SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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In the Matter of the Application of GILLIO LOPES,

Petitioner,

Index No.: 911974-26

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

-against-

KATHY 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.

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[PROPOSED] ORDER TO SHOW CAUSE FOR LEAVE TO AMEND THE VERIFIED PETITION AND JOIN ADDITIONAL PARTIES

Upon the Affirmation of Andrew T. Miltenberg dated November 5, 2026, and the exhibits annexed thereto, including the transcript of the October 29, 2026, oral argument and the proposed Amended Verified Petition, together with the accompanying memorandum of law and the prior proceedings herein, it is hereby:

ORDERED that Respondents show cause before the Honorable James R. Farrell, A.J.S.C., on the ____ day of _____, 2026, on submission unless the Court directs an appearance, why an Order should not be entered directing that:

1. Pursuant to CPLR 401, 1002(a), 1003, and 3025(b), granting Petitioner leave to file and serve the proposed Amended Verified Petition adding Diego Sarabia, Scott Kretzschmar, Scott Norris, and Winston Lee as co-petitioners and amending the caption accordingly;

2. Pursuant to CPLR 1001, directing joinder and service of any other individual whom the Court determines is a necessary party and subject to its jurisdiction;

3. Setting an expedited schedule for filing and service of the Amended Verified Petition and for any responses to it; and

4. Granting such other and further relief as the Court deems just and proper.

Sufficient cause being alleged therefor, it is hereby further:

ORDERED that Petitioner shall serve a copy of this signed Order to Show Cause and the supporting papers on Respondents by electronic mail, or by delivery via Federal Express or other service providing for delivery confirmation, on or before the ____ day of November, 2026, which shall be deemed good and sufficient service hereof. Petitioner shall also deliver a copy to an Assistant Attorney General at an office of the Attorney General in Albany County pursuant to CPLR 2214(d); and it is hereby 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, by _____ and reply papers, if any, shall be served upon Respondents by _____.

Dated: November 5, 2026

ENTER

_____

Hon. James R. Farrell, A.J.S.C.