

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1190.1

CAE 11-02043

PRESENT: CENTRA, J.P., CARNI, LINDLEY, SCONIERS, AND GREEN, JJ.

IN THE MATTER OF DESEAN M. COOPER, CHARLES G. MASICH, DYLAN G. QUINLAN, JASON M. PAZDA, WENDY A. BICKNELL, TIMOTHY R. HOAK, SANDRA J. ROSENSWIE, GLENN MCLAUGHLIN AND MARYRUTH MORRIS, PETITIONERS-APPELLANTS,

V

ORDER

DENNIS E. WARD AND RALPH M. MOHR, COMMISSIONERS OF AND CONSTITUTING ERIE COUNTY BOARD OF ELECTIONS, DOUGLAS A. KELLNER, EVELYN J. AQUILA, JAMES A. WALSH AND GREGORY P. PETERSON, COMMISSIONERS OF AND CONSTITUTING NEW YORK STATE BOARD OF ELECTIONS, BARBARA MILLER WILLIAMS, KEVIN R. HARDWICK, SHELLY D. SCHRATZ, EDWARD A. RATH, MICHAEL W. COLE, LYNN D. DIXON, JOSEPH C. LORIGO, JOHN J. MILLS AND RAYMOND W. WALTER, CANDIDATES, NEW YORK STATE INDEPENDENCE PARTY COMMITTEE, NEW YORK STATE INDEPENDENCE PARTY EXECUTIVE COMMITTEE, FRANK MCKAY, PRESIDING OFFICER OF, AND WILLIAM BOGARDT, SECRETARY OF, A PURPORTED MEETING OF EXECUTIVE COMMITTEE OF NEW YORK STATE INDEPENDENCE PARTY COMMITTEE, RESPONDENTS-RESPONDENTS.

JEROME D. SCHAD, WILLIAMSVILLE, FOR PETITIONERS-APPELLANTS.

EMILIO COLAIACOVO, BUFFALO, KEVIN GIBBONS, AND RONALD BENNETT, HOLLAND, FOR RESPONDENTS-RESPONDENTS BARBARA MILLER WILLIAMS, KEVIN R. HARDWICK, SHELLY D. SCHRATZ, EDWARD A. RATH, MICHAEL W. COLE, LYNN D. DIXON, JOSEPH C. LORIGO, JOHN J. MILLS AND RAYMOND W. WALTER, CANDIDATES.

LAW OFFICES OF JAMES E. WALSH, SCHENECTADY (JAMES E. WALSH OF COUNSEL), FOR RESPONDENTS-RESPONDENTS NEW YORK STATE INDEPENDENCE PARTY COMMITTEE, NEW YORK STATE INDEPENDENCE PARTY EXECUTIVE COMMITTEE, FRANK MCKAY, PRESIDING OFFICER OF, AND WILLIAM BOGARDT, SECRETARY OF, A PURPORTED MEETING OF EXECUTIVE COMMITTEE OF NEW YORK STATE INDEPENDENCE PARTY COMMITTEE.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered October 7, 2011 in a proceeding pursuant to Election Law § 16-102. The order, insofar as appealed from, dismissed the petition to invalidate certain certificates of nomination and

certificates of authorization.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Entered: October 28, 2011

Patricia L. Morgan
Clerk of the Court