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November 19, 2026

VIA NYSCEF
Honorable James R. Farrell
Acting Supreme Court Justice
Supreme Court of the State of New York
Sullivan Supreme and County Courthouse
414 Broadway
Monticello, New York 12701

Re: ***Lopes, Gillio v. Hochul, et al.***
Supreme Court, Albany County | Index No. 911974-26

Dear Justice Farrell:

This firm represents Petitioner in the above-referenced matter. I write today to advise the Court of a significant development concerning Petitioner's November 5, 2026 Order To Show Cause (ECF#31) and Mr. Winston Lee's application pending in Tompkins County.

Last night our office was informed by counsel for Mr. Lee that "Mr. Lee has withdrawn his Tompkins County recusal motion without prejudice to pursuing relief in the Albany proceeding". It is our understanding that this action was taken in part to address Your Honor's concern regarding parallel proceedings and the possibility of inconsistent rulings. We have further been advised that Justice Cassidy, the presiding Judge in Tompkins County, has expressly authorized disclosure of the withdrawal and dismissal to Your Honor and the parties in the Article 78 proceeding.

Respectfully submitted,

NESENOFF & MILTENBERG, LLP

By: ***/s/ Andrew T. Miltenberg***
Andrew T. Miltenberg, Esq.
Stuart Bernstein, Esq.
Tara J. Davis, Esq.

cc: All counsel of record via NYSCEF