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At Part ___ of the Supreme Court of the State of New York, at the Courthouse located at 285 Main St., Goshen, NY 10924 on August __, 2023.

P R E S E N T: _____, Justice,
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In the Matter of the Application of

DAVID C. MCFADDEN

Petitioner,

-against-

THE ORANGE COUNTY BOARD OF ELECTIONS, THE NEW YORK STATE BOARD OF ELECTIONS, THE VILLAGE OF TUXEDO PARK, MARK D. CITRIN as Candidate for Mayor, JOSHUA S. SCHERER as Candidate for Village Trustee, PAUL A. BROOK as candidate for Village Trustee, ELIZABETH DOHERTY, Village Clerk, JEAN HAUG as a member of the Board of Canvassers, KURT HAUG, as a member of the Board of Canvassers, and CHRISTOPHER MOOG, as a member of the Board of Canvassers,

Respondents.

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Upon the reading and filing of the annexed Verified Petition, duly verified on August 18, 2023; and upon all of the papers and proceedings herein, it is hereby:

ORDERED, that Respondents show cause before this Court at Part __, to be held at the Courthouse, Room _____, located at 845 Main Street, Goshen, New York _____, on the __ day of August, 2023 at _____ o'clock in the ____ noon, or as soon thereafter as counsel can be heard, why an Order should not be made and entered herein pursuant to the provisions of Article 16 of the New York State Election Law:

- (a) Directing the Respondent Board of Elections of Orange County to issue notices to cure all of the following Absentee Ballots found to be defective by the

Index No.

ORDER TO SHOW CAUSE

Respondent Board of Canvassers pursuant to Election Law § 9-209 (3) (b) and directing said absentee ballots to be cast and canvassed if the voter appears on the active or inactive voter registration list:

Chrissy Crawford
Juan Corredor
Nicholas Hansen
Siobahn Hansen
Gina Martin
Edward Hargroves
Robert Lopez
Diana Wiebicki
Caio Rudolfo
Cole Tavani
Paolla Tocci
Jadwiga Gorzynski
Ireneusz Gorzynski
Michael Martin
Nicole Martin Morris
Anne McCann
Megan Ryan
James McClellan
Jacob Bruner
Jacob Shapiro
Claudia R. Turnbull
Carey Turnbull;

- (b) Reversing the determination of the Board of Canvassers, and canvassing the absentee ballots of those voters set forth in subparagraph (a) hereinabove upon receipt of a timely cure affirmation as that time is defined in Election Law § 9-209 (3) (b) *et seq* and allowing absentee ballots to be cast and canvassed if the voter appears on the active or inactive voter registration list;
- (c) Upon the canvassing of those cured Absentee Ballots recalculating the outcome of the election and certifying the prevailing party as the duly elected Mayor of the Village of Tuxedo Park, Orange County, New York;

(d) Granting Petitioner such other and further relief as this Court deems just and proper; and it is further,

ORDERED, that the Respondent Board of Elections of Orange County and Village Clerk Elizabeth Doherty be and they are hereby directed to produce, upon the return date hereof, and on any adjourned date, the following: the active and inactive voter registration lists of all the voters of Tuxedo Park, and all records from and ballots cast in the June 20, 2023 election for the public office of Mayor of the Village of Tuxedo Park, Orange County, New York, including, but not limited to, ballots cast by machine and the associated tape print out calculation of said ballots, affidavit ballots, absentee ballots, absentee ballot envelopes, and unopened absentee ballots; and it is further

ORDERED that pending the adjudication of this proceeding, the Orange County Board of Elections, Village of Tuxedo Park, and Village Clerk Elizabeth Doherty are hereby precluded and restrained from certifying the results of the Election and swearing in any candidate as Mayor of Tuxedo Park; and it is further

ORDERED, that leave is hereby granted to Petitioner to submit, upon the return date or on any adjourned date, and at the hearing of this application, such additional affidavits, exhibits, testimony and other proofs as Petitioner may deem advisable.

SUFFICIENT CAUSE APPEARING THERFOR, it is further

ORDERED that, service of this Order and the papers upon which it is granted be deemed due, timely and sufficient if made as follows: (1) upon the Respondent Board of Elections of Orange County, on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier, or by personally delivering a true copy of this Order and the annexed papers upon the person designated by said Board to receive such service

at 75 Webster Avenue, Goshen, NY 10924; (2) upon the New York State Board of Elections, on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier, or by personally delivering a true copy of this Order and the annexed papers upon the person designated by said Board to receive such service at 40 N. Pearl St., Albany, NY 12207, (3) upon the Village of Tuxedo Park on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier, or by personally delivering a true copy of this Order at 80 Lorillard Road, Tuxedo Park, NY 10987; (4) upon the Respondent Mark D. Citrin at 30 Acoma Road, Tuxedo Park, NY 10987, on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; (5) upon Tuxedo Park Village Clerk Elizabeth Doherty, at 80 Lorillard Road, Tuxedo Park, NY 10987, on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; (6) upon Joshua S. Scherer, Candidate for Trustee of the Village of Tuxedo Park, Orange County, New York at 1 East Lake Road, Tuxedo Park, New York 10987 on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; and (7) upon Paul A. Brooke, Candidate for Trustee of the Village of Tuxedo Park, Orange County, New York at 34 East Lake Road, Tuxedo Park, NY 10987 on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; (8) upon Jean Haug at 1434 Lakes Road, Monroe, NY 10950 on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; (9) upon Kurt Haug at 1434 Lakes Road, Monroe, NY 10950 on or before August __, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; and (10) upon Christopher Moog at 32 East Village Road, Tuxedo Park, NY 10987 on or before August

__, 2023, by either overnight USPS delivery, Federal Express or any other recognized overnight courier; and it is further

ORDERED, that any requirement that the affidavits of service be filed with the Clerk of the Court be extended to the return date of this motion, and such affidavits shall be filed with the Clerk of the Part on the return date, and that any requirement that substituted service be preceded by due diligence attempt(s) at personal delivery upon any or all Respondents be and is hereby waived, and that the ten day completion of service provision be and is hereby waived by this Order.

ENTER:
