

**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

**NOTICE OF ENTRY OF
DECISION, ORDER,
AND JUDGMENT**

Petitioners,

-against-

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

Respondents-Defendants.

-----X

PLEASE TAKE NOTICE that the annexed document is a copy of the Decision, Order and
Judgment duly entered in the above-captioned action and filed in the office of the Clerk of this Court on
November 3, 2022.

Dated: Poughkeepsie, New York
November 3, 2022



Michael Treybich, Esq.
TREYBICH LAW, P.C.
Attorneys for Respondent-Defendant Hannah Black
272 Mill Street
Poughkeepsie, NY 12601
(845) 554-5295

To commence the statutory time period for appeals as of right (CPLR 5513 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

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

PRESENT: HON. CHRISTIE L. D'ALESSIO, J.S.C.

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

Petitioners-Plaintiffs

-against-

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

**DECISION, ORDER,
AND JUDGMENT**
Index No. 2022-53491

The following papers were read on the petition filed in connection with this hybrid special proceeding under CPLR Article 78 and declaratory judgment action under CPLR § 3001, seeking, inter alia, the designation of a polling location on the campus of Vassar College in accordance with Election Law § 4-104 [5-a]: NYSCEF Documents no. 1-19.

Upon review of the petition filed by Order to Show Cause, all other written submissions filed to NYSCEF, and upon due consideration of the arguments, testimony and exhibits presented on the record in court on November 3, 2022, by the parties and/or their respective counsel, it is hereby

1. ORDERED that, upon application of the proposed intervenor, Hannah Black in the capacity as a Commissioner of Dutchess County Board of Elections, and with the written consent of petitioner, this case caption is amended to include the proposed intervenor as a named Respondent-Defendant. It is further

2. ORDERED that, the case caption is amended as follows:

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,

Petitioners-Plaintiffs

-against-

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 the capacity as Commissioner of the
Dutchess County Board of Elections,

Respondents-Defendants.
-----X


3. ORDERED that, this Court grants Dutchess County Attorney's unopposed application to recuse itself from representing either or both named Commissioners of the Board of Elections based upon the conflict arising from each Commissioner's adverse position on the merits of the petition. It is further
4. ORDERED that, insofar as the proposed Intervenor's application included a request for reimbursement of attorney fees associated with private representation incurred as a result of the aforementioned conflict, the Dutchess County Attorney's letter submission dated November 2, 2022 states that "County Attorney has no objection to the County's payment of attorney fees associated with private representation of Commissioner Black as a Respondent-Defendant, to the extent such fees are in accord with Dutchess County Local Law No. 4 of 1988". Private counsel may follow the appropriate protocols to submit any such request to the County. That issue is resolved accordingly. It is further
5. ORDERED that, the oral application of counsel for Respondent/Defendant Erik J. Haight in his capacity as Commissioner of the Dutchess County Board of Elections for dismissal of this matter is denied. It is further
6. ORDERED that, this Court grants the petition in its entirety. The plain language of Election Law § 4-104[5-a] which includes the word "shall" (as opposed to "may" or "should") *specifically mandates* the designation of a voting polling place on a college or university campus where, as here, the petitioner demonstrated that the college or university campus contains three hundred or more registrants to vote at an address on such college or university campus.

Any other applications for further relief not specifically granted herein are denied.

The foregoing constitutes the decision, order and judgment of this court.

Dated: November 3, 2022
Poughkeepsie, New York

ENTERED :


HON. CHRISTIE L. D'ALESSIO, J.S.C.

TO:

Filed to NYSCEF

Pursuant to CPLR Section 5513, an appeal as of right must be taken within thirty days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry, except that when the appellant has served a copy of the judgment or order and written notice of its entry, the appeal must be taken within thirty days thereof.

RETRIEVED FROM DEMOCRACY DOCKET.COM