

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-05504-AT**

Gallagher et. al. v. New York State Board of Elections
et. al.
Assigned to: Judge Analisa Torres
Cause: 42:1983 Civil Rights Act

Date Filed: 07/17/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

Emily Gallagher
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
Law Office of Ali Najmi
80-02 Kew Gardens Road, Suite
5001
Kew Gardens, NY 11415
(718) 637 7707
Fax: (888)-370-2397
Email: alinajmiesq@gmail.com
ATTORNEY TO BE NOTICED

Jonathan Wallace
Solo Practitioner
Astoria, NY 11105
(917)-359-6234
Fax: (718)-709-7728
Email:
jonathan.wallace80@gmail.com
ATTORNEY TO BE NOTICED

Remy Green
Cohen&Green
1639 Centre Street
Suite 216
Ridgewood, NY 11385
929-888-9480
Fax: 929-888-9457
Email: j.remy.green@gmail.com
ATTORNEY TO BE NOTICED

Plaintiff

Suraj Patel
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Katherine Stabile
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jillian Santella
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Aaron Seabright
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

James C. McNamee
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Kristin Sage Rockerman
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Maria Barva
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Miriam Lazewatsky
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Myles Peterson
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Samantha Pinsky
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)
ATTORNEY TO BE NOTICED

Remy Green
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Christian O'Toole
*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Wallace
(See above for address)

ATTORNEY TO BE NOTICED

Remy Green

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Tess Harkin

*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**

(See above for address)

ATTORNEY TO BE NOTICED

Jonathan Wallace

(See above for address)

ATTORNEY TO BE NOTICED

Remy Green

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Caitlin Phung

*individually, and on behalf of all
others similarly situated*

represented by **Ali Najmi**

(See above for address)

ATTORNEY TO BE NOTICED

Jonathan Wallace

(See above for address)

ATTORNEY TO BE NOTICED

Remy Green

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Antonio Pontex-Nunez

*individually, and on behalf of all
others similarly situated*

TERMINATED: 09/11/2020

represented by **Ali Najmi**

(See above for address)

ATTORNEY TO BE NOTICED

Jonathan Wallace

(See above for address)

ATTORNEY TO BE NOTICED

Remy Green

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Antonio Ponton-Nunez
*individually, and on behalf of all
others similarly situated,*

represented by **Remy Green**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Alessandra Biaggi
*individually, and on behalf of all
others similarly situated,*

represented by **Remy Green**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**New York State Board of
Elections**

represented by **Owen Thomas Conroy**
New York State, Office of the
Attorney General
28 Liberty Street
New York, NY 10005
212-416-6382
Fax: 212-416-6009
Email: owen.conroy@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roderick Leopold Arz
New York State Office of the
Attorney General (28 Liberty)
28 Liberty Street, 15th Floor
New York, NY 10005
212-416-8633
Fax: 212-416-6009
Email: Roderick.Arz@ag.ny.gov
ATTORNEY TO BE NOTICED

Defendant

Peter S. Kosinski
*individually and in their official
capacities as Commissioners of the
New York State Board of Elections*

represented by **Owen Thomas Conroy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roderick Leopold Arz
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Andrew Spano

*individually and in their official
capacities as Commissioners of the
New York State Board of Elections*

represented by **Owen Thomas Conroy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roderick Leopold Arz

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Douglas Kellner

*individually and in their official
capacities as Commissioners of the
New York State Board of Elections*

represented by **Owen Thomas Conroy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas A. Kellner

Kellner Herlihy Getty & Friedman
LLP

470 Park Avenue South - 7th Floor
New York, NY 10016

(212)-889-2121

Fax: (212)-684-6224

Email: dak@khgflaw.com

ATTORNEY TO BE NOTICED

Roderick Leopold Arz

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Todd D. Valentine

*individually and in their official
capacities as Commissioners of the
New York State Board of Elections*

represented by **Owen Thomas Conroy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roderick Leopold Arz

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Robert A. Brehm

individually and in their official

represented by **Owen Thomas Conroy**
(See above for address)
LEAD ATTORNEY

*capacities as Commissioners of the
New York State Board of Elections*

ATTORNEY TO BE NOTICED

Roderick Leopold Arz

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Andrew Cuomo

*as Governor of the State of New
York*

represented by **Owen Thomas Conroy**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Roderick Leopold Arz

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

New York City Board of Elections

TERMINATED: 09/11/2020

represented by **Stephen Edward Kitzinger**

New York City Law Depart. Office
of the Corporation Counsel

100 Church Street

New York, NY 10007

212-788-0849

Fax: 212-788-8877

Email: SKitzing@law.nyc.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Patricia Anne Taylor

individually

Defendant

Patricia Anne Taylor

*President of the New York Board of
Elections*

TERMINATED: 09/11/2020

represented by **Stephen Edward Kitzinger**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Michael J. Ryan

individually

represented by **Stephen Edward Kitzinger**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Michael J. Ryan

*Executive Director of the New York
City Board of Elections*

TERMINATED: 09/11/2020

Defendant

Todd D. Valentine

*individually and in their official
capacities as Co-Executive
Directors of the New York State
Board of Elections*

Defendant

Robert A. Brehm

*individually and in their official
capacities as Co-Executive
Directors of the New York State
Board of Elections*

Intervenor Defendant

**New York City Board Of
Elections**

represented by **Stephen Edward Kitzinger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Patricia Anne Taylor

*individually and as President of the
New York City Board of Elections*
TERMINATED: 09/11/2020

represented by **Stephen Edward Kitzinger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Michael J. Ryan

*individually and as Executive
Director of the New York City Board
of Elections*

represented by **Stephen Edward Kitzinger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Maria D. Kaufer

represented by **Arthur Z Schwartz**
Advocates for Justice, Chartered
Attorneys
225 Broadway, Suite 1902

New York, NY 10007
(212)-285-1400
Fax: (212) 285-1410
Email: aschwartz@advocatesny.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Ethan Felder

represented by **Arthur Z Schwartz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

United States Postal Service

represented by **Ilan Stein**
DOJ-USAO
U.S. Attorney's Office, SDNY
86 Chambers Street
New York, NY 10007
212-637-2525
Email: ilan.stein@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/17/2020	<u>1</u>	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR - COMPLAINT against All Defendants. (Filing Fee \$ 400.00, Receipt Number ANYSDC-20733786)Document filed by Samantha Pinsky, Kristin Sage Rockerman, Suraj Patel, Emily Gallagher, Tess Harkin, McNamee C. James, Katherine Stabile, Miriam Lazewatsky, Christian O'Toole, Caitlin Phung, Antonio Pontex-Nunez, Maria Barva, Jillian Santella, Myles Peterson, Seabright Aaron. (Attachments: # <u>1</u> Exhibit Exhibit 1 - Ballot Stamped "Invalid", # <u>2</u> Exhibit Exhibit 2 - BOE Twitter Thread).(Green, Remy) Modified on 7/20/2020 (jgo). (Entered: 07/17/2020)
07/17/2020	<u>2</u>	CIVIL COVER SHEET filed..(Green, Remy) (Entered: 07/17/2020)
07/17/2020	<u>3</u>	MOTION for Preliminary Injunction . Document filed by Seabright Aaron, Maria Barva, Emily Gallagher, Tess Harkin,

