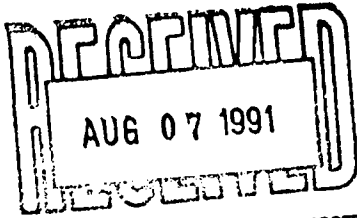




G-10

STATE OF NEW YORK
STATE BOARD OF ELECTIONS

P.O. BOX 4
ONE COMMERCE PLAZA
ALBANY, NY 12260-0004



August 2, 1991

Eli Vigliano, Esq.
1250 Central Park Avenue
P.O. Box 310
Yonkers, NY 10704

Re: Castracan, et al v.
Colavita, et al

Dear Mr. Vigliano:

Enclosed herewith please find two motions as follows:

1. A Notice of Motion together with a Motion to Dismiss the Appeal in the above-referenced matter to the Court of Appeals.
2. A Notice of Cross Motion together with a Cross Motion to Deny Leave to Renew or Reargue the above-referenced matter to the Appellate Division, Third Department.

Please note that the relief requested from both courts includes sanctions against Eli Vigliano, Esq., Doris Sassower, and their clients for frivolous conduct in relation to this case. You should mark your court calendars to reflect the return dates of these motions as September 9, 1991 and August 19, 1991, respectively.

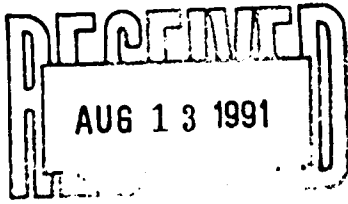
I have prepared a single packet of exhibits which are lettered in the order of reference to them in my moving papers to the Court of Appeals. I hope that this will simplify your review of this case to whatever extent is possible. Two copies of the exhibit packet are enclosed for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

John Ciampoli
Deputy Counsel

JC:ab



STATE OF NEW YORK
STATE BOARD OF ELECTIONS

P.O. BOX 4
ONE COMMERCE PLAZA
ALBANY, NY 12260-0004

August 6, 1991

Eli Vigliano, Esq.
P.O. Box 310
1250 Central Park Avenue
Yonkers, NY 10704

Re: Castracan, et al v.
Colavita, et al

Dear Mr. Vigliano:

In reviewing my papers to be filed with the Court of Appeals, I have observed the following typographical error:

The notation in paragraph number 6 to "... paragraph 8 hereinabove ..." should read "... paragraph 5 hereinabove ..."

I hope that this has not inconvenienced you and that you will note your copies of these papers accordingly. Corrected copies have been filed with the court.

Very truly yours,

John Ciampoli
Deputy Counsel

JC:ab

STATE OF NEW YORK
COURT OF APPEALS

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

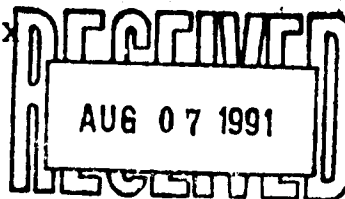
Petitioners-Appellants,

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-Respondents.



NOTICE OF MOTION--

Index No. 6056/90
Albany County
Appellate Division
Third Dept. Appeal
No. 62134

-----X
SIRS:

PLEASE TAKE NOTICE that upon the affirmation of John Ciampoli sworn to on this 1st day of August 1991 and upon the Notice of Appeal filed by Petitioner/Appellants with this court, that Respondent New York State Board of Elections and the Commissioners thereof will move this court pursuant to C.P.L.R. §§5601, 5602 and 22 NYCRR 500.2(c) as well as 22 NYCRR 37.1 and 130-1.1 et. seq. at the Court House thereof on Eagle Street, Albany, New York at 9:30 a.m. on September 9, 1991 or as soon thereafter as counsel may be heard, for an order:

1. Striking Petitioner/Appellants' Notice of Appeal from the court calendar for failure to comply with §500.2 of the rules of this court, and, further, dismissing said appeal.

2. Denying to Petitioner/Appellants leave to appeal to this court from the order of the Appellate Division, Third Department.

3. Imposing sanctions for frivolous conduct upon Petitioner/Appellants together with attorneys' fees and costs of Respondents as this court may deem appropriate.

4. Imposing sanctions for frivolous conduct against Eli Vigliano, counsel for Petitioner/Appellants together with attorneys' fees and costs of all respondents as this court may deem appropriate

5. Imposing sanctions for frivolous conduct upon Doris Sassower, who, despite an order of the Appellate Division suspending her from the practice of law, has persisted in her frivolous conduct in connection with this case together with attorneys' fees and costs of all respondents this court may deem appropriate

and for any other and further relief that this court may deem just and proper.

Dated: August 2, 1991
Albany, New York

John Ciampoli, Esq.
State Board of Elections
P.O. Box 4
One Commerce Plaza
Albany, NY 12260
Tel. 518-474-6367

STATE OF NEW YORK
COURT OF APPEALS

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

Petitioners-Appellants,

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

AFFIRMATION IN
SUPPORT OF
MOTION

-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-Respondents.

