

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of the Application of
GILLIO LOPES,

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules

-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,

Respondents.

VERIFIED ANSWER

Index No. 911974-26

October 29, 2026

Farrell, J.

Respondents Kathy Hochul, Governor of the State of New York (Governor), and Letitia James, Attorney General of the State of New York (AG and collectively with the Governor, Respondents), by their attorney, Letitia James, Attorney General of the State of New York, Kaitlin Vigars of counsel, answer the petition as follows:

1. Admit the allegations contained in paragraph 1 of the verified petition insofar as such allegations tend to describe the nature of this proceeding and identify the administrative determination challenged in this proceeding and otherwise deny any allegations in paragraph 1 of the verified petition that allege or tend to allege that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

2. Admit the allegations contained in paragraph 2 of the verified petition insofar as such allegations identify the complaint filed in Index No. 161704/2026, *Jane Doe v. Cornell University, et al.* (the *Jane Doe* Litigation), respectfully refer the Court to the complaint cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph

2 of the verified petition to the extent that such allegations are inconsistent with the document cited.

3. Admit the allegations contained in paragraph 3 of the verified petition insofar as such allegations identify subject matter of the complaint filed in the *Jane Doe* litigation, respectfully refer the Court to the document cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 3 of the verified petition to the extent that such allegations are inconsistent with the document cited.

4. Admit the allegations contained in paragraph 4 of the verified petition insofar as such allegations allege or tend to allege that the *Jane Doe* litigation made national headlines and otherwise deny such allegations insofar as such allegations characterize the nature of the media attention.

5. Admit the allegations contained in paragraph 5 of the verified petition insofar as such allegations allege that, by Executive Order No. 64, dated October 1, 2026 and filed October 2, 2026 (EO 64), the Governor appointed the AG to serve as a special prosecutor to investigate conduct arising out of the allegations made in the *Jane Doe* litigation, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, deny the allegations in paragraph 5 of the verified petition to the extent that such allegations are inconsistent with such document, deny the allegations in paragraph 5 of the verified petition that characterize or tend to characterize the Governor's action, deny that the that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

6. Deny the allegations in paragraph 6 of the verified petition.

7. Admit the allegations in paragraph 7 of the verified petition insofar as such allegations identify remarks made by the AG on social media, respectfully refer the court to the social media post cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 7 of the verified petition to the extent that such allegations are inconsistent with the social media post cited.

8. Deny the allegations in paragraph 8 of the verified petition.

9. Deny the allegations in paragraph 9 of the verified petition.

10. Deny the allegations in paragraph 10 of the verified petition.

11. Deny knowledge of information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the verified petition.

12. Admit the allegations in paragraph 12 of the verified petition insofar as such allegations identify the Governor in her official capacity as Governor of the State of New York.

13. Admit the allegations in paragraph 13 of the verified petition insofar as such allegations identify the AG in her official capacity as Attorney General of the State of New York.

14. Deny the allegations in paragraph 14 of the verified petition insofar as such allegations allege or tend to allege that this Court has subject matter jurisdiction over this proceeding, respectfully refer the Court to the statutes cited as the best and most accurate version of their contents, deny the allegations in paragraph 14 of the verified petition to the extent that such allegations are inconsistent with the statute cited, and respectfully refer all questions of law to the Court.

15. Admit the allegations in paragraph 15 of the verified petition.

16. Admit the allegations contained in paragraph 16 of the verified petition insofar as such allegations identify the complaint filed in the *Jane Doe* Litigation and the subject matter of

same, respectfully refer the Court to the complaint cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 16 of the verified petition to the extent that such allegations are inconsistent with the document cited.

17. Admit the allegations contained in paragraph 17 of the verified petition insofar as such allegations identify the complaint filed in the *Jane Doe* Litigation and the subject matter of same, respectfully refer the Court to the complaint cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 17 of the verified petition to the extent that such allegations are inconsistent with the document cited.

18. Admit the allegations contained in paragraph 18 of the verified petition insofar as such allegations allege or tend to allege that no criminal charges were filed in connection with the events alleged in the *Jane Doe* litigation, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the verified petition pertaining to a report that the non-party plaintiff in the *Jane Doe* litigation made to non-party Cornell University.

19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 of the verified petition.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the verified petition.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the verified petition.

22. Admit the allegations contained in paragraph 22 of the verified petition insofar as such allegations identify the *Jane Doe* Litigation and the subject matter of same, respectfully refer the Court to the complaint filed in the *Jane Doe* Litigation as the best evidence and most accurate

version of its contents, including any claims filed against Petitioner, and deny the allegations in paragraph 22 of the verified petition to the extent that such allegations are inconsistent with complaint filed in the *Jane Doe* Litigation.

23. Admit the allegations contained in paragraph 23 of the verified petition insofar as such allegations allege or tend to allege that the *Jane Doe* litigation made national headlines, deny such allegations insofar as such allegations characterize the nature of the media attention, respectfully refer the Court to the document cited in paragraph 23 as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 23 of the verified petition to the extent that such allegations are inconsistent with the document cited.

24. Admit the allegations contained in paragraph 24 of the verified petition insofar as such allegations allege or tend to allege that the Governor became aware of the *Jane Doe* litigation and that the actions of local law enforcement handling of the investigation into the events alleged in the *Jane Doe* Litigation was subject to public scrutiny, and otherwise deny the allegations contained in paragraph 24 of the verified petition that characterize the Governor's actions or awareness.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the verified petition.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the verified petition, respectfully refer the court to the document cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 26 of the verified petition to the extent that such allegations are inconsistent with the document cited.

27. Admit the allegations in paragraph 27 of the verified petition insofar as such allegations allege or tend to allege that, on October 1, 2026, the Governor made a public statement regarding the *Jane Doe* litigation, respectfully refer the court to the statement cited as the best evidence and most accurate version of its contents, deny the allegations in paragraph 27 of the verified petition to the extent that such allegations are inconsistent with the statement cited, and otherwise deny the allegations in paragraph 27 of the verified petition that characterize the Governor's actions.

28. Admit the allegations in paragraph 28 of the verified petition insofar as such allegations allege or tend to allege that, on October 1, 2026, the Governor made a public statement regarding the *Jane Doe* litigation, respectfully refer the court to the statement cited as the best evidence and most accurate version of its contents, deny the allegations in paragraph 28 of the verified petition to the extent that such allegations are inconsistent with the statement cited, and otherwise deny the allegations in paragraph 28 of the verified petition that characterize the Governor's actions.

29. Admit the allegations in paragraph 29 of the verified petition insofar as such allegations allege or tend to allege that, by EO 64, the Governor appointed the AG to serve as a special prosecutor to investigate conduct arising out of the allegations made in the *Jane Doe* litigation, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 29 of the verified petition to the extent that such allegations are inconsistent with EO 64.

30. Admit the allegations in paragraph 30 of the verified petition insofar as such allegations allege or tend to allege that, by EO 64, the Governor appointed the AG to serve as a

special prosecutor to investigate conduct arising out of the allegations made in the *Jane Doe* litigation, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 30 of the verified petition to the extent that such allegations are inconsistent with EO 64.

31. Deny the allegations in paragraph 31 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

32. Admit the allegations in paragraph 32 of the verified petition insofar as such allegations identify remarks made by the AG on social media prior to her appointment as special prosecutor, respectfully refer the court to the social media post cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 32 of the verified petition to the extent that such allegations are inconsistent with the social media post cited.

33. Deny the allegations in paragraph 33 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

34. Deny the allegations in paragraph 34 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

35. Deny the allegations in paragraph 35 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

36. Deny the allegations in the paragraph enumerated as “I” on page 7 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever, and respectfully refer all questions of law to the Court.

37. Deny the allegations in paragraph 36 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, respectfully refer all questions of law to the Court, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 36 of the verified petition to the extent that such allegations are inconsistent with EO 64; further, respectfully refer the court to the social media post cited as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 36 of the verified petition to the extent that such allegations are inconsistent with the social media post cited.

38. Deny the allegations in paragraph 37 of the verified petition to the extent that such allegations are inconsistent with the statute and case law cited, respectfully refer the court to the statute and case law cited as the best evidence and most accurate version of their contents, and otherwise deny the allegations in paragraph 37 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

39. Deny the allegations in paragraph 38 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

40. Deny the allegations in paragraph 39 of the verified petition to the extent that such allegations are inconsistent with the case law cited, respectfully refer the court to the case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 39 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

41. Deny the allegations in paragraph 40 to the extent that such allegations are inconsistent with the case law cited, respectfully refer the court to the case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 40 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

42. Deny the allegations in paragraph 41 of the verified petition to the extent that such allegations are inconsistent with the case law cited, respectfully refer the court to the case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 41 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

