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July 2, 2004

Hon. John Gleeson
United States District Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Lopez Torres v. State Board of Elections*
Index No. **04-CV-1129**

Dear Judge Gleeson:

I am writing on behalf of defendants and defendant-intervenors, regarding the Court's request for a proposed schedule to respond to plaintiffs' motion for a preliminary injunction.

Plaintiffs' motion is comprised of 12 declarations from 12 witnesses, including 15 exhibits totaling more than 4,000 pages, standing almost two feet high. Included in this submission are separate statements from four persons identified as expert witnesses, including a professor of political science, a professor of election law, an election lawyer, and a political campaign manager.

Each of the defendant parties will have to review this voluminous submission, find and secure the services of expert witnesses, and locate appropriate fact witnesses to address the variety of issues raised by plaintiffs' motion. All of these witnesses will need to be interviewed and declarations prepared. Experts, once identified and retained, will require time to review these voluminous materials, independently analyze other relevant data, and prepare their own reports. Time will also be needed to draft and prepare legal briefs opposing the motion, which is supported by plaintiffs' fifty page memorandum.

Since the papers have been served on the eve of summer vacations, the task of finding witnesses, preparing their declarations and the time needed to find and prepare expert witnesses is likely to be attenuated. Moreover, given the nature of plaintiffs' evidence to support their case, defendants anticipate depositing plaintiffs' expert witnesses as well as the individual plaintiffs. We would also anticipate that

plaintiffs will desire to depose experts retained by defendants as well as the witnesses identified by defendants.

Based upon the amount of plaintiffs' material and our appraisal of what would be a reasonable time to adequately prepare a proper defense to the motion, we request that October 15, 2004 be set as the date for our respective responses to plaintiffs' motion. Since plaintiff had already expressed a two week time to reply, we suggest that reply papers be due October 29, 2004, with a hearing and argument to occur at the Court's convenience in late November.

We believe this meets the Court's request for a reasonable schedule to allow for a hearing on the motion this Fall, while giving defendants time to prepare an adequate defense. Recognizing the court's concern for timeliness, given the summer vacations and September holidays, our proposed schedule would extend plaintiff's schedule by only nine weeks.

Please let us know if you require any further information.

Respectfully submitted,



Todd D. Valentine (TV 5304)
Special Counsel

TDV/mer

cc: **Jeremy Creelan, Esq.**
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