

SPECIFICATIONS TO OBJECTIONS

Filed with Respect to the Democratic Nominating Certificate

TO THE BOARD OF ELECTIONS STATE OF NEW YORK:

WHEREAS, the undersigned MARIO M. CASTRACAN, a duly enrolled member of the Republican Party and VINCENT F. BONELLI, a duly enrolled member of the Democratic Party, each registered to vote for the office of Justice of the Supreme Court of the State of New York, Ninth Judicial District, each being a duly qualified voter of the said Ninth Judicial District, which includes Westchester County, New York, did heretofore on October 1, 1990 file with the Board of Elections of the State of New York objections to the Nominating Certificate filed on September 27th 1990 in the office of the Board of Elections of the State of New York purporting to nominate HON. JOAN LEFKOWITZ of Scarsdale, New York, HON. FRANCIS A. NICOLAI of Pleasantville, New York, and HOWARD MILLER, Esq. of Tappan, New York as the three candidates of the Democratic Party for the office of Justice of the Supreme Court of the State of New York, Ninth Judicial District to be voted upon at the General Election to be held on November 6th 1990;

NOW, THEREFORE, the undersigned, pursuant to Section 6-154 of the Election Law of the State of New York and other provisions of law applicable thereto, do hereby specify the following as grounds, of their objections to said Certificate:

EXHIBIT F

45

(1) The Call for a Judicial Convention issued by DENNIS MEHIEL, (referred to hereinafter as "MEHIEL"), Chairman of the Westchester Democratic County Committee, failed to comply with the provisions set forth in Section 6-126 of the Election Law of the State of New York¹ in that the time and place of the Judicial Convention was not fixed by a committee appointed pursuant to the rules of the Democratic State Committee. The call was issued by MEHIEL pursuant to a purported authority conferred upon him by the Chairman of the State Executive Committee of the Democratic Party.

(2) The Notice of the Call for a Judicial Convention mailed to the Delegates and Alternate Delegates identified on the official Roll, failed to give adequate and required minimum notice of said call.

(3) The Roll shows that the Delegates and the Alternate Delegates elected to attend the Judicial Convention called for the purpose of nominating candidates for the office of Justice of the Supreme Court of the State of New York for the Ninth Judicial

¹ References hereinafter to Section refer to said Election Law.

District, State of New York, were not elected in the proportionate numbers required by Section 6-124; the number of Delegates from the various Assembly Districts contained within the Ninth Judicial District relative to each other were not in substantially the same ratio that the number of votes received by the Democratic candidate for Governor in the General Election held in 1986 in each of said assembly districts bore to the total number of votes received statewide by said Democratic candidate.

(4) The specification relating to the election of the Delegates, as set forth in paragraph (3) hereinabove, is alleged to apply with equal force to the election of Alternate Delegates.

(5) The Convention was not called to order by the Chairman of the Committee originating the Call, or by a person designated in writing for that purpose by such Chairman, nor by a person designated in such manner as the rules of the Democratic Party prescribe.

(6) The Roll of the Convention until it was organized was not kept in the custody of such Chairman or person designated.

(7) In violation of Section 6-126, the room designated for the meeting place of the Convention failed to have ample seating capacity for all Delegates and Alternates.

(8) The Delegates and Alternate Delegates elected to attend the Convention, if any were in fact present, were seated, in violation of Section 6-126. The Roll was not called to determine whether a sufficient number of Delegates and/or Alternate Delegates were present to constitute a quorum and thereby permit the Convention to be validly, legitimately, and legally organized. To the contrary, MEHIEL permitted a resolution to be adopted purporting to dispense with the calling of the Roll.

(9) The Temporary Chairman of the Convention was not chosen upon a call of the official Roll by the Convenor, and in fact, was chosen without a majority of the delegates or respective Alternates named in the official Roll being present. The Temporary Chairman, JAY B. HASHMALL, Esq. ("HASHMALL"), failed and neglected to call the official Roll upon the election of the Temporary Secretary. HASHMALL failed and neglected to call for the election of the Permanent Chairman of the Convention. HASHMALL failed and neglected to call for the election of the Permanent

Secretary of the Convention. The records of the Convention have not been kept by the permanent officer, all in violation of Section 6-126(2).

(10) The Certificate of Nominations made by the Ninth Judicial District Convention of the Democratic Party is inaccurate, defective, invalid, illegal, null and void, and not in compliance with the requirements of law in that as aforesaid stated, the convention was not duly convened at the time and place therein described and the individuals purporting to have been nominated for the office of Justice of Supreme Court of the State of New York, Ninth Judicial District were not duly nominated as candidates for election to said public office.

(11) The Delegates and Alternate Delegates who voted for candidates NICOLAI and MILLER at said Convention participated therein and cast their votes for the election thereof unanimously, in accordance and compliance with, and in furtherance of, the illegal contract entered into in 1989 by MEHIEL and his predecessor, one RICHARD J. WEINGARTEN, Esq., with one ANTHONY J. COLAVITA, Esq., Chairman of the Westchester Republican County Committee, set forth in the Objections hereinabove referred to on Page 1.

(12) The Delegates and Alternate Delegates who attended, participated in, and voted at the Convention were selected by MEHIEL to be elected at the primary election which was held on September 11, 1989 to the position of Delegates and Alternate Delegates, after having procured promises, expressed or implied, from said Delegates and Alternate Delegates that, when attending the Convention, they would not form or exercise their independent opinions and judgments at said Convention, but, in fact, and, instead, that they would vote as Delegates and Alternate Delegates at said Convention, in conformity with the instructions, wishes and desires of MEHIEL and WEINGARTEN and thereby permit them to perform their agreed obligations under the illegal 1989 contract entered into with said COLAVITA.

(13) The aforesaid candidates purportedly nominated, LEFKOWITZ, NICOLAI, and MILLER, failed and neglected to execute, acknowledge and duly file Certificates respectively accepting such nominations.

For all of the foregoing reasons, said nominations are null and void, and the Nominating Certificate should be rejected.

The office of Justice of the Supreme Court of the State of New York, Ninth Judicial District, is a judicial office.

The post office address for each of the undersigned objectors is c/o their attorney, DORIS L. SASSOWER, P.C., 283 Soundview Ave, White Plains, New York 10606, same being hereby designated as the attorney and agent to receive process on their behalf.

IN WITNESS WHEREOF, we have signed our names hereto this 6th day of October 1990.

S/

MARIO M. CASTRACAN

S/

VINCENT F. BONELLI

State of New York)
County of Westchester)ss:

On the 6th day of October, 1990, before me personally MARIO M. CASTRACAN and VINCENT F. BONELLI, to me known, and known to me to be the same persons described in and who executed the foregoing specifications and acknowledged to me that they executed the same.

Notary Public, State of New York

ELI VIGLIANO
Notary Public, State of New York
No. 4907383
Qualified in Westchester County
Commission Expires June 4, 1992