		<p>McNamee C. James, Miriam Lazewatsky, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella,</p> <p>Katherine Stabile. (Attachments: # 1 Memo of Law in Support of Motion).(Green, Remy) (Entered: 07/17/2020)</p>
07/17/2020	4	<p>REQUEST FOR ISSUANCE OF SUMMONS as to New York State Board of Elections; Peter S. Kosinski, Andrew Spano, and Douglas Kellner, individually and in their official capacities as Commissioners of the New York State Board of Elections; Todd D. Valentine, Robert A. Brehm, individually and in their official capacities as Co-Executive Directors of the New York State Board of Elections; and Andrew Cuomo as Governor of the State of New York,, re: 1 Complaint,, Document filed by Seabright Aaron, Maria Barva, Emily Gallagher, Tess Harkin, McNamee C. James, Miriam Lazewatsky, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Katherine Stabile..(Green, Remy) (Entered: 07/17/2020)</p>
07/17/2020	5	<p>LETTER MOTION to Expedite <i>and for Electronic Service, Directed to Part 1</i> addressed to Judge Edgardo Ramos from Remy Green dated 07/17/2020. Document filed by Seabright Aaron, Maria Barva, Emily Gallagher, Tess Harkin, McNamee C. James, Miriam Lazewatsky, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Katherine Stabile..(Green, Remy) (Entered: 07/17/2020)</p>
07/17/2020	6	<p>ORDER granting 5 Letter Motion to Expedite. The application is granted. If oral argument or a hearing is appropriate, it will be scheduled when a judge is assigned to the case. (Signed by Judge Edgardo Ramos on 7/17/2020) (rro) (Entered: 07/17/2020)</p>
07/17/2020		<p>Set/Reset Deadlines: Responses due by 7/22/2020 Replies due by 7/22/2020. (rro) (Entered: 07/17/2020)</p>
07/17/2020	7	<p>AFFIDAVIT OF SERVICE of Summons and Complaint,, All Defendants. Document filed by Samantha Pinsky, Kristin Sage Rockerman, Suraj Patel, Emily Gallagher, Tess Harkin, McNamee C. James, Katherine Stabile, Miriam Lazewatsky, Christian O'Toole, Caitlin Phung, Antonio Pontex-Nunez, Maria Barva, Jillian Santella, Myles Peterson, Seabright Aaron., AFFIDAVIT</p>

		<p>OF SERVICE of Plaintiffs Motion for a Preliminary Injunction (ECF Nos. 3; 3-1); and the Court's Order expediting proceedings (as well as the letter motion on which that relief was granted) served on New York State Board of Elections; Peter S. Kosinski, Andrew Spano, and Douglas Kellner, individually and in their official capacities as Commissioners of the New York State Board of Elections; Todd D. Valentine, Robert A. Brehm, individually and in their official capacities as Co-Executive Directors of the New York State Board of Elections; and Andrew Cuomo as Governor of the State of New York, on 7/17/2020. Document filed by Samantha Pinsky, Kristin Sage Rockerman, Suraj Patel, Emily Gallagher, Tess Harkin, McNamee C. James, Katherine Stabile, Miriam Lazewatsky, Christian O'Toole, Caitlin Phung, Antonio Pontex-Nunez, Maria Barva, Jillian Santella, Myles Peterson, Seabright Aaron..(Green, Remy) (Entered: 07/17/2020)</p>
07/18/2020	<u>8</u>	<p>NOTICE OF APPEARANCE by Ali Najmi on behalf of Seabright Aaron, Maria Barva, Emily Gallagher, Tess Harkin, McNamee C. James, Miriam Lazewatsky, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Katherine Stabile..(Najmi, Ali) (Entered: 07/18/2020)</p>
07/20/2020		<p>***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Remy Green to RE-FILE re:</p> <p>Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the All Defendant radio button was selected;. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents.. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo) (Entered: 07/20/2020)</p>
07/20/2020		<p>***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Remy Green. The following case opening statistical information was erroneously selected/entered: County code New York; Fee Status code due (due);. The following correction(s) have been made to your case entry: the County code has been modified to Queens; the Fee Status code has been modified to pd (paid);. (jgo) (Entered: 07/20/2020)</p>

07/20/2020		<p>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Remy Green. The party information for the following party/parties has been modified: Seabright Aaron; McNamee C. James; . The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party text contained a typographical error;. (jgo) (Entered: 07/20/2020)</p>
07/20/2020		<p>CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Analisa Torres. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges. Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions..(jgo) (Entered: 07/20/2020)</p>
07/20/2020		<p>Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf. (jgo) (Entered: 07/20/2020)</p>
07/20/2020		<p>Case Designated ECF. (jgo) (Entered: 07/20/2020)</p>
07/20/2020	<u>9</u>	<p>ELECTRONIC SUMMONS ISSUED as to Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(jgo) (Entered: 07/20/2020)</p>
07/20/2020		<p>ADD PARTY FOR PLEADING. Defendants/Respondents Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine added. Party added pursuant to <u>1</u></p> <p>Complaint,,Document filed by Samantha Pinsky, Kristin Sage Rockerman, Suraj Patel, Emily Gallagher, Tess Harkin, James C. McNamee, Katherine Stabile, Miriam Lazewatsky, Christian O'Toole, Caitlin Phung, Antonio Pontex-Nunez, Maria Barva, Jillian Santella, Myles Peterson, Aaron Seabright. Related</p>

		document: 1 Complaint,...(Green, Remy) (Entered: 07/20/2020)
07/20/2020	10	NOTICE OF APPEARANCE by Douglas A. Kellner on behalf of Douglas Kellner..(Kellner, Douglas) (Entered: 07/20/2020)
07/22/2020	11	MOTION to Intervene <i>and for Preliminary Injunction</i> . Document filed by Maria D. Kaufer, Ethan Felder. (Attachments: # 1 Exhibit Proposed Intervenor's Complaint, # 2 Exhibit Ex. A to Proposed Intervenor's Complaint).(Schwartz, Arthur) (Entered: 07/22/2020)
07/22/2020	12	MEMORANDUM OF LAW in Support re: 11 MOTION to Intervene <i>and for Preliminary Injunction</i> . . Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/22/2020)
07/22/2020	13	ORDER with respect to 11 Motion to Intervene. It is ORDERED that Defendants shall include their response to the motion to intervene in their opposition to Plaintiffs' motion for preliminary injunctive relief, which is due by July 22, 2020. See ECF No. 6. It is further ORDERED that, if Plaintiffs oppose the motion to intervene, they also shall inform the Court of their position by July 22, 2020. SO ORDERED. (Signed by Judge Analisa Torres on 7/22/2020) (kv) (Entered: 07/22/2020)
07/22/2020		Set/Reset Deadlines: Responses due by 7/22/2020 (kv) (Entered: 07/22/2020)
07/22/2020	14	LETTER addressed to Judge Analisa Torres from Remy Green dated 7/22/2020 re: Consent to Intervention Motion and Scheduling in Gallagher et al. v. New York State Board of Elections et al., 20-cv-5504. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 07/22/2020)
07/22/2020	15	MEMO ENDORSEMENT on re: 14 Letter, filed by Antonio Pontex-Nunez, Caitlin Phung, Kristin Sage Rockerman, Jillian Santella, Samantha Pinsky, James C. McNamee, Emily Gallagher, Maria Barva, Suraj Patel, Christian O'Toole, Tess Harkin, Miriam Lazewatsky, Aaron Seabright, Katherine Stabile, Myles Peterson.

		ENDORSEMENT: GRANTED. By July 23, 2020, Plaintiffs shall file their reply, if any. SO ORDERED. (Replies due by 7/23/2020.) (Signed by Judge Analisa Torres on 7/22/2020) (kv) (Entered: 07/22/2020)
07/22/2020	16	NOTICE OF APPEARANCE by Owen Thomas Conroy on behalf of Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 07/22/2020)
07/22/2020	17	MEMORANDUM OF LAW in Opposition re: 3 MOTION for Preliminary Injunction . . Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 07/22/2020)
07/22/2020	18	DECLARATION of Robert A. Brehm in Opposition re: 3 MOTION for Preliminary Injunction .. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # 1 Exhibit Gallagher Order to Show Cause, # 2 Exhibit Patel Order to Show Cause, # 3 Exhibit USPS Postmarking Guidelines).(Conroy, Owen) (Entered: 07/22/2020)
07/23/2020	19	LETTER MOTION to Expedite <i>Order Allowing Intervention and Directing Defendants in Intervention NYC Board of Elections et al to Respond to Preliminary Injunction Motion</i> addressed to Judge Analisa Torres from Arthur Schwartz dated July 22, 2020. Document filed by Ethan Felder, Maria D. Kaufer. Return Date set for 7/23/2020 at 10:00 AM..(Schwartz, Arthur) (Entered: 07/23/2020)
07/23/2020	20	ORDER granting 11 Motion to Intervene; terminating 19 Letter Motion to Expedite. Accordingly, the motion to intervene under Rule 24(b) of the Federal Rules of Civil Procedure is GRANTED. It is ORDERED that Proposed Plaintiff-Intervenors shall immediately notify Proposed NYCBOE Defendants of this order, and shall serve on Proposed NYCBOE Defendants their complaint, motion, supporting memorandum of law, and this order by email to the NYCBOEs general counsel and the New York City Law Department. It is further ORDERED that by July 24, 2020, Proposed NYCBOE Defendants shall file their opposition to

