



NEW YORK STATE SENATOR

Malcolm Smith

## Memorandum of Law and Affirmations Presented by Senator Malcolm A. Smith

MALCOLM A. SMITH

On June 11th, 2009, Senator Malcolm A. Smith filed a lawsuit to enjoin Senator Pedro Espada from carrying out the functions of the Temporary Senate President.

The attached papers were submitted by Senator Smith's counsel on June 14th, 2009, in opposition to defendant Senator Pedro Espada's motion to dismiss. Specifically, they include (1) Plaintiff's Memorandum of Law in Opposition; (2) the Affirmation of Michael Fallon; and (3) the Affirmation of David Markus.