

4. Defendants admit that the Court has jurisdiction over Plaintiffs' federal constitutional claims and deny the remaining allegations in paragraph 4.
5. Defendants admit that venue is proper in this district.
6. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 6 and therefore deny them.
7. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 7 and therefore deny them.
8. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 8 and therefore deny them.
9. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 9 and therefore deny them.
10. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 10 and therefore deny them.
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 admit the first sentence of paragraph 14. The second sentence expresses Plaintiffs-Intervenors' intention to sue the Governor in his official capacity and requires no responsive pleading.

15. Defendants admit the first sentence of paragraph 15. The second sentence expresses Plaintiffs-Intervenors' intention to sue the Lieutenant Governor in his official capacity and requires no responsive pleading.

16. Defendants admit the first sentence of paragraph 16. The second sentence expresses Plaintiffs-Intervenors' intention to sue Defendant Skelos in his official capacity and requires no responsive pleading.

17. Defendants admit the first sentence of paragraph 17. The second sentence expresses Plaintiffs-Intervenors' intention to sue Assembly Speaker Silver in his official capacity and requires no responsive pleading.

18. Defendants admit the first sentence of paragraph 18. The second sentence expresses Plaintiffs-Intervenors' intention to sue Senate Minority Leader Sampson in his official capacity and requires no responsive pleading.

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

20. Defendants admit the allegations of paragraph 20 and aver that the statute that sets forth the scope of LATFOR's duties and powers speaks for itself.

21. Defendants admit the first sentence of paragraph 21. 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.

22. Defendants admit the allegations of paragraph 22.

23. Defendants admit that the 2010 Census data required that New York State Senate Districts be redrawn.

24. Defendants deny the allegations of paragraph 24.

25. Defendants admit the first three sentences of paragraph 25, deny the fourth sentence of paragraph 25, and aver that LATFOR held many public hearings after the release of the 63-seat Senate plan.

26. Defendants admit the allegations of paragraph 26.

27. Defendants admit the allegations of paragraph 27.

28. Defendants admit the allegations of paragraph 28.

29. Defendants deny the allegations of paragraph 29 on the ground that this paragraph is unclear.

30. Defendants admit the first sentence of paragraph 30. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations concerning the Assembly Plan, and therefore deny them.

31. Defendants admit the allegations of paragraph 31.

32. Defendants deny the allegations of paragraph 32.

33. Defendants deny the allegations of paragraph 33.

34. Defendants deny the allegations of paragraph 35, state that Plaintiffs-Intervenors' allegations are moot, and further state that the Department of Justice precleared the Senate Plan on April 27, 2012.

35. Defendants admit the allegations in paragraph 35 of the Complaint and aver that the New York County Supreme Court has entered a judgment for respondents in the *Cohen v. Cuomo* proceeding.

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 admit the allegations of paragraph 39.
40. Defendants deny the allegations of paragraph 40.
41. Defendants admit the allegations of paragraph 41.
42. Defendants deny the allegations of paragraph 42.
43. Defendants deny the allegations of paragraph 43.
44. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 44, and therefore deny them, and state that the census results speak for themselves..
45. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 45, and therefore deny them, and state that the census results speak for themselves..
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, and state that the census results speak for themselves.
47. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in the first sentence paragraph 47, and therefore deny them, and state that the census results speak for themselves. Defendants deny the remaining allegations in paragraph 47.
48. Defendants admit the allegations regarding the location and population of the new Senate district. Defendants deny any remaining allegations in paragraph 48.
49. Defendants deny the allegations in paragraph 49.

50. Defendants deny the allegations in paragraph 50.
51. Defendants deny the allegations in paragraph 51.
52. Defendants deny the allegations in paragraph 52.
53. Defendants admit that the Senate Plan creates two majority Latino districts in the Bronx. Defendants deny the remaining allegations in paragraph 53.
54. Defendants admit the allegations regarding the location and population of Senate District 34. Defendants deny the remaining allegations in paragraph 54.
55. Defendants admit the allegations regarding the population of Senate District 32. Defendants deny the remaining allegations in paragraph 55.
56. Defendants admit the allegations regarding the population of Senate District 33. Defendants deny the remaining allegations in paragraph 56.
57. Defendants deny the allegations of paragraph 57.
58. Defendants admit the allegations regarding the location and population of Senate District 29. Defendants deny the remaining allegations in paragraph 58.
59. Defendants deny the allegations in paragraph 59.
60. Defendants deny the allegations in paragraph 60.
61. Defendants deny the allegations in paragraph 61.
62. Defendants deny the allegations of paragraph 62.
63. Defendants deny the allegations of paragraph 63.
64. Defendants deny the allegations of paragraph 64.
65. Defendants lack sufficient information to admit or deny the allegations of paragraph 65 and therefore deny them.
66. Defendants deny the allegations of paragraph 66.

67. Defendants deny the allegations of paragraph 67.

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

69. Defendants deny the allegations of paragraph 69

70. Defendants deny the allegations of paragraph 70.

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

72. Defendants deny the allegations in paragraph 72.

73. Defendants deny the allegations in paragraph 73.

74. Defendants deny the allegations of paragraph 74.

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

76. Defendants deny the allegations of paragraph 76.

77. Defendants deny the allegations of paragraph 77.

78. Paragraph 78 contains conclusions of law which require no responsive pleading.

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.

82. Defendants deny the allegations of paragraph 82.

1. Defendants deny the allegations of paragraph 1 of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

2. Defendants deny the allegations of paragraph 2 of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

3. Defendants deny the allegations of paragraph 3 of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

4. Defendants deny the allegations of paragraph 4 of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

5. Defendants deny the allegations of paragraph 5 of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

6. Defendants deny the allegations of paragraph 6 of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

AFFIRMATIVE DEFENSES

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

FIRST AFFIRMATIVE DEFENSE

(Failure To State A Claim)

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

SECOND AFFIRMATIVE DEFENSE

(Standing)

Plaintiffs lack standing to assert their claims.

THIRD AFFIRMATIVE DEFENSE

(Lack Of Justiciable Controversy)

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

FOURTH AFFIRMATIVE DEFENSE

(No statutory basis for a three-judge Court for Plaintiffs' Section 2 Claim)

Plaintiffs' claim pursuant to Section 2 of the Voting Rights Act is not properly before this Court pursuant to 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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