		Proposed Plaintiff-Intervenors' request for a preliminary injunction. The Clerk of Court is directed to terminate the motions at ECF Nos. 11 and 19, amend the caption as styled above, and add to the docket as Defendants the New York City Board of Elections, Patricia Anne Taylor, individually and as President of the New York City Board of Elections, and Michael J. Ryan, individually and as the Executive Director of the New York City Board of Elections. SO ORDERED. (Signed by Judge Analisa Torres on 7/23/2020) (kv) (Entered: 07/23/2020)
07/23/2020	<u>21</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION Clarify Order Regarding Service of Process re: <u>6</u> Order on Motion to Expedite . Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) Modified on 8/12/2020 (db). (Entered: 07/23/2020)
07/24/2020	<u>22</u>	RESPONSE in Support of Motion re: <u>3</u> MOTION for Preliminary Injunction . . Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. (Attachments: # <u>1</u> Affidavit Gallagher Declaration, # <u>2</u> Exhibit Gallagher Ex. A, # <u>3</u> Exhibit Gallagher Ex. B, # <u>4</u> Exhibit Gallagher Ex. C, # <u>5</u> Affidavit Patel Declaration, # <u>6</u> Exhibit Patel Exhibit A, # <u>7</u> Exhibit Patel Exhibit B, # <u>8</u> Exhibit Patel Exhibit C).(Green, Remy) (Entered: 07/24/2020)
07/24/2020	<u>23</u>	REPLY AFFIDAVIT of Maria D. Kaufer in Support re: <u>11</u> MOTION to Intervene <i>and for Preliminary Injunction.</i> , <u>3</u> MOTION for Preliminary Injunction .. Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # <u>1</u> Exhibit Exhibit C - NYCBOE List of Disqualified Ballots By Assembly District, # <u>2</u> Exhibit Exhibit D - NYCBOE List of "Invalid Ballot Codes").(Schwartz, Arthur) (Entered: 07/24/2020)
07/24/2020	<u>24</u>	LETTER MOTION for Extension of Time to File <i>Reply Brief (ECF No. 22)</i> addressed to Judge Analisa Torres from Remy

		Green dated 07/24/2020. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 07/24/2020)
07/24/2020	<u>25</u>	ORDER granting <u>24</u> Letter Motion for Extension of Time to File. GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 7/24/2020) (kv) (Entered: 07/24/2020)
07/24/2020	<u>26</u>	REPLY AFFIRMATION of Arthur Z. Schwartz in Support re: <u>11</u> MOTION to Intervene <i>and for Preliminary Injunction.</i> , <u>3</u> MOTION for Preliminary Injunction .. Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # <u>1</u> Exhibit Ex. E - NY Times Article Re Mailing of Absentee Ballots, # <u>2</u> Exhibit Ex. F(1) - NYCBOE Canvassing Rules, # <u>3</u> Exhibit Ex. F(2) - NYCBOE "Other Ballot" Canvass Rules, # <u>4</u> Exhibit Ex. G - Shabazz v NYCBOE Decision, # <u>5</u> Exhibit Ex. H - Postal Manual Provision).(Schwartz, Arthur) (Entered: 07/24/2020)
07/24/2020	<u>27</u>	REPLY AFFIRMATION of Arthur Z. Schwartz in Support re: <u>11</u> MOTION to Intervene <i>and for Preliminary Injunction.</i> , <u>3</u> MOTION for Preliminary Injunction .. Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # <u>1</u> Exhibit Ex. E - NY Times Article on Late Ballot Mailing, # <u>2</u> Exhibit Ex. F. - NYCBOE Canvassing Regulations, # <u>3</u> Exhibit Ex. F(2) - NYCBOE "Other Ballot" Canvass Rules, # <u>4</u> Exhibit Ex. G - Shabazz v Board of Elections Decision & Order, # <u>5</u> Exhibit Ex. H - Postal Manual Provision, # <u>6</u> Exhibit Ex. I - 27th Congressional District Results).(Schwartz, Arthur) (Entered: 07/24/2020)
07/24/2020	<u>28</u>	REPLY MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Intervene <i>and for Preliminary Injunction.</i> , <u>3</u> MOTION for Preliminary Injunction . . Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/24/2020)
07/24/2020	<u>29</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>23</u> Reply Affidavit in Support of Motion, <u>27</u> Reply Affirmation in Support of Motion,, <u>26</u> Reply Affirmation in

		Support of Motion,, 28 Reply Memorandum of Law in Support of Motion addressed to Judge Analisa Torres from Arthur Z. Schwartz dated July 24, 2020. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/24/2020)
07/24/2020	30	ORDER granting 29 Letter Motion for Extension of Time to File Response/Reply. GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 7/24/2020) (kv) (Entered: 07/24/2020)
07/24/2020	31	FINAL REPLY MEMORANDUM OF LAW in Support re: 11 MOTION to Intervene <i>and for Preliminary Injunction.</i> , 3 MOTION for Preliminary Injunction . (<i>Corrected Copy</i>). Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/24/2020)
07/24/2020	32	NOTICE OF APPEARANCE by Stephen Edward Kitzinger on behalf of New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections)..(Kitzinger, Stephen) (Entered: 07/24/2020)
07/24/2020	33	DECLARATION of Bart J. Haggerty in Opposition re: 11 MOTION to Intervene <i>and for Preliminary Injunction.</i> . Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections)..(Kitzinger, Stephen) (Entered: 07/24/2020)
07/24/2020	34	MEMORANDUM OF LAW in Opposition re: 11 MOTION to Intervene <i>and for Preliminary Injunction.</i> . Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections)..(Kitzinger, Stephen) (Entered: 07/24/2020)
07/25/2020	35	RESPONSE in Support of Motion re: 11 MOTION to Intervene <i>and for Preliminary Injunction.</i> , 3 MOTION for Preliminary Injunction . . Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # 1 Appendix Decision in Self Advocacy Systems v Jaeger).(Schwartz, Arthur) (Entered: 07/25/2020)

07/25/2020	<u>36</u>	LETTER MOTION for Leave to File Sur-Reply Letter <i>Responding to NYCBOE'S July 24, 2020</i> <i>Submission</i> addressed to Judge Analisa Torres from Arthur Z. Schwartz dated July 25, 2020. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/25/2020)
07/25/2020	<u>37</u>	FILING ERROR SUMMONS NOT LINKED TO CORRESPONDING PLEADING- REQUEST FOR ISSUANCE OF SUMMONS as to NYC Board of Elections, re: <u>1</u> Complaint,, Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) Modified on 7/27/2020 (dnh). (Entered: 07/25/2020)
07/25/2020	<u>38</u>	FILING ERROR SUMMONS NOT LINKED TO CORRESPONDING PLEADING- REQUEST FOR ISSUANCE OF SUMMONS as to Patricia Anne Taylor, re: <u>1</u> Complaint,, Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) Modified on 7/27/2020 (dnh). (Entered: 07/25/2020)
07/25/2020	<u>39</u>	FILING ERROR SUMMONS NOT LINKED TO CORRESPONDING PLEADING- REQUEST FOR ISSUANCE OF SUMMONS as to Michael J. Ryan, re: <u>1</u> Complaint,, Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) Modified on 7/27/2020 (dnh). (Entered: 07/25/2020)
07/25/2020	<u>40</u>	INTERVENOR COMPLAINT against New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections).Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # <u>1</u> Exhibit Ex. A - Email Exchange Between A Schwartz and S Richman).(Schwartz, Arthur) (Entered: 07/25/2020)
07/25/2020	<u>41</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to NYC Board of Elections, re: <u>40</u> Intervenor Complaint,. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) Modified on 7/27/2020 (dnh). (Entered: 07/25/2020)
07/25/2020	<u>42</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to Patricia Anne Taylor, re: <u>40</u> Intervenor Complaint,. Document filed by Ethan Felder, Maria D.

