

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,

NOTICE OF MOTION

Petitioners-Appellants,

Albany County Clerk's
Index No. 6056/90

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

Appeal No. 62134

-vs-

(Oral Argument
Requested)

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,

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S I R S :

PLEASE TAKE NOTICE that upon the annexed Affidavit of
Doris L. Sassower, sworn to on the 25th day of July 1991, and the
exhibits thereto, and the Memorandum of Law, dated July 25, 1991,
Petitioners-Appellants will move this Court, pursuant to CPLR
2221 on August 19, 1991 at the Courthouse located at the Justice
Building, South Mall, Albany, New York for an order granting
leave to: (1) reargue and renew Petitioners-Appellants' appeal

in the above-captioned action from the Decision/Order of the Supreme Court entered October 17, 1990, which order the Appellate Division, Third Department affirmed by Decision dated May 2, 1991 [Exhibit "A"] and Order thereon entered May 15, 1991 [Exhibit "B"]; and (2) in the event leave is granted, that the motion to reargue and renew then and there proceed and that upon such reargument and renewal, the Order of this Court, dated May 2, 1991 be vacated and that the Decision of Justice Kahn, entered October 17, 1991, be reversed; and (3) that all panel members who have been cross-endorsed themselves recuse themselves from these proceedings; or (4) alternatively, for permission for leave to appeal to the Court of Appeals; and (5) such other, further, and different relief as this Court deems just, proper, and equitable.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214(b) answering Affidavits, if any, are required to be served upon the undersigned at least seven days before the return date of the motion.

Dated: Yonkers, New York
July 25, 1991

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