43. Deny the allegations in paragraph 42 of the verified petition to the extent that such allegations are inconsistent with the case law cited, respectfully refer the court to the case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 42 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

44. Deny the allegations in paragraph 43 of the verified petition to the extent that such allegations are inconsistent with the case law cited, respectfully refer the court to the case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 43 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

45. Deny the allegations in paragraph 44 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

46. Deny the allegations in paragraph 45 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

47. Deny the allegations in paragraph 46 of the verified petition insofar as such allegations characterize the authority that the Governor granted to the AG as articulated in EO 64, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, deny the allegations in paragraph 46 of the verified petition to the extent that such allegations are inconsistent with EO 64, and deny that the that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

48. Deny the allegations in paragraph 47 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

49. Deny the allegations in paragraph 48 of the verified petition to the extent that they are inconsistent with the document cited, respectfully refer the court to the document cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 48 of the verified petition deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

50. Deny the allegations in paragraph 49 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, deny that the opinion/commentary cited as Exhibit 8 is evidence of prejudice, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

51. Deny the allegations in paragraph 50 of the verified petition to the extent that such allegations are inconsistent with the case law cited, respectfully refer the court to the case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 50 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

52. Admit the allegations in paragraph 51 of the verified petition insofar as such allegations allege or tend to allege that whether the writ of prohibition lies in a particular matter requires consideration of certain threshold questions and discretionary factors, and otherwise deny the allegations in paragraph 51 of the verified petition that allege or tend to allege that Petitioner is entitled to the writ of prohibition here, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

53. Deny the allegations in the paragraph enumerated as “II” on page 10 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory,

regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

54. Deny the allegations in paragraph 52 of the verified petition to the extent that such allegations are inconsistent with the statute and case law cited, respectfully refer the court to the statute and case law cited as the best evidence and most accurate version of its contents, and otherwise deny the allegations in paragraph 52 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and respectfully refer all questions of law to the Court.

55. Deny knowledge or information sufficient to form a belief as to the allegations in paragraph 53 of the verified petition insofar as such allegations reference Petitioner's contentions, and otherwise deny the allegations in paragraph 53 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

56. Deny the allegations in paragraph 54 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

57. Deny the allegations in paragraph 55 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever, and respectfully refer all questions of law to the Court.

58. Deny the allegations in the paragraph enumerated as "III" on page 11 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

59. Admit the allegations in paragraph 56 insofar as such allegations allege or tend to allege that Petitioner's conduct may fall within the scope of the investigation authorized by EO 64, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 56 of the verified petition to the extent that such allegations are inconsistent with EO 64.

60. Deny the allegations in paragraph 57 of the verified petition insofar as such allegations tend to characterize the authority that the Governor granted to the AG as articulated in EO 64, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, deny the allegations in paragraph 57 of the verified petition to the extent that such allegations are inconsistent with EO 64, and deny that the that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

61. Deny the allegations in paragraph 58 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

62. Deny the allegations in paragraph 59 of the verified petition to the extent that such allegations are inconsistent with the statute and case law cited, respectfully refer the court to the statute and case law cited as the best evidence and most accurate version of their contents, and otherwise deny the allegations in paragraph 59 of the verified petition, deny that the challenged

action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

63. Deny the allegations in the paragraph enumerated as “IV” on page 12 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, deny that Petitioner is entitled to the relief requested or any relief whatsoever, and respectfully refer all questions of law to the Court.

64. Deny the allegations in paragraph 60 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, deny that Petitioner is entitled to the relief requested or any relief whatsoever, and respectfully refer all questions of law to the Court.

65. Deny the allegations in paragraph 61 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

66. Deny the allegations in paragraph 62 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

67. Deny the allegations in paragraph 63 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

68. Deny the allegations in the paragraph enumerated as “V” on page 13 of the verified petition to the extent that it is alleged that Petitioner has suffered harm, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

69. Admit the allegations in paragraph 64 insofar as such allegations allege or tend to allege that Petitioner’s conduct may fall within the scope of the investigation authorized by EO 64, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 64 of the verified petition to the extent that such allegations are inconsistent with EO 64.

70. Admit the allegations in paragraph 65 of the verified petition.

71. Deny the allegations in paragraph 66 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

72. Deny the allegations in paragraph 67 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

73. Deny the allegations in paragraph 68 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

74. Deny the allegations in paragraph 69 of the verified petition and respectfully refer to their answers to paragraphs 1 through 68 of the verified petition above.

