

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

899.1

CAE 21-01300

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

WILLIAM L. ROSS, JOSHUA WALKER, NIAGARA COUNTY
COMMITTEE OF THE CONSERVATIVE PARTY, CONSERVATIVE
PARTY OF NEW YORK AND GERARD KASSAR,
PLAINTIFFS-APPELLANTS,

V

ORDER

STATE OF NEW YORK, BOARD OF ELECTIONS OF STATE OF
NEW YORK, GOVERNOR OF STATE OF NEW YORK, SENATE OF
STATE OF NEW YORK, MAJORITY LEADER AND PRESIDENT
PRO TEMPORE OF SENATE OF STATE OF NEW YORK,
ASSEMBLY OF STATE OF NEW YORK, MAJORITY LEADER OF
ASSEMBLY OF STATE OF NEW YORK, SPEAKER OF ASSEMBLY
OF STATE OF NEW YORK, NIAGARA COUNTY BOARD OF
ELECTIONS, DEFENDANTS-RESPONDENTS,
MINORITY LEADER OF SENATE OF STATE OF NEW YORK, AND
MINORITY LEADER OF ASSEMBLY OF STATE OF NEW YORK,
DEFENDANTS-APPELLANTS.

JENNIFER SANDONATO, REPUBLICAN COMMISSIONER OF NIAGARA
COUNTY BOARD OF ELECTIONS, APPELLANT.

WOODS OVIATT GILMAN LLP, BUFFALO (WILLIAM F. SAVINO OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

MESSINA, PERILLO AND HILL, LLP, SAYVILLE (JOHN CIAMPOLI OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

FUSCO LAW OFFICE, ALBANY (ADAM M. FUSCO OF COUNSEL), FOR APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (BRIAN D. GINSBERG OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS STATE OF NEW YORK, GOVERNOR OF
STATE OF NEW YORK, SENATE OF STATE OF NEW YORK, MAJORITY LEADER AND
PRESIDENT PRO TEMPORE OF SENATE OF STATE OF NEW YORK, ASSEMBLY OF
STATE OF NEW YORK, MAJORITY LEADER OF ASSEMBLY OF STATE OF NEW YORK,
AND SPEAKER OF ASSEMBLY OF STATE OF NEW YORK.

JOHN J. DELMONTE, NIAGARA FALLS, FOR DEFENDANT-RESPONDENT NIAGARA
COUNTY BOARD OF ELECTIONS.

Appeals from an amended judgment (denominated amended order) of
the Supreme Court, Niagara County (Frank A. Sedita, III, J.), entered
September 10, 2021. The amended judgment, inter alia, denied the
motion of plaintiffs for summary judgment.

It is hereby ORDERED that said appeal by Jennifer Sandonato, Republican Commissioner of Niagara County Board of Elections is unanimously dismissed (see *Matter of Cox v Spoth*, 165 AD3d 1648, 1649 [4th Dept 2018]) and the amended judgment is affirmed without costs for reasons stated at Supreme Court.

Entered: October 18, 2021

Ann Dillon Flynn
Clerk of the Court