G-6

COURT OF APPEALS OF THE
STATE OF NEW YORK

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

Petitioners-Appellants,

JURISDICTIONAL STATEMENT

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

Albany County Clerk
Index No. 6056/90

Third Department
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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1. The title of this case is as set forth above.

2. Petitioners-appellants appeal to the Court of Appeals from a final order of the Appellate Division, Third

Department, entered in the office of the Clerk of the Appellate Division on May 15, 1991, which order affirmed the order of the Supreme Court, Albany County, is favor of Respondents-Respondents in this action, entered in the office of the Clerk of the County of Albany on October 17, 1990.

3. Notice of appeal on behalf of Petitioners-Appellants was served by mail upon all attorneys for Respondents-Respondents on June 21, 1991 and was filed in the office of the Albany County Clerk on July 1, 1991. A second notice of appeal was filed in the office of the Albany County Clerk on July 11, 1991 and served by mail upon all attorneys for respondents-respondents on July 11, 1991.

4. A copy of the order appealed from, with notice of its entry, was served by mail upon all attorneys for Respondents-Respondents, on June 21, 1991 at the respective addresses set forth in the service list below. A copy of said Order with Notice of Entry thereof served by mail by Counsel for Respondent Howard Miller, Esq. was received by counsel for Petitioners - Appellants on June 21, 1991.

5. The names and addresses of the attorneys for Respondents-Respondents are set forth in the service list below.

6. This Court has jurisdiction to entertain this appeal and to review the questions raised pursuant to Article 6, Section 3(b)(1) of the Constitution of the State of New York and Section 5601(b)(1) of the Civil Practice Law and Rules.

7. The issues already raised and likely to be raised include the following:

Point I -

The cross-endorsements contract in issue is an invidious violation of the New York State Constitution, the Election Law of New York State, and the Code of Judicial Conduct and Court Rules relative thereto. As such, it is illegal, void, and against public policy.

Point II -

The decision of the Appellate Division deprived petitioners of their right to be heard by an impartial bench in violation of their rights under the New York State and United States Constitutions.

Point III -

Respondents cannot be heard to complain about any of their affirmative defenses, none of which were presented for appellate review.

Point IV -

Special Term erroneously held that as a matter of law the petition fails to state a cause of action.

Point V -

The petitioners have standing to bring the instant proceeding.

Point VI -

The Attorney General deferred his jurisdiction to the New York State Board of Election and expressly waived service upon his office.

Point VII -

Petitioners have joined all parties necessary for the relief they seek. Any parties not joined had notice of the proceeding and chose not to intervene.

Point VIII -

Dismissal is a drastic and unnecessary remedy for nonjoinder, especially in light of the transcendent public interest issues involved and the lack of prejudice to respondents.

Point IX -

Laches is not a defense to the instant petition.

Dated: White Plains, New York
July 10, 1991

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Marilyn J. Slaatten, Esq.
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New York, New York 10271

§ 500.2(b)(1) – Dated Notice of Appeal.

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

----------x

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.

----------x

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

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(914) 997-1677

TO: Clerk of the County of Albany

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202 Mamaroneck Avenue
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§ 500.2(b)(6) - 2nd Dated Notice of Appeal

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

----------x

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

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§ 500.7(b)(2) - Order Appealed from - 6/21/91

At a Term of the Appellate Division of the Supreme Court of the State of New York, held in and for the Third Judicial Department, at the Justice Building, in the City of Albany, New York, commencing on the 18th day of March, 1991.

PRESENT:

HON. A. FRANKLIN MAHONEY,
Presiding Justice,
HON. ANN T. MIKOLL,
HON. HOWARD A. LEVINE
HON. D. BRUCE CREW III,
HON. NORMAN L. HARVEY,
Associate Justices.

----------x

In the Matter of the Application of MARIO M. CASTRACAN AND VINCENT F. BONELLI, Acting *Pro Bono Publico*,

Petitioners-Appellants,

- against -

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 AQUILLA, 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

COUNTY CLERK'S INDEX NO. 6056/90 (Albany County)

MARIO M. CASTRACAN and VINCENT F. BONELLI, appellants, having appealed from an order of the Supreme Court of Albany County, entered on the 17th day of October, 1990, in the office of the clerk of Albany County, and said appeal having been presented during the above-stated term of this court, and having been argued by Doris L. Sassower, P.C., of counsel for appellants, and by Sanford S. Dranoff, Esq., of counsel, for respondent Howard Miller, and by David Geis, Hall, Dickler, Lawler, Kent & Friedman, Esq., of counsel for respondent Albert J. Emanuelli, and by Guy T. Parisi, Esq., of counsel for respondent Colavita, and by Alan D. Scheinkman, Esq., and by Hashmall, Sheer, Bank & Geist, Esqs., of counsel for respondents Dennis Mehiel and Richard L. Weingarten, and by Thomas J. Abinanti, Esq., of counsel for respondent Francis A. Nicolai, and by Scolari, Brevetti, Goldsmith & Weiss, P.C., of counsel for respondent Louis A. Brevetti, and, after due deliberation, the court having rendered a decision on the 2nd day of May, 1991, it is hereby submitted

ORDERED that the order so appealed from be and is hereby affirmed, without costs.

