

SUPREME COURT STATE OF NEW YORK
COUNTY OF ALBANY

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In the Matter of the Application of
MARIO M. CASTRACAN and VINCENT F. BONELLI,
acting Pro Bono Publico,

Petitioners,

Index No.

for an Order, pursuant to Sections
16-100, 16-102, 16-104, 16-106 and
16-116 of the Election Law,

-vs-

ANTHONY J. COLAVITA, Esq., Chairman,
WESTCHESTER REPUBLICAN COUNTY COMMITTEE,
GUY T. PARISI, Esq., DENNIS MEHIEL, Esq.,
Chairman, WESTCHESTER DEMOCRATIC COUNTY
COMMITTEE, RICHARD L. WEINGARTEN, Esq.,
LOUIS A. BREVETTI, Esq., Hon. FRANCIS A.
NICOLAI, HOWARD MILLER, Esq., ALBERT J.
EMANUELLI, Esq., R. WELLS STOUT,
HELENA DONAHUE, EVELYN AQUILA, Commissioners
constituting the NEW YORK STATE BOARD
OF ELECTIONS, ANTONIA R. D'APICE,
MARION B. OLDI, Commissioners constituting
the WESTCHESTER COUNTY BOARD OF ELECTIONS,

Respondents,

for an Order declaring invalid the Certificates
purporting to designate Respondents Hon. FRANCIS A.
NICOLAI and HOWARD MILLER, Esq. as candidates for
the office of Justice of the Supreme Court of the
State of New York, Ninth Judicial District, and
the Petitions purporting to designate ALBERT J.
EMANUELLI, Esq. a candidate for the office of
Surrogate of Westchester County to be held in
the general election of November 6, 1990.

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DAVID B. COHEN, an attorney duly licensed to
practice law in the Courts of the State of
New York, affirms the following to be true
under penalty of perjury:

1. On September 18, 1990, I accompanied Eli Vigliano,

Esq. to the Westchester Marriott Hotel in Tarrytown, New York. We arrived there at approximately 1:00 P.M. We inquired at the front desk as to the location of the Republican Party's Ninth District Judicial Convention, and were referred to Ballroom "D".

2. When Mr. Vigliano and I arrived at Ballroom "D", we observed a number of people milling around, including Judge Nicolai, Richard Ross, Sanford Dranoff and Lawrence Glynn.

3. At approximately 1:20 P.M., we went into the Ballroom and found our seats. At approximately 1:30 P.M., Anthony Colavita called the meeting to order, and asked Peter Manos to call the roll. Mr. Manos thereupon called the names of all Delegates and Alternates. Those in attendance indicated their presence after their respective names were called. At the conclusion of the roll call, Mr. Manos announced that eighty-one (81) Delegates and/or Alternates were present, and that they constituted a quorum.

4. At the conclusion of the calling of the roll, Mr. Colavita accepted the nomination of Temporary Chairman of the Convention. His nomination was seconded. There were no other nominations. A voice vote was then taken and Mr. Colavita was unanimously elected as Temporary Chairman.

5. Mr. Colavita thereupon requested a nomination for the office of Temporary Secretary of the Convention. Mr. Manos was then nominated as Temporary Secretary, the nomination was seconded in the absence of other nominations and, after a voice vote, the motion was unanimously adopted.

6. Mr. Colavita then asked for a motion that the Temporary Chairman and the Temporary Secretary be elected as Permanent Chairman and Permanent Secretary, respectively, of the Convention. A motion was made to that effect, it was seconded and unanimously adopted. Thereupon, Messrs. Colavito and Manos were sworn in to those respective offices.

7. Mr. Colavita then announced that the purpose of the Convention was to nominate three candidates for the office of Justice of the Supreme Court. He recommended that certain rules be adopted respecting these nominations, such as, for instance, that each office be voted upon separately, that the length of nominating and seconding speeches be limited to five minutes and to one minute, respectively, etc. Thereupon a motion was made that such rules be adopted. The motion was seconded and then unanimously adopted.

8. After adoption of the aforesaid rules, Mr. Colavita designated Guy Parisi as Parliamentarian of the Convention, and two tellers from each of the five counties comprising the Ninth Judicial District.

9. Mr. Colavita then announced that nominations were in order for the first position of Justice of the Supreme Court. George Roberts was nominated for this position, and the nomination was seconded. There were no further nominations. A motion to close the nomination was then made, seconded, voted upon by voice vote and passed. A voice vote was then held on the nomination itself, and Mr. Roberts' nomination was unanimously

passed.

10. At this juncture, Mr. Colavita stated that he had overlooked the recital of the Pledge of Allegiance, which he said should have taken place immediately after the call of the roll. He asked everyone to join him in making the Pledge.

11. Soon after the Pledge of Allegiance had been recited, Mr. Vigliano and I left the Ballroom. It was approximately 2:15 P.M.

Dated: White Plains, New York
October 5, 1990



DAVID B. COHEN