

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

----- X
LEAGUE OF WOMEN VOTERS OF THE MID-
HUDSON REGION, TANEISHA MEANS, and
MAGDALENA SHARFF,

Index No. 2022/53491

Petitioners-Plaintiffs,

-against-

NOTICE OF MOTION

THE DUTCHESS COUNTY BOARD OF ELECTIONS,
and ERIK J. HAIGHT in his capacity as Commissioner of
the Dutchess County Board of Elections,

Respondents-Defendants.
----- X

PLEASE TAKE NOTICE that, upon the annexed memorandum of law, and upon all the papers and prior proceedings had herein, Respondent Erik Haight will move this Court, at 2:00 p.m. on the 3rd day of November, 2022, or as soon thereafter as counsel can be heard, at the Courthouse located at 10 Market Street, Poughkeepsie, New York 12601, before the Hon. Christie L. D'Alessio, JSC for an Order dismissing this proceeding due to:

- 1) Lack of jurisdiction over the person of Respondent pursuant to CPLR 3211(a)(8) due to failure to serve the Verified Petition and Order to Show Cause in compliance with CPLR 308, as Petitioners did not demonstrate, and the Court did not find, that service under CPLR 308(1), (2) or (4) is "impracticable";
- 2) Laches pursuant to CPLR 404(a) and CPLR 7804(f), as Petitioners have waited until literally one week before the scheduled November 8, 2022 election to commence this proceeding and the relief they seek would be prejudicial to Respondent as well as to the Board of Elections, voters and non-party Vassar College;
- 3) Failure to state a claim upon which relief may be granted pursuant to CPLR 3211(a)(7), in that the relief Petitioners seek is not ministerial and nondiscretionary, making mandamus unavailable;
- 4) Failure to join Vassar College, a necessary party, pursuant to CPLR 3211(a)(10); and
- 5) Failure to join Election Commissioner Hannah Black, a necessary party, pursuant to CPLR 3211(a)(10).

Dated: Beacon, New York
November 3, 2022



David D. Jensen
DAVID JENSEN PLLC
33 Main Street
Beacon, New York 12508
(212) 380-6615 phone
david@djensenpllc.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

DAVID JENSEN PLLC
BEACON ◊ MANHATTAN

33 HENRY STREET
BEACON, NEW YORK 12508

111 JOHN STREET, SUITE 420
NEW YORK, NEW YORK 10038

4 November 2022

Attn. Clerk
Supreme Court of the State of New York
County of Dutchess
22 Market Street
Poughkeepsie, New York 12601

Re: *League of Women Voters of the Mid-Hudson Region, et al. v. Dutchess County Board of Elections, et al.*
Index No. 2022/53491

Dear Sir or Maam:

I represented Erik J. Haight in his official capacity as Election Commissioner of Dutchess County. I submit this "No Fee Authorization Letter" because Commissioner Haight exempt from fees pursuant to § 8017(a) of the Civil Practice Law and Rules.

Please don't hesitate to contact me with any questions or concerns.

Respectfully submitted,

DAVID JENSEN PLLC



David D. Jensen

RETRIEVED FROM DEMOCRACYDOCKET.COM

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

----- X
LEAGUE OF WOMEN VOTERS OF THE MID-
HUDSON REGION, TANEISHA MEANS, and
MAGDALENA SHARFF,

Index No. 2022/53491

Petitioners-Plaintiffs,

-against-

**AFFIRMATION OF
SERVICE**

THE DUTCHESS COUNTY BOARD OF ELECTIONS,
ERIK J. HAIGHT in his capacity as Commissioner of the
Dutchess County Board of Elections, and HANNAH
BLACK in her capacity as Commissioner of the Dutchess
County Board of Elections

Respondents-Defendants.

----- X
DAVID D. JENSEN, an attorney being duly licensed to practice before the Courts of the
State of New York, hereby affirms the following under the penalties of perjury:

1. I am an attorney practicing via David Jensen PLLC, a professional limited liability
company organized under New York law. I represent Respondent Election Commissioner Erik J.
Haight in this Article 78 proceeding.

2. On the 4th day of November, 2022, I served true copies of the annexed Notice of
Motion by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office
or official depository of the U.S. Postal Service within the State of New York, addressed to the
last known addressee(s) as indicated below:

James R. Peluso
Dreyer Boyajian LLP
75 Columbia Street
Albany, NY 12210

Aria C. Branch
Justin Baxenberg
Richard Alexander Medina
Renata O'Donnell
Elias Law Group LLP
10 G St NE, Ste 600
Washington, DC 20002

Michael Treybich
Treybich Law, P.C.
272 Mill Street
Poughkeepsie, New York 12601

Caroline Blackburn
Dutchess County Department of Law
22 Market Street
Poughkeepsie, NY 12601

3. In addition, on the 3rd day of November, 2022, I served true copies of the annexed Notice of Motion on the foregoing individuals by handing them copies during a hearing held at the courthouse at 10 Market Street in Poughkeepsie, New York.

Dated: Beacon, New York
November 4, 2022



David D. Jensen
DAVID JENSEN PLLC
33 Main Street
Beacon, New York 12508
(212) 380-6615 phone