

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, THIRD DEPARTMENT

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

Petitioners-Appellants,

NOTICE OF APPEAL

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

Index No. 6056/90  
Appeal No. 62134

-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,

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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Petitioners-Appellants, relying upon the question  
directly involving the construction of the provisions of Article  
6, Section 6(c) of the Constitution of the State of New York and  
violation of state and federal constitutional guarantees of due

process as set forth in Article 1, Section 6, Clause 3 of the New York State Constitution and the 5th and 14th amendments to the United States Constitution, hereby appeal as of right to the Court of Appeals of the State of New York from the order of the Appellate Division, Third Department, entered in the office of the Clerk of the Appellate Division on May 15, 1991, which unanimously affirmed the order of the Supreme Court, County of Albany, in this proceeding, entered in the office of the Clerk of the County of Albany on October 17, 1990 granting Respondent Parisi's motion to dismiss this proceeding on the ground that the petition fails to state a cause of action. Petitioners appeal from each and every part of the Order of the Appellate Division and from the whole thereof.

Dated: White Plains, New York  
June 20, 1991

Doris L. Sassower, P.C.  
Attorney for Petitioners  
283 Soundview Avenue  
White Plains, New York 10606  
(914) 997-1677

TO: Clerk of the County of Albany

John Ciampoli, Esq.  
Attorney for N.Y. State Board of Elections  
One Commerce Plaza  
P.O. Box 4  
Albany, New York 12260

Thomas J. Abinanti, Esq.  
Attorney for Respondent Nicolai  
Six Chester Avenue  
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Marilyn J. Slaatten, Esq.  
County Attorney  
Attorney for Westchester County Board of Elections  
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Sam Yasgur, Esq.  
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Guy T. Parisi, Esq., Of Counsel  
150 Purchase Street  
Rye, New York 10580

Hashmall, Sheer, Bank & Geist  
Attorneys for Mehiel, Westchester Democratic  
County Committee & Weingarten  
235 Mamaroneck Avenue  
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Sanford S. Dranoff, Esq.  
Attorney for Miller  
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Pearl River, New York 10965-8629

Stuart A. Rosenthal, Esq.  
Assistant Attorney General  
State of New York, Department of Law  
202 Mamaroneck Avenue  
White Plains, New York 10605

AFFIDAVIT OF SERVICE

STATE OF NEW YORK            )  
                                  ) ss.:  
COUNTY OF NEW YORK        )

Lauren A. Leslie, being duly sworn, deposes and says:  
deponent is not a party to the action, is over 18 years of age  
and resides in Bronx County.

On June 21, 1991 deponent served the Notice of Appeal  
within:

upon:

John Ciampoli, Esq.  
Attorney for N.Y. State Board of Elections  
One Commerce Plaza  
P.O. Box 4  
Albany, New York 12260

Thomas J. Abinanti, Esq.  
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Also V. Vitagliano, P.C.  
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Assistant Attorney General  
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202 Mamaroneck Ave.  
White Plains, New York 10605

by depositing true copies of same in post-paid properly addressed  
wrappers in an official depository under the exclusive care and  
custody of the United States Post Office within the State of New  
York directed to said attorneys at the address last furnished  
them or last known to your deponent.

Reolie

Sworn to before me this  
21st day of June 1991

David W. Barzman  
Notary Public

**DAVID WILLIAM BARZMAN**  
Notary Public, State of New York  
No. 4964100  
Qualified in Westchester County  
Commission Expires March 28, 1992

NOTICE OF ENTRY

Sir:-Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:-Please take notice that an order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at

on 19

at M.

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for

Index No. 6056

Year 19 90

Appeal No. 62134

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: THIRD DEPARTMENT

In the Matter of the Application  
of MARIO M. CASTRACAN and  
VINCENT F. BONELLI,

Petitioners-Appellants,

- against -

ANTHONY J. COLAVITA, Esq., Chairman,  
WESTCHESTER REPUBLICAN COUNTY  
COMMITTEE, et al.,

Respondents-Respondents.

NOTICE OF APPEAL

DORIS L. SASSOWER, P.C.  
Petitioners-Appellants

Attorney for

Office and Post Office Address, Telephone

283 Soundview Avenue  
White Plains, New York 10606  
(914)997-1677

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for