

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 18 2016 ★

LONG ISLAND OFFICE

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LEONARD JOSEPH CAMPANELLO, FABRIZIO MILITO,
CHANDLER WILSON, ALEXANDRA K. CLARK,
DAVID MORRISON, Sr., ASHLEY PEACOCK,
STEVEN RICHTER, EMILY BRAUNSTEIN,
CHRISTOPHER BRITTEN, LISA KANBAR, LISA BEATTIE,
MICHELLE OLMO GARCIA, EDGAR MARTY,
REBECCA PEBBLES, et al.; and as Representatives of all
Disenfranchised and Purged voters in the State
of New York,

CV - 16 1892

FEUERSTEIN, J

Plaintiffs,

TOMLINSON, M

-against-

NEW YORK STATE BOARD OF ELECTIONS;
ANDREW J. SPANO and GREGORY P. PETERSON
in their official capacities as Commissioners of the New
York State Board of Elections; DOUGLAS A KELLNER
and PETER S. KOSINSKI in their official capacities as
Co-Chair of the New York State Board of Elections;
TODD D. VALENTIE and ROBERT A. BREHM,
in their official capacities as Co-Executive Directors of the
New York State Board of Elections; and as representatives
of all Commissioners of County Boards of Elections in
New York State,

Case No.:

AFFIDAVIT OF
EMERGENCY

Defendants.

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Blair P. Fellows, Esq., an attorney at the Law Offices of Clarke & Fellows is an attorney
duly admitted to practice before all the Courts of the State of New York as well as the Federal
Courts of the EDNY and SDNY, hereby affirms the following under penalty of perjury;

1. This case meets all the requirements of Rule 65 of the Federal Rules of Civil Procedure
regarding injunctive relief.

2. Plaintiffs and other voters similarly situated will be irreparably harmed if their right to vote is not restored since there will be no way to restore the opportunity to vote after the primary to be held on April 19, 2016.

3. Plaintiffs are in imminent harm of losing their right to vote. They have beseeched the various Boards of Election without result. Nothing can protect their right to vote save an order from this Court.

4. The injury that will be sustained is immeasurable and no monetary amount can redress the wrong that awaits plaintiffs.

5. Hundreds of individuals have submitted affidavits in support of the fact that they have been erroneously purged from the voter rolls or the Board of Elections has failed to even enroll them. Plaintiffs will prevail in vindicating their rights if given their day in Court.

6. The balance of hardships if this Order to Show Cause is not granted falls squarely on the shoulders of the New York electorate and not the Board of elections. The Board of Elections has all the relevant data and evidentiary material needed to definitively state why someone was failed to appear on the voter rolls. The Board of Elections has a statutory obligation to maintain such records and should be able to easily provide such records at a hearing.

7. A declaration of these plaintiffs' rights will serve to foster a belief in democracy and that in New York, unlike other states, we can perform an election properly.

8. Furthermore, this office has contacted the New York State Board of Elections at 9.a.m. and put it on Notice that it intends to file this suit in Federal Court today, April 18, 2016. The Board of Elections indicated that it would call this office back. This office has yet to receive a call back from the Board of Election.

9. The relief sought herein has not been previously sought.

Dated: Farmingdale, NY
April, 18 2016

**LAW OFFICES OF CLARKE
& FELLOWS P.C.**


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