

JUDGE CASTO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVE SILBERBERG; JENNIFER REBECCA WHITE;
AND MICHAEL EMPEROR,

16 CV 8336

Plaintiffs, _____ Civ. _____ ()

-against-

BOARD OF ELECTIONS OF THE STATE OF NEW YORK, CO-CHAIRS PETER S. KOSINSKI AND DOUGLAS A. KELLNER, COMMISSIONERS ANDREW J. SPANO AND GREGORY P. PETERSON; BOARD OF ELECTIONS OF THE CITY OF NEW YORK, PRESIDENT MARIA R. GUASTELLA, SECRETARY FREDERIC M. UMANE, AND COMMISSIONERS JOSE MIGUEL ARAUJO, JOHN FLATEAU, PH.D., LISA GREY, MICHAEL MICHEL, MICHAEL A. RENDINO, ALAN SCHULKIN, SIMON SHAMOUN, ROSANNA VARGAS; NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE, DISTRICT ATTORNEY CYRUS VANCE; KINGS COUNTY DISTRICT ATTORNEY'S OFFICE, DISTRICT ATTORNEY ERIC GONZALEZ,

ORDER TO SHOW CAUSE
FOR DECLARATORY
JUDGMENT, PRELIMINARY
INJUNCTION AND
TEMPORARY RESTRAINING
ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10-26-16

Defendants.
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Upon the affidavits of EVE SILBERBERG, JENNIFER REBECCA WHITE AND MICHAEL EMPEROR, sworn to the 26th day of October, 2016, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the above named defendant show cause before a motion term of this Court, at Room 11D, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on November 1, 2016, at 11:30 o'clock in the fore noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued

pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure enjoining the defendants from enforcing N.Y. Elec. Law § 17-130(10) preventing a person from showing another his ballot after it is prepared for voting and declaring the law unconstitutional; and its further

~~ORDERED that sufficient reason having been shown therefore, pending the hearing of plaintiff's application for preliminary injunction, pursuant to Rule 65, Fed. R. Civ P., from enforcing N.Y. Elec. Law § 17-130(10) preventing a person from showing another his ballot after it is prepared for voting; and its further~~

~~ORDERED, that security in the amount of \$ _____ be posted by the plaintiff prior to _____, at _____ o'clock in the _____ noon of that day; and its further~~

not necessary of law

ORDERED, that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel on or before _____ at _____ o'clock in the _____ noon

11:59 P.M. on October 26, 2016

_____, shall be deemed good and sufficient service thereof.

Any answering papers by any defendant shall be filed with the Court by October 31, 2016.

DATED: New York, New York

ISSUED: *3:40* A.M./P.M.

The statute in question was last amended in 1991. Cell phone cameras have been prevalent since at least 2010. Plaintiff should submit a motion or affidavit why plaintiffs would want to do before the election to bring this application.

United States District Judge

10/26/16

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