75. Deny the allegations in paragraph 70 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and respectfully refer all questions of law to the Court.

76. Deny the allegations in paragraph 71 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and respectfully refer all questions of law to the Court.

77. Admit the allegations in paragraph 72 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

78. Admit the allegations in paragraph 73 of the verified petition insofar as such allegations allege or tend to allege that Petitioner's conduct may fall within the scope of the investigation authorized by EO 64, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, and deny the allegations in paragraph 73 of the verified petition to the extent that such allegations are inconsistent with EO 64.

79. Deny the allegations in paragraph 74 of the verified petition.

80. Deny the allegations in paragraph 75 of the verified petition insofar as such allegations tend to characterize the authority that the Governor granted to the AG as articulated in EO 64, respectfully refer the Court to the copy of EO 64, which is appended to the accompanying affirmation of Kaitlin Vigars as Exhibit A, as the best evidence and most accurate version of its contents, deny the allegations in paragraph 75 of the verified petition to the extent that such

allegations are inconsistent with EO 64, and deny that the that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

81. Deny the allegations in paragraph 76 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

82. Deny the allegations in paragraph 77 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

83. Deny the allegations in paragraph 78 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

84. Deny the allegations in paragraph 79 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, and deny any wrongdoing whatsoever.

85. Deny the allegations in paragraph 80 of the verified petition, deny that the challenged action was in any way contrary to constitutional, statutory, regulatory or case law, deny any wrongdoing whatsoever, and deny that Petitioner is entitled to the relief requested or any relief whatsoever.

86. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 of the verified petition.

87. Deny the allegations in the WHEREFORE clause, deny that Petitioner is entitled to the relief requested, and deny that Petitioner is entitled to any relief whatsoever.

88. Deny each and every allegation of the verified petition not specifically responded to above.

OBJECTIONS IN POINT OF LAW

89. Petitioner's claims raised in this proceeding are not justiciable. CPLR 3211(a)(2), and (7).

90. Petitioner lacks standing. CPLR 3211(a)(2), and (7).

91. Petitioner's claims raised in this proceeding raise a political question not suitable for judicial review. CPLR 3211(a)(2), and (7).

92. Petitioner's claims raised in this proceeding are not ripe for judicial review. CPLR 3211(a)(2), and (7).

93. The verified petition fails to state a cause of action. CPLR 3211(a)(7).

94. The actions challenged in this proceeding are not subject to judicial review as arbitrary and capricious or an abuse of discretion. CPLR 3211(a)(7).

RECORD BEFORE THE AGENCY BELOW

95. The documents annexed to the Affirmation of Kaitlin Vigars, dated October 22, 2026, as Exhibit A constitute the record before the administrative agency in this proceeding:

a. Executive Order No. 64.

96. Also submitted herewith is the following:

a. Affirmation of Kaitlin Vigars, dated October 22, 2026, with Exhibit A as detailed in paragraph 95 above.

WHEREFORE, Respondents respectfully request that the relief requested in the verified petition be denied, that the petition and this action be dismissed, and that Respondents be awarded costs and disbursements or, in the event the Court grants the verified petition, that the Court remand

the matter for a rehearing at which the technical matters complained of by the petitioner may be remedied, together with such other relief as may be right and just.

Dated: Albany, New York
October 22, 2026

LETITIA JAMES
Attorney General of the State of New York
Attorney for Respondents Kathy Hochul,
Governor of the State of New York, and
Letitia James, Attorney General of the State
of New York
The Capitol
Albany, New York 12224

By: /s/ Kaitlin Vigars
Kaitlin Vigars
Assistant Attorney General, of Counsel
Telephone: (518) 776-2036
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TO: All counsel of record (via NYSCEF)

Verification

Kaitlin Vigars, being a duly licensed attorney in the State of New York and an Assistant Attorney General of counsel in this matter to Letitia James, Attorney General of the State of New York, affirms the following:

I have been assigned to defend the within proceeding and I am acquainted therewith, and I have personally examined the exhibits annexed to the foregoing answer and records of Respondents provided herein.

I have read the foregoing answer. The same is true to my knowledge, except as to those matters alleged on information and belief, and as to those matters, I believe them to be true.

This verification is made by me, pursuant to CPLR Section 3020(d)(2), because Respondents are officers of the State of New York, and I am acquainted with the facts of this proceeding.

I affirm this 22nd day of October, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

/s/ *Kaitlin Vigars*

Kaitlin Vigars