/s/ Michael J. Novack

Clerk

DATED AND ENTERED: MAY 15 1991

A TRUE COPY

Michael J. Novack

 §500.26(a)(4) - Opinion of Appellate Div.

Supreme Court—Appellate Division
Third Judicial Department

May 2, 1991 62134

In the Matter of MARIO M. CASTRACAN et al.,
Appellants,

v

ANTHONY J. COLAVITA, as Chairman of the Westchester Republican County Committee, et al.,
Respondents.

PER CURIAM.

Appeal from an order of the Supreme Court (Kahn, J.), entered October 17, 1990 in Albany County, which dismissed petitioners' application, in a proceeding pursuant to Election Law § 16-102, to, inter alia, declare invalid the certificates of nomination naming various respondents as candidates for the offices of Justice of the Supreme Court and Surrogate for the Ninth Judicial District in the November 6, 1990 general election.

Petitioners commenced this proceeding challenging the nominations of various candidates for judicial offices in the Ninth Judicial District who had been cross-endorsed by both the Republican and Democratic parties. According to petitioners, the cross endorsement of the judicial candidates violated the NY Constitution and Election Law in that it served to disenfranchise the voters of the Ninth Judicial District. In their petition, petitioners sought to void what they claimed to be an illegal three-year plan engineered by various Republican and Democratic Executive Committees of the counties in the Ninth Judicial District whereby it was apparently agreed upon in advance that certain candidates would be cross-endorsed by the political parties involved. Aside from requesting that the plan be declared void, petitioners also requested that the nominations and nominating certificates of certain of the involved candidates be voided and the judicial conventions be ordered reconvened.

In answering, respondents alleged various defenses, including lack of jurisdiction and standing, failure to join necessary parties and failure to state a cause of action. Two of the respondents moved to dismiss the petition. Supreme Court specifically decided not to address any procedural issues and chose to dismiss the petition on the merits. The court found that the cross endorsement of judicial candidates was not prohibited by the Election Law and, since the challenged candidates were properly nominated by the conventions, no relief could be granted. This appeal by petitioners followed.

While petitioners undoubtedly raise several interesting issues relating to the propriety and appropriateness of the practice of judicial cross endorsements, we cannot simply ignore the legitimate procedural objections raised by respondents[1] as did Supreme Court in order to more expeditiously explore the merits. Accordingly, a brief discussion of the pertinent points follows.

Initially, we must agree with respondents that petitioners have failed to join necessary parties in this proceeding. Notably, petitioners named as parties only three of the judicial candidates named on the challenged certificates of nomination and nominated at the 1990 conventions even though petitioners object in terms which indicate that they are challenging the certificates in their entirety and are requesting new judicial conventions. This court has said in the past that when a certificate of nomination that covered a number of candidates is challenged in a proceeding that sought to invalidate the certificate and require a new party caucus, all the nominees on the certificate must be joined since, if the petition is granted, they would all be disqualified as candidates and would run the risk of not being nominated at the new caucus (see, Matter of Sahler v Callahan, 92 AD2d 976, 977). Here, the rights of all the candidates nominated for Supreme Court Justice, and not just those specifically cross-endorsed, are "inextricably interwoven" and, therefore, they were necessary parties (see, Matter of McGoey v Black, 100 AD2d 635, 636; cf., Matter of Greenspan v O'Rourke, 27 NY2d 846).[2]

It should also be noted that, although petitioners contend that the entire cross endorsement plan was allegedly agreed to by the executive committees of both parties in each county in the Ninth Judicial District, they did not name these committees as parties. Further, officers elected in the conventions that are requested to be

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[1] Petitioners incorrectly state that respondents' procedural arguments should not be addressed since those parties did not file notices of appeal from Supreme Court's decision. Since respondents were not aggrieved by Supreme Court's decision in their favor, it was not necessary for them to appeal (see, Lonstein, P.C. v Seeman, 112 AD2d 566).

[2] Since petitioners challenge all aspects of the cross endorsement plan and request that it be declared void in its entirety, it should also be noted that 1989 candidates named in the cross endorsement plan were also not joined by petitioners in the proceeding nor is there any indication that objections against their nominations were timely filed.

voided and reconvened would also have had to be joined, since they might not be appointed at the requested reconvened conventions (cf., Matter of Sahler v Callahan, supra). In addition, to the extent that petitioners seek to prohibit certain nominees from running for office in the Ninth Judicial District, the Boards of Election of each county in the district are also apparently necessary parties since these Boards are responsible for the conduct of elections in those counties (see, Election Law S 3-506). The law is clear that failure to join necessary parties in a proceeding pursuant to the Election Law prior to the time prescribed for initiating such a proceeding requires dismissal of the petition (see, Matter of Marin v Board of Elections of State of N.Y., 67 NY2d 634). Since petitioners' failure to join necessary parties in this proceeding is apparent,[3] this proceeding is fatally defective.

Although we also have grave doubts about the standing of petitioners, it is unnecessary to explore this and other issues raised by the parties due to our resolution of the foregoing issue.

