

3. Defendants admit that some of Plaintiffs-Intervenors' claims arise under the United States Constitution and a federal statute, but deny that Plaintiffs-Intervenors are entitled to relief.

4. Defendants admit that the Court has jurisdiction over the Plaintiffs-Intervenors' Complaint, but deny that Plaintiffs-Intervenors are entitled to relief.

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 admit the allegations of paragraph 11.

12. Defendants admit the allegations of paragraph 12.

13. Defendants admit the allegations of paragraph 13.

14. Defendants admit the allegations of paragraph 14.

15. Defendants admit the allegations of paragraph 15.

16. Defendants admit the allegations of paragraph 16.

17. Defendants admit the allegations of paragraph 17.

18. Defendants admit the allegations of paragraph 18.
19. Defendants admit the allegations of paragraph 19.
20. Paragraph 20 contains conclusions of law, to which no response is required.
21. Paragraph 21 contains conclusions of law, to which no response is required.
22. Paragraph 22 contains conclusions of law, to which no response is required.
23. Defendants admit the allegations of paragraph 23.
24. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 24, and therefore deny them, and state that the census results speak for themselves.
25. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 25, and therefore deny them, and state that the census results speak for themselves.
26. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 26, and therefore deny them, and state that the census results speak for themselves.
27. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 27, and therefore deny them, and state that the census results speak for themselves.
28. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 28, and therefore deny them, and state that the census results speak for themselves.
29. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 29, and therefore deny them.

30. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in the first sentence of paragraph 30, and therefore deny them, and state that the census results speak for themselves. Defendants deny the remaining allegations of paragraph 30.

31. Defendants admit the allegations of paragraph 31.

32. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 32, and therefore deny them.

33. Defendants deny the allegations in paragraph 33.

34. Defendants admit the allegations of paragraph 34.

35. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 35, and therefore deny them.

36. Paragraph 36 contains conclusions of law to which no responsive pleading is required.

37. Defendants admit the allegations of paragraph 37.

38. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 38, and therefore deny them.

39. Defendants admit the allegations of paragraph 39.

40. Defendants admit the allegations of paragraph 40.

41. Defendants admit the allegations of paragraph 41.

42. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 42, and therefore deny them.

43. Defendants admit that AALDEF has stated that it conducted a survey of Asian American groups in New York City in 2011 and denies the remaining allegations in paragraph 43 for lack of sufficient information to form a belief as to their truth or falsity.

44. Defendants deny the allegations of paragraph 44.
45. Defendants admit the allegations of paragraph 45.
46. Defendants admit the allegations of paragraph 46.
47. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 47, and therefore deny them.
48. Defendants admit the allegations of paragraph 48.
49. Defendants admit the first sentence of paragraph 49. The second sentence contains conclusions of law to which no responsive pleading is required.
50. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 50.
51. Defendants admit the allegations of paragraph 51.
52. Defendants admit the allegations of paragraph 52.
53. Defendants admit the allegations of paragraph 53.
54. Defendants admit the allegations of paragraph 54.
55. Defendants deny the allegations of paragraph 55.
56. Defendants admit the allegations of paragraph 56.
57. Defendants admit the allegations of paragraph 57.
58. Defendants admit the allegations of paragraph 58.
59. Defendants admit the first sentence of paragraph 59, deny the second sentence, deny the third sentence, and aver that the petitioners' appeal from the New York County Supreme Court's judgment in favor of respondents in *Cohen v. Cuomo* is pending before the New York Court of Appeals.
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 deny the allegations of paragraph 65.
66. Defendants incorporate by reference their response to the allegations contained in the Complaint set forth above as if fully restated herein.
67. Paragraph 67 contains conclusions of law to which no response is required.
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 deny the allegations of paragraph 72.
73. Defendants deny the allegations of paragraph 73.
74. Defendants deny the allegations of paragraph 74.
75. Defendants deny the allegations of paragraph 75.
76. Defendants deny the allegations of paragraph 76.
77. Defendants deny the allegations of paragraph 77.
78. Defendants deny the allegations of paragraph 78.

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

80. Defendants deny the allegations in paragraph 80.

81. Defendants deny the allegations of paragraph 81.

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

87. Defendants deny the allegations of paragraph 87.

88. Defendants deny the allegations of 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 deny the allegations of paragraph 92.

93. Defendants deny the allegations of paragraph 93.

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

95. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 95, and therefore deny them, and state that the census results speak for themselves.

96. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 96, and therefore deny them, and state that the census results speak for themselves..

97. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 97, and therefore deny them, and state that the census results speak for themselves.

98. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 98, and therefore deny them, and state that the census results speak for themselves.

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, and state that the census results speak for themselves.

100. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 100, and therefore deny them, and state that the census results speak for themselves.

101. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 101, and therefore deny them, and state that the census results speak for themselves.

102. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 102, and therefore deny them, and state that the census results speak for themselves.

103. Defendants admit that the 2012 Senate Plan increases the Senate size to 63 seats, and that the new seat is located outside New York City. Defendants deny the remaining allegations in paragraph 103.

104. Defendants admit the allegations as to the deviations in Senate districts in New York City and deny the remaining allegations of paragraph 104.

105. Defendants admit the allegations of paragraph 105.

106. Defendants admit 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 lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 111 and therefore deny them.

112. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 112 and therefore deny them.

113. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 113 and therefore deny them.

114. Defendants deny the allegations of paragraph 114.

115. Defendants deny the allegations of paragraph 115.

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

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

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

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

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

F. Defendants deny that Plaintiffs are entitled to the relief requested in paragraph F 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 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.

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

Michael A. Carvin (MC 9266)
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113
202/879-3939

Todd R. Geremia (TG 4454)
JONES DAY
222 East 41st Street
New York, NY 10017-6702
212/326-3939

David Lewis (DL 0037)
LEWIS & FIORE
225 Broadway, Suite 3300
New York, NY 10007
212/285-2290

*Attorneys For Defendants Dean G. Skelos, Michael
F. Nozzolio, and Welquis R. Lopez*

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:

Richard Mancino
Daniel Max Burstein
Jeffrey Alan Williams
WILLKIE FARR & GALLAGHER
787 Seventh Avenue
New York, NY 10019

Attorneys for Plaintiffs

Leonard M. Kohen
67 E. 11th Street #703
New York, NY 10003

*Attorney for Defendants John L. Sampson
and Martin Malave Dilan*

Harold D. Gordon
Couch White, LLP
540 Broadway
Albany, NY 12201

Attorney for Defendant Brian M. Kolb

James D. Herschlein
KAYE SCHOLER LLP
425 Park Avenue
New York, NY 10022

*Attorney for Intervenors Lee,
Chung, Hong, and Lang*

Jeffrey Dean Vanacore
Perkins Coie LLP
30 Rockefeller Center, 25th Floor
New York, NY 10112

Attorney for Rose Proposed Intervenors

Joshua Pepper
Assistant Attorney General
120 Broadway, 24th Floor
New York, NY 10271

*Attorney for Defendants Andrew M. Cuomo,
Eric T. Schneiderman, and Robert J. Duffy*

Jonathan Sinnreich
SINNREICH KOSAKOFF & MESSINA LLP
267 Carleton Avenue, Suite 301
Central Islip, NY 11722

Attorney for Defendant Robert Oaks

Joan P. Gibbs
Center for Law and Social Justice
1150 Carroll Street
Brooklyn, NY 11225

*Attorney for Intervenors Drayton, Ellis,
Forrest, Johnson, Woolley, and Wright*

Jackson Chin
LatinoJustice PRLDEF
99 Hudson Street, 14th Floor
New York, NY 10013

*Attorney for Intervenors Ramos, Chavarria,
Heymann, Martinez, Roldan, and Tirado*

/s/Michael A. Carvin