SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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In the Matter of
Senator George Winner, and Senator John Flanagan,
Individually and as members of the New York State Senate : Index No.: 09/5300
:
Petitioners, :
-against- :
:
Angelo Aponte, individually, and in his official capacity as :
Secretary of the New York State Senate :
:
Respondents. :

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Upon reading the annexed and accompanying Memorandum of Law in Opposition to Motion for Preliminary Injunction and in Support of Motion to Dismiss, and all related filings in this action,

IT IS HEREBY:

ORDERED that Petitioners Senator George Winner and Senator John Flanagan, or their counsel, shall show cause before this Court at this Courthouse, on the ___th day of June 2009, at ___ o'clock AM/PM, or as soon thereafter as counsel can be heard, why an Order should not issue pursuant to CPLR 3211 and 7804(f) dismissing the Petition / Complaint filed in this action in its entirety; and it is hereby further

ORDERED that Petitioners' papers in opposition, if any, be served on Defense counsel at or before ____ o'clock AM/PM, on the __ day of June, 2009 and it is hereby further

ORDERED that reply papers, if any, be served on Petitioners' counsel at or before ____ o'clock AM/PM on the return date.

Service of this Order to Show Cause and the papers on which it is based, by personal service on the Defendant, delivery of a copy to the office of the Defendant, personal service on

counsel for the Defendant, or delivery of a copy to counsel's law office by electronic mail or telecopier, at or before ____ o'clock AM/PM, on the __ day of June, 2009, shall be deemed good and sufficient service thereof.

E N T E R:

_____

J.S.C.

Dated: June __, 2009