-----X
State of New York)
County of Albany) s. ss:

John Ciampoli, an attorney duly admitted to the practise of
law before the courts of the State of New York, does hereby affirm
under the penalties of perjury that:

1. Your affirmant is deputy counsel to Respondent New York
State Board of Elections and represents said Board and the
Commissioners thereof in the above-captioned proceeding.

2. Your affirmant has reviewed the two Notices of Appeal filed
by Doris Sassower and Eli Vigliano, Esq. in the above-captioned
matter. (Exhibits A and B respectively).

3. In addition to these Notices of Appeal,

Petitioner/Appellants have placed a motion before the Appellate Division, Third Department for an order allowing the reargument/renewal of the Appeal in the above-captioned case, or, alternatively, for leave to appeal to this court. (Exhibit C).

4. The motion before the Appellate Division and the Notice of Appeal for this court would appear to be incompatible to a certain extent as the same relief has been requested of each court, pursuant to §5602 C.P.L.R.

5. The first of the two Notices of Appeal was issued over the signature of Doris Sassower after the Appellate Division, Second Department had issued an order suspending Ms. Sassower from the practice of law for failure to obey an order of said court. (Exhibit D).

6. The second Notice of Appeal was issued over the signature of Eli Vigliano, Esq. after several of the attorneys for the various respondents notified the Court of Appeals of the facts detailed in paragraph "8", hereinabove.

7. Mr. Vigliano appeared at special term before Mr. Justice Kahn as Ms. Sassower's "co-counsel" and had previously filed a criminal complaint with Respondent New York State Board of Elections alleging essentially the same cause of action as criminal violations of the Election Law. Said complaint was summarily disposed of by the Board for failure to allege sufficient facts constituting violations of any statute.

8. As a complainant, co-counsel and substituted counsel for Petitioner/Appellants, Eli Vigliano, Esq., is and at all relevant instances has been intimately acquainted with the facts and circumstances of this case.

9. While the determination at Special Term was on the merits of the case the Appellate Division Decision was entirely based upon procedural defects occasioned by Petitioner/Appellants' failure to serve necessary parties, among others. (Exhibit E).

10. Accordingly, there is no federal or state constitutional issue before this court, rather Petitioner/Appellants present only a rather routine C.P.L.R. question.

11. By filing a Notice of Appeal purporting to place constitutional issues before this court, and by engaging in simultaneous motion practice before the Appellate Division, all based upon inaccurate, misleading and frivolous use of appellate practice, (Ms. Sassower and Mr. Vigliano have purposefully and maliciously burdened this court and respondents with totally unnecessary litigation.

WHEREFORE, Respondent New York State Board of Elections and the Commissioners thereof respectfully request an order of this court as follows:

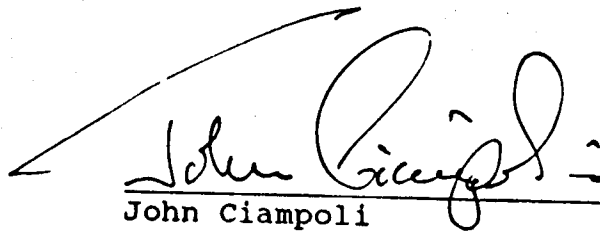
1. Dismissing the motion of Petitioner/Appellants in all respects,
2. Denying Petitioner/Appellants leave to renew and/or reargue the appeal herein,
3. Denying Petitioner/Appellants leave to appeal to the Court of Appeals of the State of New York,
4. Imposing sanctions for frivolous conduct upon Petitioner/Appellants, together with attorneys' fees and costs of all respondents as this court may deem appropriate,
5. Imposing sanctions for frivolous conduct against Eli Vigliano, counsel for Petitioner/Appellants, together with

attorneys' fees and costs of all respondents as this court may deem appropriate,

6. Imposing sanctions for frivolous conduct upon Doris Sassower, who, despite an order of the Appellate Division suspending her from the practice of law, has persisted in her frivolous conduct in connection with this case, together with attorneys' fees and costs of all respondents as this court may deem appropriate,

together with such other and further relief as this court may in its judgment deem to be just and proper.

Sworn to this
2nd day of August 1991

A handwritten signature in cursive script, appearing to read "John Ciampoli", written over a horizontal line.

John Ciampoli
Attorney for Respondent New York
State Board of Elections
P.O. Box 4, One Commerce Plaza
Albany, NY 12260
Tel. 518-474-6367

STATE OF NEW YORK
COURT OF APPEALS

Index No.
6056/90

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

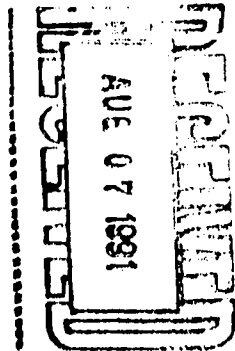
Petitioners-Appellants,

v.

ANTHONY J. COLAVITA, et al,

Respondents-Respondents.

NOTICE OF MOTION
MOTION TO DISMISS



John Ciampoli, Esq.
State Board of Elections
P.O. Box 4
One Commerce Plaza
Albany, NY 12260
Tel. 518-474-6367