



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer Direct: (518) 776-2626

November 15, 2018

Via U.S. Mail and email: jjbest@nycourts.gov

Honorable David A. Weinstein
Empire State Plaza
P.O. Box 7344, Capitol Station
Albany, New York 12224

Re: Soares, et al. v. State of New York, et al., Index No. 906409-18

Dear Justice Weinstein:

The above-captioned case challenges the constitutionality of Article 15-A of the Judiciary Law (the Statute), as currently enacted. In the normal course, and absent a divergence in opinion among the defendants and/or the Office of the Attorney General (OAG), the OAG would appear on behalf of the State of New York and the individually named defendants to defend the constitutionality of a Statute. In this case, however, there is such a divergence. Accordingly, the OAG has authorized the individual defendants to appear by separate counsel and the OAG declines to appear on behalf of the State of New York. The OAG is confident that the Court will benefit from able argument on both sides without the participation of the OAG on behalf of the State of New York.

I intend to dial in to observe the conference currently scheduled for Tuesday, November 20.

Respectfully,

Kelly L. Munkwitz
Assistant Attorney General

c: Walden, Macht & Haran, LLP
Jim Walden, Esq. (via U.S. Mail and email: jwalden@wmhllaw.com)
Jacob Gardener, Esq. (via U.S. Mail and email: jgardener@wmhllaw.com)
One Battery Park Plaza
New York, NY 10004

November 15, 2018

Page 2

Zackary D. Knaub, Esq. (via email: Zackary.knaub@exec.ny.gov)

Lisa Harris, Esq. (via email: lharris@nysenate.gov)

Shontell Smith, Esq. (via email: smiths@nysenate.gov)

Joanne Barker, Esq. (via email: barkerj@nyassembly.gov)

David Morgen, Esq. (via email: kmorgen@hinmanstraub.com)

Schnitzer, Steven

From: Wowk, Theresa
Sent: Monday, November 5, 2018 1:59 PM
To: 'Caitlin.Heim@osc.state.ny.us'
Cc: Stephanie L. Tanski; Munkwitz, Kelly; Dunbar, Nicole
Subject: Soares, et al v. The State of New York, et al., Supreme Court, Albany County Index No. 906409-18
Attachments: Pages from OSC Letter.pdf

Hi Caitlin and Stephanie,

Attached, please find certification for outside counsel on the above referenced matter.

Thank you.

Theresa

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL

November 5, 2018

Caitlin Heim, Esq.
Associate Attorney
Office of State Comptroller
110 State Street
Albany, New York 12236


RE: Soares, et al. v. The State of New York, et al., Supreme Court, Albany County
Index No.: 906409-18
Public Officers Law §17

Dear Ms. Heim:

Pursuant to Public Officers Law Section 17(2)(b), this office has reviewed the presently available facts and circumstances relating to the above matter. Based on this review, we have determined for the purposes of representation only, and without any determination as to the ultimate merits, that representation by the Attorney General of **Governor Andrew Cuomo, NYS Senate Temporary President John J. Flanagan, NYS Senate Minority Leader Andrea Stewart-Cousins, NYS Assembly Speaker Carl E. Heastie, and NYS Assembly Minority Leader Brian M. Kolb**, would be inappropriate. They are each named defendants in the above matter.

I, therefore, certify that **Governor Andrew Cuomo, NYS Senate Temporary President John J. Flanagan, NYS Senate Minority Leader Andrea Stewart-Cousins, NYS Assembly Speaker Carl E. Heastie, and NYS Assembly Minority Leader Brian M. Kolb**, are entitled to be represented by **separate private counsel** in accordance with the provisions of Section 17 of the Public Officers Law.

Very truly yours,


MEGAN LEVINE
Deputy Attorney General

ML/ntd
cc: Kelly Munkwitz



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL

November 5, 2018

Caitlin Heim, Esq.
Associate Attorney
Office of State Comptroller
110 State Street
Albany, New York 12236


RE: Soares, et al. v. The State of New York, et al., Supreme Court, Albany County
Index No.: 906409-18
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Very truly yours,


MEGAN LEVINE
Deputy Attorney General

ML/ntd
cc: Kelly Munkwitz



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OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer Direct: (518) 776-2626

November 9, 2018

Via U.S. Mail and email: ijbest@nycourts.gov

Honorable David Weinstein
Acting Supreme Court Justice
New York State Court of Claims
150 State Street
Albany, NY 12224

Re: *Soares v. State of New York*
Supreme Court, Albany County
Index No. 906409-18

Dear Justice Weinstein:

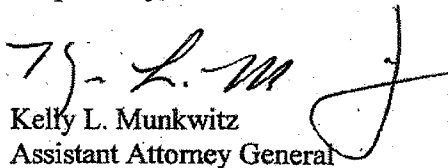
As the Court is aware, this office certified the defendants in this matter for outside counsel to defend the above-referenced lawsuit. On Tuesday, November 7, 2018, I sent letters to the defendants advising them of this office's determination. It is my understanding that at least one of the defendants must respond to the Complaint by Tuesday, November 13, 2018.

I write on behalf of the defendants for the limited purpose of requesting a thirty-day extension of time to respond to the Complaint. The extension will give the parties time to obtain outside counsel, give counsel time to familiarize themselves with this matter, coordinate if appropriate, and prepare a response to the complaint.

I spoke to Jacob Gardener, Esq., counsel for plaintiffs. He advises that the partner in charge of the case is currently out of the country and is unable to consent or object to my request at this time.

The Court's consideration of my request is appreciated.

Respectfully,


Kelly L. Munkwitz
Assistant Attorney General

The time to answer the complaint is extended to Nov. 26, 2018. Should additional time be necessary, such application may be made at the conference scheduled for Nov. 16, 2018.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

FILE COPY

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer Direct: (518) 776-2626

November 15, 2018

Via U.S. Mail and email: jjbest@nycourts.gov

Honorable David A. Weinstein
Empire State Plaza
P.O. Box 7344, Capitol Station
Albany, New York 12224

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Respectfully,

Kelly L. Munkwitz
Assistant Attorney General

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Jim Walden, Esq. (via U.S. Mail and email: jwalden@wmhlaw.com)
Jacob Gardener, Esq. (via U.S. Mail and email: jgardener@wmhlaw.com)
One Battery Park Plaza
New York, NY 10004

November 15, 2018

Page 2

Zackary D. Knaub, Esq. (via email: Zackary.knaub@exec.ny.gov)

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Joanne Barker, Esq. (via email: barkerj@nyassembly.gov)

David Morgen, Esq. (via email: kmorgen@hinmanstraub.com)

LISA R. HARRIS
COUNSEL TO THE
SECRETARY OF THE SENATE



THE SENATE
STATE OF NEW YORK
ALBANY 12247

ROOM 430M STATE CAPITOL
ALBANY, NY 12247
(518) 455-2751

OFFICE OF THE ATTORNEY GENERAL
RECEIVED

NOV 14 2018

DIVISION OF STATE COUNSEL
ALBANY NEW YORK OFFICE

Via United States Mail and E-mail

November 9, 2018

Meg Levine
Deputy Attorney General
The Capitol
Albany, New York 12224

Dear Ms. Levine:

Authorization has been granted from the Office of the Comptroller to seek outside counsel to represent Senator John J. Flanagan, Senator Andrea Stewart-Cousins and the other named defendants in the above-referenced matter.

The New York State Senate defendants respectfully request that legal representation be made by the State pursuant to Public Officers Law §17 for the purposes of seeking an extension of time to answer on behalf of all defendants.

Please do not hesitate to call me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Harris". The signature is fluid and cursive, with a large initial "L" and "H".

Lisa R. Harris
Counsel to the Secretary of the Senate

cc

Kelly L. Munkwitz
Deputy Bureau Chief
Litigation Bureau
The Capitol
Albany, New York 12224