

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Niagara, at the Courthouse thereof, located at 175 Hawley St. Lockport, NY on the 25th day of April 2023.

PRESENT: Edward A. Pace, JSC, J.S.C.

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In the Matter of the Application of

**DEMETREUS T. NIX and
UNIQUIA D LEWIS,**
candidates aggrieved,

Petitioners,

-against-

Index No. E179751/2023

**THE NIAGARA COUNTY BOARD OF ELECTIONS
JENNIFER SANDONATO and LORA ALLEN,
Commissioners
Constituting the Board,**

ORDER TO

SHOW CAUSE

and

JAMES DEAN, as purported Objector
herein,

Respondents.

For an Order Pursuant to Sections 16-100,
16-102 and 16-116 of the Election Law, and

Related sections of the Election Law, CPLR 3001, and Article 78 of the CPLR declaring VALID the Petitioners' Designating Petition for Nomination of the DEMOCRATIC PARTY, and to order the said Board of Elections to place the name of said Candidates upon the Official Ballots of said Primary Election.

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Upon the annexed petition of the Petitioner, duly verified the 25th DAY OF APRIL, 2023, with exhibits, and upon the original DEMOCRATIC PARTY designating petitions filed with the Board of Elections, and the ancillary papers and certificates filed with Respondent Board of Elections, designating the Petitioner-Candidate DEMETREUS T. NIX as a candidate for the public office of Mayor of the City of Niagara Falls, New York, and designating the Petitioner-Candidate UNIQUIA D LEWIS as a candidate for the public office of Council Member of the City of Niagara Falls, New York, and upon all the proceedings heretofore and herein:

LET, the Respondents named herein above Show Cause before this Court at an IAS Term thereof to be held at the Niagara County Courthouse, 175 Hawley St. Lockport P.O. 3, County of Niagara, State of New York, ¹⁴⁰⁹⁴ on the 5th day of May, 2023 at 9:15 AM of

that day or as soon thereafter as counsel can be heard, why an order should not be made and entered herein:

1. Declaring sufficient, valid, and effective the designating petition and ancillary papers and certificates of the Petitioner Candidates for the public office each was designated for, to wit: the Mayor of the City of Niagara Falls and Council Member of the City of Niagara Falls; and
2. Declaring the name of Petitioner, DEMETREUS. T. NIX, to be restored to the ballot for the June 27, 2023, Democratic Party Primary Election for the Public Office of the Mayor of the City of Niagara Falls; and
3. Declaring the name of Petitioner, UNIQUIA D. LEWIS, to be restored to the ballot for the June 27, 2023, Democratic Party Primary Election for the Public Office of the Council Member of the City of Niagara Falls; and

Awarding Petitioners such other and further relief as this Court may deem just and proper in the premises; and it is further:

ORDERED, that the Respondent NIAGARA COUNTY BOARD OF ELECTIONS be and is hereby ordered and directed to produce, as may be directed by the trial judge, at the date set by the

Court for the hearing of this Order to Show Cause and on all adjournments thereof, the aforesaid Designating petitions, cover sheet(s) and any amended cover sheet(s), authorization(s), acceptance(s), Substitution Certificates, and any other documents purporting to designate, and/or substitute, and/or nominate the said Petitioners, together with any objections and specifications relating to the aforesaid Designating Petition(s), any written notification of a determination made thereon, and any clerk's reports and/or determinations relating to the said petitions, substitutions and related papers, and all recent voter registration applications filed by either petitioner or their campaign staff that relate to any purported signature on their petition that was objected to and/or stricken by the Board.

SUFFICIENT CAUSE APPEARING THEREFOR, leave is hereby granted to the Petitioner to submit, upon the return day of this Order to Show Cause and any adjournments thereof, and the argument thereof, such additional evidence, exhibits, and other proof as may be necessary, and it is

ORDERED Elections Commissioners JENNIFER SANDONATO and LORA ALLEN of the Respondent NIAGARA COUNTY BOARD OF ELECTIONS shall appear on the return date of

this petition and on any return date thereafter prepared to give testimony and evidence; and

SUFFICIENT CAUSE APPEARING THEREFOR, it is further

ORDERED, that this Court finds venue properly placed in Niagara County, and any related proceedings commenced by the Respondents hereto shall be made returnable in Niagara County, and it is further

SUFFICIENT CAUSE APPEARING THEREFOR, it is further

ORDERED, that service of a copy of this order, together with a copy of the papers upon which it is based, shall be made on the Respondents as follows and that such service shall be deemed due, timely, good, and sufficient service thereof, and such service shall constitute good and sufficient notice hereof:

Upon RESPONDENTS NIAGARA COUNTY BOARD OF ELECTIONS, JENNIFER SANDONATO and LORA ALLEN,


(1) Service shall be made by leaving a copy of said order and papers for each of them at their offices, 111 Main St., Suite 100, Lockport, New York, 14094, by 5:00 p.m., on April 25, 2023;

Upon RESPONDENT JAMES DEAN —

- (1) Service may be made by personal delivery to respondent on April 25, 2023, **OR**
- (2) By delivering the same to a person of suitable age and discretion at the Respondent's residence address on April 25, 2023, **OR**
- (3) Where two attempts at service under (2) are not successful, by affixing the same to the door of the Respondent's residence address by 9:00 p.m. on April 25, 2023.

ENTER:

DATED: APRIL 25, 2023
Lockport,
New York


Justice of the Supreme
Court
Edward A. Pace, JSC