		Kaufer..(Schwartz, Arthur) Modified on 7/27/2020 (dnh). (Entered: 07/25/2020)
07/25/2020	43	REQUEST FOR ISSUANCE OF SUMMONS as to Michael J. Ryan, re: 40 Intervenor Complaint,. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/25/2020)
07/25/2020	44	ORDER: The Court plans to schedule an evidentiary hearing on Plaintiffs and Plaintiff-Intervenors' requests for injunctive relief. Accordingly, it is ORDERED that the parties are directed to meet and confer, and, by 12:00 p.m. on July 25, 2020, inform the Court as to the date by which the results of the June 23, 2020 primary election must be certified, providing the legal authority for their conclusion. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (ah) (Entered: 07/25/2020)
07/25/2020	45	AMENDED ORDER: The Court plans to schedule an evidentiary hearing on Plaintiffs and Plaintiff-Intervenors' requests for injunctive relief. Accordingly, it is ORDERED that the parties are directed to meet and confer, and, by 12:00 p.m. on July 26, 2020, inform the Court as to the date by which the results of the June 23, 2020 primary election must be certified, providing the legal authority for their conclusion. The parties are directed to disregard the order at ECF No. 44. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (ah) (Entered: 07/25/2020)
07/26/2020	46	LETTER addressed to Judge Analisa Torres from Owen T. Conroy dated July 26, 2020 re: Primary Certification. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 07/26/2020)
07/26/2020	47	LETTER addressed to Judge Analisa Torres from Stephen Kitzinger dated July 26, 2020 re: schedule for certification of Primary Election results. Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections)..(Kitzinger, Stephen) (Entered: 07/26/2020)
07/26/2020	48	ORDER: it is hereby ORDERED that: On July 29, 2020, at 9:30 a.m., the parties shall appear for an evidentiary hearing on Plaintiffs' and Plaintiff-Intervenors' applications for injunctive relief. The hearing shall proceed via videoconference. Chambers will email instructions directly to the parties. The parties shall email their appearance information to Torres_NYSDChambers@nysd.uscourts.gov by July 28, 2020, at 12:00 p.m. Members of the public may access the audio of the

		proceeding by calling (888) 398-2342 or (215) 861-0674 and entering conference ID number 5598827. Any documentary evidence, in the form of affidavits, declarations, or otherwise, must be submitted to the Court by July 28, 2020, at 12:00 p.m. At the hearing, the parties should be prepared to present evidence in the form of live testimony. The parties shall identify witnesses they seek to call by July 28, 2020, at 12:00 p.m. Each party shall have the opportunity to cross-examine any witness called by a party, and as further specified and set forth in this Order. So ordered. (Telephone Conference set for 7/29/2020 at 09:30 AM before Judge Analisa Torres). (Signed by Judge Analisa Torres on 7/26/2020) (rjm) (Entered: 07/27/2020)
07/27/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Arthur Z Schwartz to RE-FILE Document No. <u>39</u> Request for Issuance of Summons, <u>38</u> Request for Issuance of Summons, <u>37</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Summonses must be linked to the corresponding pleading. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (dnh) (Entered: 07/27/2020)
07/27/2020	<u>49</u>	ORDER granting <u>36</u> Letter Motion for Leave to File Document. GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 7/27/2020) (kv) (Entered: 07/27/2020)
07/27/2020	<u>50</u>	ELECTRONIC SUMMONS ISSUED as to Michael J. Ryan..(dnh) (Entered: 07/27/2020)
07/27/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Arthur Z Schwartz to RE-FILE Document No. <u>42</u> Request for Issuance of Summons, <u>41</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; Include 'c/o' or 'via' before second party information. Party text is not required in the 'To:' section of the summons PDF. If party text is included, it must appear exactly as it does in the caption on the pleading. 'As To' Error; party names must appear in the as to docket entry text exactly as they do in the pleading caption. Do not abbreviate party names. Re-file the document using the event type Request for Issuance of Summons found under the event

		list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (dnh) (Entered: 07/27/2020)
07/27/2020	<u>51</u>	LETTER addressed to Judge Analisa Torres from Arthur Z. Schwartz dated July 27, 2020 re: Additional Information Needed for July 29, 2020 Hearing. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/27/2020)
07/27/2020	<u>52</u>	ORDER re: <u>48</u> Scheduling Order. In addition to the deadlines set forth in that order, it is ORDERED that: 1. By July 28, 2020, at 12:00 p.m., the parties shall file on ECF a list of exhibits to be offered by each party. The parties shall also submit each exhibit pre-marked (plaintiff to use numbers, defendant to use letters). For any exhibit as to which there is an objection, the objecting party shall briefly specify, next to the listing of that exhibit, the nature of the party's objection. Where a party objects to an exhibit on any ground other than authenticity, the objection shall cite the Federal Rule of Evidence that is the basis for the objection. Any objection not listed shall be deemed waived. (as further set forth herein). SO ORDERED. (Signed by Judge Analisa Torres on 7/27/2020) (kv) (Entered: 07/27/2020)
07/27/2020	<u>53</u>	NOTICE OF APPEARANCE by Jonathan Wallace on behalf of Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Wallace, Jonathan) (Entered: 07/27/2020)
07/27/2020	<u>54</u>	LETTER MOTION for Conference re: <u>52</u> Order,,, <u>48</u> Scheduling Order,,,, addressed to Judge Analisa Torres from Remy Green dated 07/27/2020. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 07/27/2020)
07/27/2020	55	It is ORDERED that the Court shall hold a telephonic conference in this matter on July 27, 2020, at 7:00 p.m. The parties shall call into the Courts dedicated conference line at (888) 398-2342, and then enter the access code 559-8827, followed by the pound sign. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (JT) (Entered: 07/27/2020)

07/27/2020	<u>56</u>	FILING ERROR - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to NYC Board of Elections, re: <u>40</u> Intervenor Complaint,. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) Modified on 7/28/2020 (jgo). (Entered: 07/27/2020)
07/27/2020	<u>57</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Patricia Anne Taylor, re: <u>40</u> Intervenor Complaint,. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/27/2020)
07/27/2020		Minute Entry for proceedings held before Judge Analisa Torres: Telephone Conference held on 7/27/2020. (ah) (Entered: 07/27/2020)
07/27/2020	58	ORDER terminating <u>54</u> Letter Motion for Conference, as stated on the record at the telephone conference held on July 27, 2020. (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (ah) (Entered: 07/27/2020)
07/27/2020	<u>59</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Patricia Anne Taylor, re: <u>40</u> Intervenor Complaint,. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/27/2020)
07/27/2020	<u>60</u>	REQUEST FOR ISSUANCE OF SUMMONS as to New York City Board of Elections, re: <u>40</u> Intervenor Complaint,. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 07/27/2020)
07/28/2020	<u>61</u>	Exhibit List for <i>Preliminary Injunction Hearing</i> . Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. (Attachments: # <u>1</u> Exhibit Exhibit 1 - Prof Stabile's Ballot, # <u>2</u> Exhibit Exhibit 2 - FRE 1006 Summary of No Postmark Ballots, # <u>3</u> Exhibit Exhibit 3 - FRE 1006 Summary of Late Postmark Ballots, # <u>4</u> Exhibit Exhibit 4 Post Office Manual Section, # <u>5</u> Exhibit Exhibit 5 - 9-13-19 - Common Cause v Brehm - Depo of Michael Ryan, # <u>6</u> Exhibit Exhibit 6 - Bergin Article, # <u>7</u> Exhibit Exhibit 7 - Wisconsin Absentee Voting Report, # <u>8</u> Exhibit Exhibit 8 - WEC Memos RE Absentee Ballot Return, Timely Postmark Issues, and Absentee Ballot Counting, # <u>9</u> Exhibit Exhibit 9 - Ryan Email Thread).(Green, Remy) (Entered: 07/28/2020)
07/28/2020	<u>62</u>	TRIAL BRIEF and Submission providing Witness List, Exhibit List, and Written Answers to the Court's "Additional Questions".

		Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. (Attachments: # 1 Affidavit Haxby Declaration with Exhibits).(Green, Remy) (Entered: 07/28/2020)
07/28/2020	63	MOTION in Limine <i>for Judicial Notice of Certain Facts</i> . Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. Return Date set for 7/29/2020 at 09:30 AM..(Green, Remy) (Entered: 07/28/2020)
07/28/2020	64	Exhibit List . Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # 1 Exhibit Gallagher Order to Show Cause, # 2 Exhibit Patel Order to Show Cause, # 3 Exhibit USPS Postmarking Guidelines, # 4 Exhibit USPS Email, # 5 Exhibit USPS Email, # 6 Exhibit State Board Email, # 7 Exhibit USPS Letter, # 8 Exhibit USPS Email, # 9 Exhibit USPS Email, # 10 Exhibit Unofficial Early Voter Count, # 11 Exhibit Preliminary Absentee Voter Data, # 12 Exhibit Exemplars of local board certifications).(Conroy, Owen) (Entered: 07/28/2020)
07/28/2020	65	WITNESS LIST. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 07/28/2020)
07/28/2020	66	LETTER addressed to Judge Analisa Torres from Owen T. Conroy dated July 28, 2020 re: State Defendants' Objections to Plaintiffs' Exhibits. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # 1 Exhibit State Defendants' Objections).(Conroy, Owen) (Entered: 07/28/2020)
07/28/2020	67	DECLARATION of Robert A. Brehm in Opposition re: 3 MOTION for Preliminary Injunction .. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # 1 Exhibit USPS Email,

		# 2 Exhibit USPS Email, # 3 Exhibit State Board Email, # 4 Exhibit USPS Letter, # 5 Exhibit USPS Email, # 6 Exhibit USPS Email, # 7 Exhibit Unofficial Early Voter Count, # 8 Exhibit Preliminary Absentee Voter Data, # 9 Exhibit Exemplars of local board certifications).(Conroy, Owen) (Entered: 07/28/2020)
07/28/2020	68	Exhibit List <i>with exhibits</i> . Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections). (Attachments: # 1 Exhibit Email, # 2 Exhibit Email, # 3 Exhibit Email, # 4 Exhibit Email, # 5 Exhibit Email, # 6 Exhibit Email, # 7 Exhibit Email, # 8 Exhibit Email, # 9 Exhibit Summary Chart, # 10 Exhibit Summary Chart).(Kitzinger, Stephen) (Entered: 07/28/2020)
07/28/2020	69	LETTER addressed to Judge Analisa Torres from Remy Green dated 07-28-2020 re: ECF No. 66. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 07/28/2020)
07/28/2020	70	WITNESS LIST. Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections)..(Kitzinger, Stephen) (Entered: 07/28/2020)
07/28/2020	71	LETTER MOTION to Compel Michael Ryan; Postmaster Marcelina DelPizzo, or another, adequately knowledgeable representative to Appear and Testify at Hearing addressed to Judge Analisa Torres from Remy Green dated 7-28-2020. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 07/28/2020)
07/28/2020	72	ELECTRONIC SUMMONS ISSUED as to New York City Board Of Elections..(jgo) (Entered: 07/28/2020)
07/28/2020	73	ELECTRONIC SUMMONS ISSUED as to Patricia Anne Taylor..(jgo) (Entered: 07/28/2020)
07/28/2020	74	ELECTRONIC SUMMONS ISSUED as to Patricia Anne Taylor..(jgo) (Entered: 07/28/2020)

07/28/2020		<p>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Arthur Z Schwartz to RE-FILE Document No. <u>56</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): party name on the 'as to' docket entry text must match exactly as it appears on the pleading caption;. Re-file the document using the event type Request for Issuance of Amended Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (jgo) (Entered: 07/28/2020)</p>
07/28/2020	<u>75</u>	<p>LETTER RESPONSE to Motion addressed to Judge Analisa Torres from Stephen Kitzinger dated July 28, 2020 re: <u>71</u></p> <p>LETTER MOTION to Compel Michael Ryan; Postmaster Marcelina DelPizzo, or another, adequately knowledgeable representative to Appear and Testify at Hearing addressed to Judge Analisa Torres from Remy Green dated 7-28-2020. . Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(President of the New York Baord of Elections)..(Kitzinger, Stephen) (Entered: 07/28/2020)</p>
07/28/2020	<u>76</u>	<p>Exhibit List <i>for Intervenors with Copy of Exhibit</i>. Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # <u>1</u> Exhibit Intervenor's Exhibit a).(Schwartz, Arthur) (Entered: 07/28/2020)</p>
07/28/2020	<u>77</u>	<p>ORDER granting <u>71</u> LETTER MOTION to Compel Michael Ryan; Postmaster Marcelina DelPizzo, or another, adequately knowledgeable representative to Appear and Testify at Hearing. Plaintiffs motion to compel the testimony of Michael J. Ryan, Executive Director of the New York City Board of Elections, ECF No. 71, is GRANTED as follows: It is ORDERED that Ryan shall appear to testify at the hearing scheduled on July 29, 2020, after the conclusion of any medical appointment, unless he provides to the Court, for in camera review, the written medical opinion of his treating physician that he will not be capable of testifying on that date. If Ryan is unable to testify on July 29, 2020, it is ORDERED that he shall appear to testify on July 30, 2020, at a time to be set by further order. The Clerk of Court is directed to terminate the motion at ECF No. 71. SO ORDERED. (Signed by Judge Analisa Torres on 7/28/2020) (jca) (Entered: 07/28/2020)</p>

07/28/2020	<u>78</u>	ORDER: Plaintiffs' motion to compel the testimony of a representative of the United States Postal Service ("USPS") at the hearing scheduled for July 29, 2020, ECF No. 71, is GRANTED. It is ORDERED that USPS shall make available to testify at the hearing a knowledgeable witness capable of responding to the parties' and the Court's questions, the subject matter of which is described in the Court's order at ECF No. 48. It is further ORDERED that Plaintiffs shall immediately provide a copy of this order to USPS. SO ORDERED. (Signed by Judge Analisa Torres on 7/28/2020) (jca) (Entered: 07/28/2020)
07/28/2020	79	ORDER: The request for the Court to accept the declarations of Robert A. Brehm in lieu of direct testimony, ECF No. 65, is GRANTED. Further, it is ORDERED that for any witness who has provided a declaration, the parties may rely on the witness's declarations in lieu of direct testimony. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (ah) (Entered: 07/28/2020)
07/28/2020	<u>80</u>	LETTER MOTION for Extension of Time addressed to Judge Analisa Torres from Ilan Stein dated 7/28/2020. Document filed by United States Postal Service..(Stein, Ilan) (Entered: 07/28/2020)
07/28/2020	<u>81</u>	MEMORANDUM OF LAW in Opposition re: <u>63</u> MOTION in Limine <i>for Judicial Notice of Certain Facts</i> . . Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 07/28/2020)
07/28/2020	<u>82</u>	ORDER granting <u>80</u> Letter Motion for Extension of Time. GRANTED. After the conclusion of proceedings on July 29, 2020, the hearing shall continue on July 30, 2020, at 9:30 a.m., at which the time the United States Postal Service shall produce a witness who will offer detailed and thorough answers to the questions posed by the Court in its order dated July 26, 2020, ECF No. 48. See also ECF No. 78. Parties and witnesses shall access the hearing via the videoconference link already provided. The public may access audio of the proceeding by dialing (888) 398-2342 or (215) 861-0674 and entering access code 5598827. SO ORDERED. (Signed by Judge Analisa Torres on 7/28/2020) (kv) (Entered: 07/29/2020)
07/29/2020	<u>83</u>	NOTICE OF APPEARANCE by Roderick Leopold Arz on behalf of Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S.

		Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Arz, Roderick) (Entered: 07/29/2020)
07/29/2020		Minute Entry for proceedings held before Judge Analisa Torres: Evidentiary Hearing began on 7/29/2020. Evidentiary hearing to continue on 7/30/2020. (JT) (Entered: 07/29/2020)
07/29/2020	84	LETTER addressed to Judge Analisa Torres from Ilan Stein dated 7/29/2020 re: Postal Service witnesses. Document filed by United States Postal Service..(Stein, Ilan) (Entered: 07/29/2020)
07/30/2020		Minute Entry for proceedings held before Judge Analisa Torres: Evidentiary Hearing completed on 7/30/2020. (JT) (Entered: 07/30/2020)
08/02/2020	85	AFFIDAVIT OF SERVICE of Summons and Intervenor Complaint,. New York City Board Of Elections served on 7/29/2020, answer due 8/19/2020. Document filed by Ethan Felder; Maria D. Kaufer..(Schwartz, Arthur) (Entered: 08/02/2020)
08/03/2020	86	TRANSCRIPT of Proceedings re: HEARING held on 7/29/2020 before Judge Analisa Torres. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/24/2020. Redacted Transcript Deadline set for 9/3/2020. Release of Transcript Restriction set for 11/2/2020..(McGuirk, Kelly) (Entered: 08/03/2020)
08/03/2020	87	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 7/29/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 08/03/2020)
08/03/2020	88	TRANSCRIPT of Proceedings re: HEARING held on 7/30/2020 before Judge Analisa Torres. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.

		Redaction Request due 8/24/2020. Redacted Transcript Deadline set for 9/3/2020. Release of Transcript Restriction set for 11/2/2020..(McGuirk, Kelly) (Entered: 08/03/2020)
08/03/2020	89	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 7/30/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 08/03/2020)
08/03/2020	90	ORDER: Plaintiffs' and Plaintiiff-Intervenors' motions for a preliminary injunction are GRANTED as follows: the Commissioners of the NYSBOE are ORDERED to direct all local boards of elections to count all otherwise valid absentee ballots cast in the June 23 Primary which were (1) received by June 24, 2020, without regard to whether such ballots are postmarked by June 23, 2020, and (2) received by June 25, 2020, so long as such ballots are not postmarked later than June 23, 2020. An opinion and order has been made publicly available on the Southern District of New York's page for Rulings of Special Interest, https://www.nysd.uscourts.gov/cases/rulings-of-special-interest , and will appear on the docket in due course. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (ah) (Entered: 08/03/2020)
08/03/2020	91	<p>OPINION AND ORDER. For the reasons stated in this opinion, the preliminary injunction is GRANTED as follows: the Commissioners of the NYSBOE are ORDERED to direct all local boards of elections to count all otherwise valid absentee ballots cast in the June 23 Primary which were (1) received by June 24, 2020, without regard to whether such ballots are postmarked by June 23, 2020 and (2) received by June 25, 2020, so long as such ballots are not postmarked later than June 23, 2020. The Clerk of Court is directed to terminate the motions at ECF Nos. 3, 21, and 63. SO ORDERED. re: 21 MOTION Clarify Order</p> <p>Regarding Service of Process re: 6 Order on Motion to Expedite filed by Antonio Pontex-Nunez, Caitlin Phung, Kristin Sage Rockerman, Jillian Santella, Samantha Pinsky, James C. McNamee, Emily Gallagher, Maria Barva, Suraj Patel, Christian O'Toole, Tess Harkin, Miriam Lazewatsky, Aaron Seabright,</p>

		<p>Katherine Stabile, Myles Peterson. 63 MOTION in Limine <i>for Judicial Notice of Certain Facts</i> filed by Antonio Pontex-Nunez, Caitlin Phung, Kristin Sage Rockerman, Jillian Santella, Samantha Pinsky, James C. McNamee, Emily Gallagher, Maria Barva, Suraj Patel, Christian O'Toole, Tess Harkin, Miriam Lazewatsky, Aaron Seabright, Myles Peterson, Katherine Stabile. 3 MOTION for Preliminary Injunction filed by Antonio Pontex-Nunez, Caitlin Phung, Kristin Sage Rockerman, Jillian Santella, Samantha Pinsky, James C. McNamee, Emily Gallagher, Maria Barva, Suraj Patel, Christian O'Toole, Tess Harkin, Miriam Lazewatsky, Aaron Seabright, Myles Peterson, Katherine Stabile. (Signed by Judge Analisa Torres on 8/3/2020) (rjm) (Entered: 08/04/2020)</p>
08/05/2020	92	<p>LETTER MOTION for Extension of Time to File Answer re: 40 Intervenor Complaint, 1 Complaint,, addressed to Judge Analisa Torres from Owen T. Conroy dated August 5, 2020. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 08/05/2020)</p>
08/06/2020	93	<p>ORDER granting 92 Letter Motion for Extension of Time to Answer re 40 Intervenor Complaint, 1 Complaint. GRANTED. By September 14, 2020, the State Defendants shall answer or otherwise respond to the complaints. SO ORDERED. Robert A. Brehm answer due 9/14/2020; Andrew Cuomo answer due 9/14/2020; Douglas Kellner answer due 9/14/2020; Peter S. Kosinski answer due 9/14/2020; New York State Board of Elections answer due 9/14/2020; Andrew Spano answer due 9/14/2020; Todd D. Valentine answer due 9/14/2020. (Signed by Judge Analisa Torres on 8/6/2020) (kv) (Entered: 08/06/2020)</p>
08/06/2020	94	<p>EMERGENCY LETTER MOTION to Compel Peter Kosinski to Attend a Meeting of the State Board to Implement the Court's Order <i>and for Contempt</i> addressed to Judge Analisa Torres from Remy Green dated 8/6/2020. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 08/06/2020)</p>

08/06/2020	<u>95</u>	ORDER: On August 6, 2020, Plaintiffs filed a motion seeking an order enforcing the preliminary injunction entered on August 3, 2020. ECF No. 94. It is ORDERED that by August 7, 2020, the State Defendants shall file a response to Plaintiffs' motion. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (ah) (Entered: 08/06/2020)
08/06/2020	<u>96</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Analisa Torres from Owen T. Conroy dated August 6, 2020 re: <u>94</u> EMERGENCY LETTER MOTION to Compel Peter Kosinski to Attend a Meeting of the State Board to Implement the Court's Order <i>and for Contempt</i> addressed to Judge Analisa Torres from Remy Green dated 8/6/2020. . Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # <u>1</u> Exhibit Email Chain Between Counsel, # <u>2</u> Exhibit State Board Directions to Local Boards).(Conroy, Owen) (Entered: 08/06/2020)
08/07/2020	<u>97</u>	ORDER denying <u>94</u> EMERGENCY LETTER MOTION to Compel Peter Kosinski to Attend a Meeting of the State Board to Implement the Court's Order and for Contempt. DENIED. SO ORDERED. (Signed by Judge Analisa Torres on 8/7/2020) (jca) (Entered: 08/07/2020)
08/17/2020	<u>98</u>	LETTER MOTION for Extension of Time <i>to respond to the complaint in intervention</i> addressed to Judge Analisa Torres from Stephen Kitzinger dated August 17, 2020. Document filed by New York City Board Of Elections, Michael J. Ryan, Patricia Anne Taylor..(Kitzinger, Stephen) (Entered: 08/17/2020)
08/17/2020	<u>99</u>	ORDER granting <u>98</u> Letter Motion for Extension of Time. GRANTED. By September 14, 2020, the City Defendants shall answer or otherwise respond to Plaintiff-Intervenor's complaint. SO ORDERED. (Signed by Judge Analisa Torres on 8/17/2020) (kv) (Entered: 08/17/2020)
08/17/2020		Set/Reset Deadlines: New York City Board Of Elections answer due 9/14/2020; Michael J. Ryan answer due 9/14/2020; Patricia Anne Taylor answer due 9/14/2020. (kv) (Entered: 08/17/2020)
08/28/2020	<u>100</u>	LETTER MOTION for Conference <i>/Pre-Motion Letter Under Individual Practice III(A)</i> addressed to Judge Analisa Torres from Remy Green dated 08/28/2020. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C.

		McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. (Attachments: # 1 Exhibit Exhibit 1 - PMG Briefing, # 2 Exhibit Exhibit 2 - Kellner Memo to City Board).(Green, Remy) (Entered: 08/28/2020)
08/29/2020	101	LETTER MOTION for Local Rule 37.2 Conference <i>Re. Refusal To Produce Documents</i> addressed to Judge Analisa Torres from Arthur Z. Schwartz dated August 28, 2020. Document filed by Ethan Felder, Maria D. Kaufer. (Attachments: # 1 Exhibit Ex. A. - 8-13-20 Letter to Stephen Kitzinger, # 2 Exhibit Ex. B - Stephen Kitzinger Reply Email).(Schwartz, Arthur) (Entered: 08/29/2020)
09/01/2020	102	ORDER with respect to 101 Letter Motion for Local Rule 37.2 Conference. It is ORDERED that by September 8, 2020, the City Defendants shall file a response to Plaintiff-Intervenors' letter dated August 29, 2020, ECF No. 101. SO ORDERED. (Signed by Judge Analisa Torres on 9/1/2020) (kv) (Entered: 09/01/2020)
09/01/2020		Set/Reset Deadlines: Responses due by 9/8/2020 (kv) (Entered: 09/01/2020)
09/04/2020	103	LETTER RESPONSE in Opposition to Motion addressed to Judge Analisa Torres from Owen T. Conroy dated September 4, 2020 re: 100 LETTER MOTION for Conference <i>/Pre-Motion Letter Under Individual Practice III(A)</i> addressed to Judge Analisa Torres from Remy Green dated 08/28/2020. . Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Conroy, Owen) (Entered: 09/04/2020)
09/04/2020	104	LETTER addressed to Judge Analisa Torres from Remy Green dated 09-04-2020 re: Subsequent Factual Development in Gallagher et al. v. New York State Board of Elections et al., 20-cv-5504. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Pontex-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/04/2020)
09/08/2020	105	ORDER terminating 100 Letter Motion for Conference. The Court having reviewed the pre-motion letters filed by Plaintiffs and the State Defendants, ECF Nos. 100, 103, it is ORDERED that: 1. By September 18, 2020, Plaintiffs shall file their motion to expand the preliminary injunction; 2. By October 2, 2020, the State

		<p>Defendants shall file their opposition; 3. By October 9, 2020, Plaintiffs shall file their reply, if any. It is further ORDERED that, in addition to the issues raised in their pre-motion letters, the parties shall address Plaintiffs' standing to pursue the relief sought. See <i>Clapper v. Amnesty Int'l USA</i>, 568 U.S. 398, 409 (2013) ("To establish Article III standing, an injury must be concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling.... [W]e have repeatedly reiterated that threatened injury must be certainly impending to constitute injury in fact, and that allegations of possible future injury are not sufficient." (internal quotation marks, citations, and alterations omitted) (emphasis in original)); <i>Cent. States Se. & Sw. Areas Health & Welfare Fund v. Merck-Medco Managed Care, L.L.C.</i>, 433 F.3d 181, 198 (2d Cir. 2005) ("If plaintiffs lack Article III standing, a court has no subject matter jurisdiction to hear their claim. Because the standing issue goes to this Court's subject matter jurisdiction, it can be raised <i>sua sponte</i>."). The Clerk of Court is directed to terminate the motion at ECF No. 100. SO ORDERED. (Signed by Judge Analisa Torres on 9/8/2020) (kv) (Entered: 09/08/2020)</p>
09/08/2020		<p>Set/Reset Deadlines: Motions due by 9/18/2020. Responses due by 10/2/2020 Replies due by 10/9/2020. (kv) (Entered: 09/08/2020)</p>
09/08/2020	106	<p>LETTER RESPONSE in Opposition to Motion addressed to Judge Analisa Torres from Stephen Kitzinger dated September 8, 2020 re: 101 LETTER MOTION for Local Rule 37.2 Conference <i>Re. Refusal To Produce Documents</i> addressed to Judge Analisa Torres from Arthur Z. Schwartz dated August 28, 2020. . Document filed by New York City Board of Elections, Michael J. Ryan(individually), Patricia Anne Taylor(individually)..(Kitzinger, Stephen) (Entered: 09/08/2020)</p>
09/09/2020	107	<p>SECOND LETTER addressed to Judge Analisa Torres from Arthur Z. Schwartz dated September 9, 2020 re: Requesting Pre-Motion Conference. Document filed by Ethan Felder, Maria D. Kaufer..(Schwartz, Arthur) (Entered: 09/09/2020)</p>
09/10/2020	108	<p>ORDER denying 101 Letter Motion for Local Rule 37.2 Conference. The Court has reviewed the parties' letters at ECF Nos. 101, 106, 107. Plaintiff Intervenor's requests for a pre-motion conference and an order directing the City Defendants to produce uncounted envelopes are DENIED. SO ORDERED. (Signed by Judge Analisa Torres on 9/10/2020) (kv) (Entered: 09/10/2020)</p>

09/11/2020	<u>109</u>	<p>FIRST AMENDED COMPLAINT amending <u>1</u> Complaint,, against Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine.Document filed by Kristin Sage Rockerman, Suraj Patel, Emily Gallagher, Caitlin Phung, Myles Peterson, Samantha Pinsky, Tess Harkin, James C. McNamee, Katherine Stabile, Miriam Lazewatsky, Christian O'Toole, Maria Barva, Jillian Santella, Aaron Seabright, Antonio Ponton-Nunez. Related</p> <p>document: <u>1</u> Complaint,, (Attachments: # <u>1</u> Exhibit Ex 1 - Stabile Ballot, # <u>2</u> Exhibit Ex 2 - BOE Tweets, # <u>3</u> Exhibit Ex 3 - Kellner Declaration and NYS BOE Letter to USPS, # <u>4</u> Exhibit Ex 4 - Memo from Kellner to NYC BOE).(Green, Remy) (Entered: 09/11/2020)</p>
09/14/2020		<p>***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Remy Green re: Document</p> <p>No. <u>109</u> Amended Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; Todd D. Valentine and Robert A. Brehm must be added again with party new text (individually and in their official capacities as Co-Executive Directors of the New York State Board of Elections). Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents. (sj) (Entered: 09/14/2020)</p>
09/14/2020		<p>ADD PARTY FOR PLEADING. Defendants/Respondents Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine, Todd D. Valentine, Robert A. Brehm added. Party</p> <p>added pursuant to <u>109</u> Amended Complaint,,Document filed by Kristin Sage Rockerman, Suraj Patel, Emily Gallagher, Caitlin Phung, Myles Peterson, Samantha Pinsky, Tess Harkin, James C. McNamee, Antonio Ponton-Nunez, Katherine Stabile, Miriam Lazewatsky, Christian O'Toole, Maria Barva, Jillian Santella,</p> <p>Aaron Seabright. Related document: <u>109</u> Amended Complaint,,...(Green, Remy) (Entered: 09/14/2020)</p>
09/17/2020	<u>110</u>	<p>MOTION to Add Party(ies) Alessandra Biaggi <i>and to Amend Complaint</i>. Document filed by Maria Barva, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian</p>

