

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.

AFFIRMATION

Index No. 911974-26

October 29, 2026

Farrell, J.

Kaitlin Vigars, an attorney admitted to practice in the State of New York, affirms the following:

1. I am an Assistant Attorney General of counsel in this matter to Letitia James, Attorney General of the State of New York, attorney for 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).

2. The matters contained in this affirmation are 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.

3. I make this affirmation in opposition to the verified petition and in support of Respondents’ answer.

4. A certified copy of Executive Order No. 64, dated October 1, 2026 and filed with the New York State Department of State on October 2, 2026, is attached as **Exhibit A**.

5. Also submitted is Respondents’ memorandum of law in opposition to the verified

petition and in support of the answer, which is incorporated by reference.

Dated: Albany, New York
October 22, 2026

I affirm 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

STATEMENT PURSUANT TO 22 NYCRR 202.8-b

I, Kaitlin Vigars, affirm under penalty of perjury pursuant to CPLR 2106 that the total number of words in the foregoing Affirmation, inclusive of point headings and footnotes and exclusive of pages containing the caption, table of contents, table of authorities, and signature block, is 177 words. The foregoing Affirmation complies with the word count limit set forth in 22 NYCRR 202.8-b. In determining the number of words in the foregoing Affirmation, I relied upon the word count of the word-processing system used to prepare the document.

/s/ Kaitlin Vigars
Kaitlin Vigars