

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT

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

Petitioners/Plaintiffs-Appellees-Movants,

-against-

ERIK HAIGHT, in his capacity as Commissioner
of the Dutchess County Board of Elections,

Respondent/Defendant-Appellant,

-and-

THE DUTCHESS COUNTY BOARD OF ELECTIONS,
and HANNAH BLACK, in the capacity as Commissioner
of the Dutchess County Board of Elections,

Respondents/Defendants.

~~Appellate Division Case No.~~

Supreme Court, Dutchess
County Index No. 2022-53491

ORDER TO SHOW CAUSE
~~WITH INTERIM RELIEF~~

AD No.: 2022-_____

Upon the annexed affirmation of Richard A. Medina, sworn to on November 5, 2022, ~~with~~
~~exhibits, pursuant to C.P.L.R. § 5519(c),~~ and the papers annexed thereto,

LET respondents ~~appear and~~ show cause ^{before} ~~at a term of~~ the Appellate Division, Second
Department, ~~to be held~~ at the courthouse thereof at 45 Monroe Place, Brooklyn, New York 11201,
on the 7th of November 2022 (the "Return Date"), at 9:00 a.m. of that day, or as soon
thereafter as counsel can be heard, why an Order should not be entered (1) vacating any automatic
stay imposed pursuant to C.P.L.R. § 5519(a) pending appeal of the order of Supreme Court,
Dutchess County, dated November 3, 2022 (NYSCEF Doc. No. 21) in the above-captioned matter,
or in the alternative, (2) confirming that there is no such automatic stay in place. Sufficient reason
appearing therefore, it is

Proposed interim relief stricken LW A.J.A.D.

~~ORDERED~~ pending the hearing and determination of this motion, any automatic stay of Supreme Court's November 3 Order is VACATED in its entirety, and Respondents-Defendants in the above-captioned matter are ORDERED to comply with the aforementioned November 3 Order by (1) designating the Aula at Ely Hall as an additional poll site for voters registered on the campus of Vassar College, (2) directing BOE staff to move forward with the necessary preparations to establish such an additional poll site, and (3) publicizing the additional poll site to all affected voters, explaining that they may vote either at the additional poll site or at the original designated site for the election district in which they reside.

LW A.J.A.D.

IT IS FURTHER ORDERED that, pursuant to CPLR 308(5) and given the impracticability of personal service on all Respondents/Defendants under CPLR 308(1), (2), and (4), electronic service of a copy of this Order to Show Cause, together with the papers upon which it is granted, upon Respondents-Defendants by email to their counsel of record on or before November 6, 2022, and to the official government email addresses of the Board of Elections' two Commissioners shall be deemed good and sufficient service thereof.

LW A.J.A.D.

IT IS FURTHER ORDERED that any requirement that the affidavits of service be filed with the Clerk of the Court be extended to the return date of this motion, and such affidavits shall be filed with the Clerk on the return date, and that because of the impracticability of personal service, pursuant to CPLR 308(5), substituted service need not be preceded by due diligence attempt(s) at personal delivery upon Respondents/Defendants, and for the same reason, the ten day completion of service provision is not in effect.

ENTER:



HON. LILLIAN WAN
ASSOCIATE JUSTICE
APPELLATE DIVISION - SECOND DEPARTMENT

Dated: Brooklyn, New York
November 5, 2022

Motions are deemed submitted on the return date. Oral argument is not permitted (see 22 NYCRR 1250.4[a][7], [a][8]).