		O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile, Alessandra Biaggi. (Attachments: # 1 Exhibit Proposed Amended Complaint).(Green, Remy) (Entered: 09/17/2020)
09/17/2020	111	ORDER with respect to 110 Motion to Add. On September 17 2020, Plaintiffs moved for leave to file a second amended complaint. ECF No. 110. It is ORDERED that the parties shall address Plaintiffs' request in their briefing on Plaintiffs' motion to expand the preliminary injunction. See ECF No. 105. SO ORDERED. (Signed by Judge Analisa Torres on 9/17/2020) (kv) (Entered: 09/17/2020)
09/18/2020	112	FILING ERROR - DEFICIENT DOCKET ENTRY - (SUPPORTING DOCUMENTS TO BE FILED SEPARATELY) - MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> . Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. (Attachments: # 1 Memo of Law in Support of Motion, # 2 Affidavit Green Declaration, # 3 Exhibit Green Ex. 1, # 4 Exhibit Green Ex. 2, # 5 Exhibit Green Ex. 3, # 6 Exhibit Green Ex. 4, # 7 Affidavit Kennedy Declaration (with exhibit), # 8 Affidavit Nielson (Irene) Declaration (with exhibit), # 9 Affidavit Nielson (Stephen) Declaration (with exhibit), # 10 Affidavit Todd Declaration (with exhibit), # 11 Affidavit Kabakoff Declaration (with exhibit), # 12 Affidavit Lapeyrolerie Declaration (with exhibit), # 13 Affidavit Stephens Declaration (with exhibit), # 14 Affidavit Macagba Declaration (with exhibit), # 15 Affidavit Lazewatsky Declaration, # 16 Affidavit Santella Declaration).(Green, Remy) Modified on 9/29/2020 (lb). (Entered: 09/18/2020)
09/25/2020	113	LETTER MOTION for Leave to File Motion to Dismiss addressed to Judge Analisa Torres from Owen T. Conroy dated Sept. 25, 2020. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine(individually and in their official capacities as Commissioners of the New York State Board of Elections)..(Conroy, Owen) (Entered: 09/25/2020)

09/26/2020	<u>114</u>	LETTER MOTION to Continue <i>State Defendants' Proposed Motion, or to Set Deadlines</i> addressed to Judge Analisa Torres from Remy Green dated 2020-09-26. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/26/2020)
09/28/2020	<u>115</u>	SUPPLEMENTAL LETTER addressed to Judge Analisa Torres from Remy Green dated 2020-09-28 re: Timing on State Defendants Proposed Motion to Dismiss. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/28/2020)
09/29/2020		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Remy Green to RE-FILE Document <u>112</u> MOTION for Preliminary Injunction / to Expand Preliminary Injunction.. ERROR(S): Supporting Documents Must Be Filed Separately. (lb) (Entered: 09/29/2020)
09/29/2020	<u>116</u>	MEMORANDUM OF LAW in Support re: <u>112</u> MOTION for Preliminary Injunction / to Expand Preliminary Injunction. (re-filed separately from ECF No. 112, per bounce). Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	<u>117</u>	AFFIRMATION of Remy Green in Support re: <u>112</u> MOTION for Preliminary Injunction / to Expand Preliminary Injunction.. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile. (Attachments: # <u>1</u> Exhibit Green Ex. 1,

		# 2 Exhibit Green Ex. 2, # 3 Exhibit Green Ex. 3, # 4 Exhibit Green Ex. 4).(Green, Remy) (Entered: 09/29/2020)
09/29/2020	118	DECLARATION of ROSANNE KENNEDY in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	119	DECLARATION of IRENE NIELSON in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	120	DECLARATION of STEPHEN NIELSON in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	121	DECLARATION of ANDREW TODD in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	122	DECLARATION of HEATHER KABAKOFF in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva,

		Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	123	DECLARATION of OLIVIA LAPEYROLERIE in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	124	DECLARATION of MADISON STEPHENS in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	125	DECLARATION of JONATHAN MACAGBA in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)
09/29/2020	126	DECLARATION of ALESSANDRA BIAGGI in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i> .. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)

09/29/2020	<u>127</u>	<p>DECLARATION of MIRIAM LAZEWATSKY in Support re: <u>112</u></p> <p>MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)</p>
09/29/2020	<u>128</u>	<p>DECLARATION of JILLIAN SANTELLA in Support re: <u>112</u></p> <p>MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 09/29/2020)</p>
09/29/2020	<u>129</u>	<p>ORDER denying <u>113</u> Letter Motion for Leave to File Document; granting <u>114</u> Letter Motion to Continue. State Defendants' request for a briefing schedule is DENIED. After resolution of Plaintiffs' motion, the Court will set a schedule for State Defendants' motion to dismiss, if necessary. The Clerk of Court is directed to terminate the motions at ECF Nos. 113 and 114. SO ORDERED. (Signed by Judge Analisa Torres on 9/29/2020) (kv) (Entered: 09/29/2020)</p>
10/02/2020	<u>130</u>	<p>MEMORANDUM OF LAW in Opposition re: <u>112</u> MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine(individually and in their official capacities as Co-Executive Directors of the New York State Board of Elections)..(Conroy, Owen) (Entered: 10/02/2020)</p>
10/02/2020	<u>131</u>	<p>DECLARATION of Robert A. Brehm in Opposition re: <u>112</u></p> <p>MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine(individually and in their official capacities as Co-Executive Directors of the New York State Board of Elections).</p>

		<p>(Attachments: # 1 Exhibit Ch. 139 of the Laws of 2020, # 2 Exhibit Ch. 140 of the Laws of 2020, # 3 Exhibit Ch. 91 of the Laws of 2020, # 4 Exhibit Ch. 138 of the Laws of 2020, # 5 Exhibit Ch. 141 of the Laws of 2020, # 6 Exhibit Exec. Order 202.58, # 7 Exhibit Voter Mailing Template, # 8 Exhibit Absentee Voting Website, # 9 Exhibit Uniform Absentee Ballot Envelope, # 10 Exhibit Exec. Order 202.61).(Conroy, Owen) (Entered: 10/02/2020)</p>
10/02/2020	132	<p>DECLARATION of Owen T. Conroy in Opposition re: 112</p> <p>MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. Document filed by Robert A. Brehm, Andrew Cuomo, Douglas Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine(individually and in their official capacities as Co-Executive Directors of the New York State Board of Elections). (Attachments: # 1 Exhibit Complaint in State of New York v. Trump, # 2 Exhibit Letter in Jones v. USPS, # 3 Exhibit Patel Statement, # 4 Exhibit Co-Sponsor Information for Senate Bills S.8015D, S.8799A, S.8783A, and S.8370B, # 5 Exhibit Hearing Transcript Excerpts).(Conroy, Owen) (Entered: 10/02/2020)</p>
10/05/2020	133	<p>REPLY MEMORANDUM OF LAW in Support re: 112</p> <p>MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. . Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 10/05/2020)</p>
10/05/2020	134	<p>DECLARATION of Remy Green in Support re: 112</p> <p>MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction</i>.. Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Katherine Stabile. (Attachments: # 1 Exhibit Green Reply Ex. 1 - Most Recent USPS Service Data).(Green, Remy) (Entered: 10/05/2020)</p>

10/05/2020	135	DECLARATION of ALESSANDRA BIAGGI (re-filed as part of Reply) in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction..</i> Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 10/05/2020)
10/05/2020	136	DECLARATION of Kathy Rothschild in Support re: 112 MOTION for Preliminary Injunction / <i>to Expand Preliminary Injunction..</i> Document filed by Maria Barva, Alessandra Biaggi, Emily Gallagher, Tess Harkin, Miriam Lazewatsky, James C. McNamee, Christian O'Toole, Suraj Patel, Myles Peterson, Caitlin Phung, Samantha Pinsky, Antonio Ponton-Nunez, Kristin Sage Rockerman, Jillian Santella, Aaron Seabright, Katherine Stabile..(Green, Remy) (Entered: 10/05/2020)
10/23/2020	137	ORDER granting 110 Motion to Add Party(ies) Alessandra Biaggi and to Amend Complaint. For the reasons stated above, Plaintiffs' request for leave to amend their complaint is GRANTED and Plaintiffs' motion to expand the preliminary injunction is DENIED. The Clerk of Court is directed to terminate the motion at ECF No. 110. SO ORDERED. (Signed by Judge Analisa Torres on 10/23/2020) (kv) (Entered: 10/23/2020)

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