

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SAM PARTY OF NEW YORK, *et al.*,

Plaintiffs,

v.

ANDREW CUOMO, *et al.*,

Defendants.

Case No. 20-cv-323

Hon. John G. Koeltl

**STIPULATION &  
ORDER**

**WHEREAS**, on April 30, 2020, Plaintiffs filed a motion to amend the Complaint in this action (the “Motion to Amend”); and

**WHEREAS**, Plaintiffs’ proposed Amended Complaint (ECF No. 57-1) seeks to assert claims against Defendants Peter S. Kosinski, as the Co-Chair of the New York State Board of Elections, Douglas A. Kellner as the Co-Chair of the New York State Board of Elections, Andrew J. Spano, as a Commissioner of the New York State Board of Elections, Todd D. Valentine, as Co-Executive Director of the New York State Board of Elections, and Robert A. Brehm, as Co-Executive Director of the New York State Board of Elections (collectively, the “Board of Elections Defendants”); and

**WHEREAS**, Plaintiffs’ proposed Amended Complaint (ECF No. 57-1) does not name the following parties as defendants: Defendants Andrew Cuomo, as the Governor of the State of New York, Andrea Stewart-Cousins, as the Temporary President and Majority Leader of the New York State Senate, John J. Flanagan, as the Minority Leader of the New York State Senate, Carl E. Heastie, as the Speaker of the New York State Assembly, and William Barclay (previously identified as Brian Kolb), as the Minority Leader of the New York State Assembly, each of whom was named in the original Complaint (ECF No. 1) (the “Dismissed Defendants”).

**IT IS HEREBY STIPULATED AND AGREED**, by and between the Parties, including Plaintiffs, the Board of Election Defendants, and the Dismissed Defendants, and **IT IS HEREBY ORDERED BY THE COURT**, that:

1. The Board of Election Defendants and the Dismissed Defendants consent to Plaintiffs' request to amend their complaint and the filing of Plaintiffs' proposed Amended Complaint (ECF No. 57-1).

2. Plaintiffs are directed to file the Proposed Amended Complaint (ECF No. 57-1). Upon filing, the Amended Complaint will become the operative pleading in this matter and the caption of the case will be amended as set forth therein.

3. The claims asserted in the original Complaint against the Dismissed Defendants are hereby dismissed without prejudice.

4. Plaintiffs agree not to object to or oppose any application by any of the Dismissed Defendants for leave of court to file amicus curiae briefs in this action.

Dated: May 6, 2020

**PAUL, WEISS, RIFKIND, WHARTON  
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Dated: May 6, 2020

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Dated: May 6, 2020


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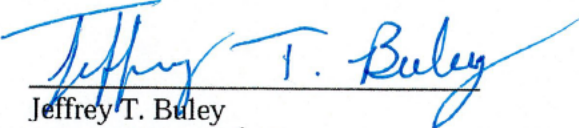
Dated: May 6, 2020

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SO ORDERED this 8 day of May 2020

/s/ John G. Koeltl

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U.S. District Judge John G. Koeltl