



C-14

STATE OF NEW YORK
STATE BOARD OF ELECTIONS

P.O. BOX 4
ONE COMMERCE PLAZA
ALBANY, NY 12260-0004

November 2, 1990

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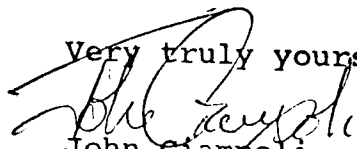
Scolari, Brevetti, Goldsmith & Weiss, P.C.
230 Park Avenue
New York, NY 10169

Re: Castracan et. al. v. Colavita, et. al.

Sirs:

Enclosed herewith please find a proposed order submitted to the Clerk of the Court pursuant to the decision of the Appellate Division rendered on October 11, 1990.

Very truly yours,


John Ciampoli
Deputy Counsel

JC:ab
cc: Clerk, Appellate Division

At a Motion Term of the Appellate Division of the Supreme court of the State of New York, in and for the Third Judicial Department, held at the Justice Building in the City of Albany, New York, on the 9th day of October, 1990.

PRESENT: HON. T. Paul Kane, Justice Presiding

HON. John T. Casey
HON. Weiss
HON. Ann T. Mikoll
HON. Mercure

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

In the Matter of MARIO M.
CASTRACAN et al., Acting
Pro Bono Publico,
Appellants,

v.
ANTHONY J. COLAVITA
et al., Respondents.

A motion having been made by Doris Sassower, Esq. on behalf of Mario M. Castracan and Vincent Bonelli in the above-entitled proceeding for a preference, immediate hearing, and an order enjoining the placement of the names of the candidates of the Democratic and Republican parties on the ballot in the Ninth Judicial District of the State of New York, together with other interim relief:

NOW upon reading the order to show cause and supporting affirmation of appellants' counsel and upon reading of the cross motions of respondents New York State Board of Elections and Howard Miller, Esq. together with the supporting affirmations of their respective counsels and upon reading of the affirmations in opposition submitted by counsel for respondents Emanuelli, Mehiel and Weingarten, and respondent Westchester County Board of

Elections, together with all of the papers and proceedings had herein

AND the court having rendered a decision on October 11, 1990 thereon, it is hereby

ORDERED that the motion by appellants for preference and other temporary relief is hereby DENIED, and it is further

ORDERED that the cross motions of respondents for dismissal of this appeal and imposition of sanctions is hereby DENIED and it is further

ORDERED that appellants shall file and serve on or before November 16, 1990 a supplemental "record on appeal" in conformance with this court's decision, and it is further

ORDERED that respondents file and serve their briefs on or before December 17, 1990 with appellants reply brief, if any, to be filed and served on or before December 27, 1990, and it is further

ORDERED that this appeal be set down for the term of this court to commence on January 14, 1991.

ENTER:

Clerk of the Court

DATED AND ENTERED: