

CV - 16 1892

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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LEONARD JOSEPH CAMPANELLO, FABRIZIO MILITO,
CHANDLER WILSON, ALEXANDRA K. CLARK,
DAVID MORRISON, Sr., ASHLEY PEACOCK,
STEVEN RICHTER, EMILY BRAUNSTEIN,
CHRISTOPHER BRITTEN, LISA KANBAR, LISA BEATTIE,
MICHELLE OLMO GARCIA, EDGAR MARTY,
REBECCA PEBBLES, et al.; and as Representatives of all
Disenfranchised and Purged voters in the State
of New York,

★ APR 18 2016 ★

LONG ISLAND OFFICE

FEUERSTEIN, J

____ Civ. _____ ()

Plaintiffs,

TOMLINSON, M

-against-

NEW YORK STATE BOARD OF ELECTIONS;
ANDREW J. SPANO and GREGORY P. PETERSON
in their official capacities as Commissioners of the New
York State Board of Elections; DOUGLAS A KELLNER
and PETER S. KOSINSKI in their official capacities as
Co-Chair of the New York State Board of Elections;
TODD D. VALENTIE and ROBERT A. BREHM,
in their official capacities as Co-Executive Directors of the
New York State Board of Elections; and as representatives
of all Commissioners of County Boards of Elections in
New York State,

ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
TEMPORARY
RESTRAINING ORDER AND
DECLATORY JUDGMENT

Defendants.

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Upon the affidavits of the above captioned Plaintiffs, sworn to the _____ day
of _____, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the above named defendants show cause before a motion term of
this Court, at Room , United States Courthouse, 225 Cadmen Plaza East, Brooklyn, New York,
County and State of New York, on , , at o'clock in the noon
thereof, or as soon thereafter as counsel may be heard, why an order should not be issued
pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants during the
pendency of this action from rejecting any affidavit ballot pursuant to NY Election Law § 8-303

(2) (b); and instead counting said ballots with the regular election results until the Board of Elections can bring proof upon notice to the voter why said ballot should be rejected; and it is further

ORDERED that, sufficient reason having been shown therefore, pending the hearing of plaintiff's application for a declaratory judgment, pursuant to Rule 57, Fed. R. Civ. P., the defendant is temporarily restrained and enjoined from rejecting ballots of purged, erroneously enrolled, and/or un enrolled voters as required pursuant to N.Y. Election Law § 8-303 (2) (b); and it is further

ORDERED that a Declaratory Judgment is issued finding that Plaintiffs have been unlawfully purged and shall be permitted to vote in the primary election as enrolled voters in their party; and it is further

ORDERED that that NY Election Law Elec. Law § 8-303 (2) (b) is unconstitutional as applied; and it is further

ORDERED that New York's Primary be open to all voters regardless of party affiliation

ORDERED that no security be posted by the plaintiffs; and it is further
ORDERED that personal service of a copy of this order and annexed affidavit upon the defendants or their counsel on or before _____ o'clock in the noon, _____, shall be deemed good and sufficient service thereof; and it is further

DATED: New York, New York

ISSUED: _____

United States District Judge