

At an IAS Part, Room_, of the
Supreme Court of the State of New
York, held in and for the County of
Albany, at the Courthouse thereof, 16
Eagle Street, Albany, N.Y., on the _day
of _____, 2026

Present: Hon. _____
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

Index No.:

-----X
In the Matter of the Application of
GILLIO LOPES,

ORDER TO SHOW CAUSE

Petitioner,

RJI No. _____

FOR A JUDGMENT PURSUANT TO ARTICLE
78 AND SECTION 3001 OF THE CPLR

-against-

KATHLEEN (“KATHY”) M. HOCHUL, in her official
capacity as Governor of the State of New York, and
LETITIA JAMES, in her official capacity as Attorney
General of the State of New York,

Respondent.

-----X

Upon the Verified Petition, sworn to by Andrew T. Miltenberg, Esq. on October 7, 2026,
together with the Affirmation of Andrew T. Miltenberg, Esq. dated October 7, 2026, and the
exhibits annexed thereto, and upon all papers and proceedings heretofore and herein,

IT IS HEREBY ORDERED THAT Respondents Governor Hochul and Attorney General
James show cause, at IAS Part_, Room _ of this Court, to be held at the Courthouse, 16 Eagle Street,
Albany, NY, on the _day of_, 2026, at _____am/pm, or as soon thereafter as counsel may be heard,
why an Order should not be issued, directing that:

a) Respondent Governor Hochul’s appointment of Attorney General Letitia James as Special Prosecutor in the investigation of the Cornell matter be voided; and

b) Respondent Governor Hochul shall appoint a Special Prosecutor who is free from actual or perceived conflicts of interest or bias against Petitioner and the other individually named Defendants in the civil action.

Sufficient cause being alleged therefore, it is hereby further

ORDERED, that pending the hearing of this motion before the Justice to be assigned, the Clerk of this Court, upon payment of the proper fees, be and is hereby directed to assign an index number to this proceeding, and to accept for filing a Request for Judicial Intervention (“RJI”) bearing the following caption, namely:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

.....X

In the Matter of the Application of
GILLIO LOPES,

Petitioner,

For a Judgment Pursuant to Article 78
and Section 3001 of the CPLR

-against-

KATHLEEN (“KATHY”) M. HOCHUL, in her official
capacity as Governor of the State of New York, and
LETITIA JAMES, in her official capacity as Attorney
General of the State of New York,

Respondent.

.....X

And sufficient cause being alleged therefore, it is hereby further

ORDERED that personal service of a copy of this Order to Show Cause, together with the

papers upon which it is based, and the Verified Petition, by delivery via Federal Express or other service providing for delivery confirmation, on or before the ____ day of ____, 2026, shall be deemed good and sufficient service hereof; and it is further

ORDERED, that answering papers, if any, shall be served upon Petitioner's attorneys, Nesenoff & Miltenberg, LLP, 363 Seventh Avenue, 5th Floor, New York, New York 10001, Attn. Andrew T. Miltenberg, so as to be received in hand no later than seven (7) days prior to the return date of this application and reply papers, if any, shall be served upon Respondent (or, if applicable, its counsel) so as to be received in hand no later than two (2) days prior to the return date of this petition.

Dated: New York, New York
October ____, 2026

Hon. _____, J.S.C.