Order affirmed, without costs.

MAHONEY, P.J., MIKOLL, LEVINE, CREW III and HARVEY, JJ., concur.

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[3] Another basis for dismissal of this proceeding is petitioners' failure to serve the Attorney-General (see, 2A Weinstein-Korn-Miller, NY Civ Prac ¶ 2214.05). The State Board of Elections, named in the petition, is undoubtedly a State body (see, Election Law S 3-100). CPLR 2214 requires that an order to show cause served upon a State body or officer must also be served on the Attorney-General (CPLR 2214 [d]).

ES0002 (06) (WD) 1 4 ... 1
Supreme Court Order and Decision
684-0554

STATE OF NEW YORK

COUNTY OF ALBANY

SUPREME COURT

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

Petitioners,

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

-against-

ANTHONY M. 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 Petitioners 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.

Supreme Court - Request for Judicial Intervention

October 12, 1990-Special Term RJI 0190 ST2747 Index No. 6056-90

JUSTICE LAWRENCE E. KAHN, Presiding

APPEARANCES:

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APPEARANCES: (Continued)

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KAHN, J.

This proceeding seeks to review the nomination of three candidates for election to the office of Justice of the Supreme Court for the Ninth Judicial District of the State of New York. Specific reference is made to the September 18, 1990 Republican Judicial Convention and the September 24, 1990 Democratic Judicial Convention. The actions taken at the aforesaid conventions purport to be in furtherance of a written resolution of the Westchester County Republican and Democratic Committees, which adopted a three-year plan for the cross-endorsement of various judges for County Court, Family Court, Surrogate Court and Supreme Court. In this regard, there is no dispute that the resolution exists or that it even goes so far as to provide that once nominated, each individual will pledge to "provide equal access and consideration, if any, to the recommendations of the leaders of each major political party in conjunction with proposed judicial appointments." Thus, the agreement appears to even extend to the hiring of staff personnel.

Various defendants have moved to dismiss upon considerations of jurisdiction, failure to state cause of action, latches, statute of limitations, etc. Petitioners have also sought a directive from the court that certain respondents are in default for having failed to timely serve pleadings or defectively verified pleadings. However, in the

interests of judicial economy and with an acknowledgment that this decision must be rendered in an exceedingly expeditious manner, the court shall directly address the merits of the petition itself, in order that the inevitable appeal process may be commenced in a timely fashion.

Cross-endorsement of judicial candidates by the major political parties has long been the subject of substantial concern among various segments of the voting public. It has been the focus of study by the Commission on Government Integrity, The Fund for Modern Courts, and even the Chief Judge of the Court of Appeals. However, and most importantly in the context of this judicial proceeding, the practice of cross-endorsement of judicial candidates is not presently prohibited by the Election Law. Further, while the enforceability of the purported resolution would appear to be exceedingly questionable, the reality is that it does not result in the nomination or designation of a candidate for Supreme Court Justice. Only the delegates to a properly convened Judicial District convention can take such action (Election Law, section 6-106).

The Court of Appeals has reiterated that the Legislature of this State has "manifested an intent of general non-interference with the internal affairs of political parties." (**Bloom v Nataro**, 67 NY2d 1048, 1049). "[J]udicial intervention should only be undertaken as a last resort." (**Matter of Bachmann v Coyne**, 99 AD2d 742.) Certainly, any

rule of the Westchester County Republican or Democratic Committee which purports to select candidates for the office of Supreme Court Justice must be considered inconsistent with the Election Law, which leaves that selection to the delegates to a judicial convention. However, once having convened a proper convention, and having followed the mandates of the Election Law, any relief premised upon the invalidity of the so-called "Three Year Plan" is precluded. In the case at bar, there is no proof that the judicial conventions at issue were not legally organized, with a quorum present, and that a majority of that quorum duly voted for the candidates named as respondents hereto. As such, the petition does not state grounds upon which relief may be granted (Matter of Hobson v Lomenzo, 30 AD2d 981).

The scenario, as presented by the submissions presently before the court, no doubt will continue to fuel the debate concerning the manner in which candidates for judicial office are selected. However, the proper forum must be the Legislature of the State of New York, which has the sole power to amend the process by which judicial candidates are chosen.

The motion of respondent Parisi for a judgment dismissing the proceeding upon the ground that the petition fails to state a cause of action shall be granted. As aforesaid, dismissal of the petition on the merits, renders moot questions of service, timely submission of pleadings and other procedural issues.

DATED: October 16, 1990

Albany, New York

Entered 10/17/90

10/17/90

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 Jurisdictional Statement 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.
Attorney for Respondent Nicolai
Six Chester Avenue
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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.

Leslie

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

David W. Bargman
Notary Public

DAVID WILLIAM BARGMAN
Notary Public, State of New York
No. 4964160
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 1990

COURT OF APPEALS
STATE OF NEW YORK

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

JURISDICTIONAL STATEMENT

ELI VIGLIANO, Esq.
Attorney for Petitioners-Appellants
Office and Post Office Address, Telephone

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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

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