

124. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

125. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations concerning the Assembly Plan and therefore deny the allegations of Paragraph 125.

126. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations concerning the Assembly Plan and therefore deny the allegations of Paragraph 126.

127. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

128. Defendants deny the allegations of paragraph 128.

129. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.

130. Defendants deny the allegations of paragraph 130.

130. Defendants deny the allegations of the second paragraph 130 in the Complaint.

131. Defendants deny the allegations of paragraph 131.

A. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph A of their prayer for relief.

B. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph B of their prayer for relief.

C. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph C of their prayer for relief.

D. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph D of their prayer for relief.

E. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph E of their prayer for relief.

F. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph F of their prayer for relief.

G. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph G of their prayer for relief.

H. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph H of their prayer for relief.

I. Defendants deny that Plaintiffs are entitled to the relief sought in paragraph I of their prayer for relief.

AFFIRMATIVE DEFENSES

Without assuming the burden of proof, Defendants assert the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(Failure To State A Claim)

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

SECOND AFFIRMATIVE DEFENSE

(Standing)

Plaintiffs-Intervenors lack standing to assert their claims.

THIRD AFFIRMATIVE DEFENSE

(Lack Of Justiciable Controversy)

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

FOURTH AFFIRMATIVE DEFENSE

(Claim Not Properly Before a Three-Judge Court)

Plaintiffs-Intervenors' claim pursuant to Section 2 of the Voting Rights Act is not properly before a three-judge court under 28 U.S.C. § 2284(a).

WHEREFORE, Defendants respectfully request that the Court:

1. Dismiss Plaintiffs' claims with prejudice and enter judgment for Defendants; and

2. Grant such other relief to Defendants as the Court may deem just and proper.

Dated: May 2, 2012

Respectfully submitted,

/s/Michael A. Carvin

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CERTIFICATE OF SERVICE

I hereby certify that, on this 2nd day of May, 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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