

G-5

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
July 11, 1991

Eli Vigliano, Esq.
Attorney for Petitioners -
Appellants
1250 Central Park Avenue
P.O. Box 310
Yonkers, New York 10704
(914) 423-0732

TO: Clerk of the County of Albany

John Ciampoli, Esq.
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Thomas J. Abinanti, Esq.
Attorney for Respondent Nicolai
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P.O. Box 1629
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Robert Abrams, Esq.
Attorney General
State of New York, Department of Law
120 Broadway
New York, New York 10271

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 part to the action, is over 18 years of age and
resides in Bronx County.

Upon July 11, 1991 deponent served the Notice of Appeal
within upon:

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

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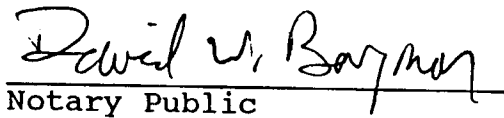
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Robert Abrams, Esq.
Attorney General
State of New York, Department of Law
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New York, New York 10271

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.



Sworn to before me this
11th day of July, 1991.


Notary Public

DAVID WILLIAM BARGMAN
Notary Public, State of New York
No. 4964180
Qualified in Westchester County
Commission Expires March 26, 1992

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

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 SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ALBANY

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Petitioners-Appellants,

- against -

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

Respondents-Respondents.

NOTICE OF APPEAL

Eli Vigliano, Esq.

Attorney for Petitioners-Respondents

Office and Post Office Address, Telephone 1250 Central Park Avenue P.O. Box 310 Yonkers, New York 10704 (914)423-0732

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for