

Supreme Court of the State of New York

Appellate Division: Third Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

<p>Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.</p>	<p>For Court of Original Instance</p>
<p>Caroline Cartwright, Matthew Nelson, Joseph R. Rhone, Jr., and Alexander Pease, Petitioners-Objectors,</p> <p style="text-align: center;">- against -</p> <p>Robert F. Kennedy, Jr., Nicole Shanahan, et al., Respondents.</p>	<p>Date Notice of Appeal Filed</p>
<p>For Appellate Division</p>	

Case Type	Filing Type
<input type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration <input type="checkbox"/> CPLR article 78 Proceeding <input checked="" type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input checked="" type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal			
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.		
<input type="checkbox"/> Amended Decree	<input type="checkbox"/> Determination	<input type="checkbox"/> Order	<input type="checkbox"/> Resettled Order
<input type="checkbox"/> Amended Judgement	<input type="checkbox"/> Finding	<input type="checkbox"/> Order & Judgment	<input type="checkbox"/> Ruling
<input type="checkbox"/> Amended Order	<input type="checkbox"/> Interlocutory Decree	<input type="checkbox"/> Partial Decree	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Decision	<input type="checkbox"/> Interlocutory Judgment	<input type="checkbox"/> Resettled Decree	
<input type="checkbox"/> Decree	<input checked="" type="checkbox"/> Judgment	<input type="checkbox"/> Resettled Judgment	
Court: Supreme Court <input type="button" value="v"/>	County: Albany <input type="button" value="v"/>		
Dated: 08/13/2024	Entered: 8/13/2024		
Judge (name in full): Hon. Christina L. Ryba		Index No.: 906349-24	
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final		Trial: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-Jury	
Prior Unperfected Appeal and Related Case Information			
Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. 906349-24 Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case: Smith v. Kennedy, Nassau Sup.Ct., Index No. 000427/2024; Invalidating petition special proceeding under Election Law relating to same independent nominating petition filed at New York State Board of Elections, trial scheduled for 19 August 2024.			
Original Proceeding			
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus			Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:			
Proceeding Transferred Pursuant to CPLR 7804(g)			
Court: Choose Court	County: Choose County		
Judge (name in full):	Order of Transfer Date:		
CPLR 5704 Review of Ex Parte Order:			
Court: Choose Court	County: Choose County		
Judge (name in full):	Dated:		
Description of Appeal, Proceeding or Application and Statement of Issues			
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. Appeal from a decision and judgment granting the invalidating petition, and directing Respondent New York State Board of Elections not to place and/or print the names of Respondents-Candidates on the November 5, 2024 General Election ballots.			

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

(1) Whether the residence address of Respondent-Candidate Robert F. Kennedy, Jr., indicated on the independent nominating petition filed with Respondent New York State Board of Elections on behalf of all Respondents-Candidates, is his "residence" pursuant to New York Election Law, such that the independent nominating petition should not be invalidated.

(2) Whether the New York Election Law definition of "residence" and the requirement that a candidate for U.S. President indicate the "place of residence" on the nominating petition, in light of the contrary requirements of several other states and as applied by the court below, violates the United States Constitution's provisions governing federal elections, including the Qualifications Clauses found in Article II, Section 1, Clause 5 and in Amendment XII, such that the independent nominating petition should not be invalidated.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Caroline Cartwright	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
2	Matthew Nelson	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
3	Joseph R. Rhone, Jr.	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
4	Alexander Pease	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
5	Robert F. Kennedy, Jr.	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
6	Nicole Shanahan	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
7	Donna L. Harris	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
8	Dawn M. D'Arcangelo	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
9	Ross W. Elakman	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
10	Alan S. Gompers	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
11	Lisa B. Jacques	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
12	Kevin J. Madonna	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
13	Victoria E. Madonna	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
14	Philip J. Maresco	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
15	Jensuh Y. McCormack	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
16	Javier Eduardo Merizalde	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
17	Jennifer Meyerson	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
18	Kenneth A. Noga	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
19	Mary C. O'Donnell	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
20	Gina M. Krause	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
2 1	Valentin Parks, Jr.	Respondent	Appellant
2 2	Nancy V. Pierro	Respondent	Appellant
2 3	Teresa E. Polsky	Respondent	Appellant
2 4	Varin D. Sawh	Respondent	Appellant
2 5	Lawrence P. Schnapf	Respondent	Appellant
2 6	Celeste L. Shear	Respondent	Appellant
2 7	Jehanzed Syeb	Respondent	Appellant
2 8	Eileen S. Tepper	Respondent	Appellant
2 9	Bruce T. Thorne	Respondent	Appellant
3 10	Lita L. Thorne	Respondent	Appellant
3 11	Joshua Vogel	Respondent	Appellant
3 12	Kristin Ann Marie White	Respondent	Appellant
3 13	Kelly A. Zaneto	Respondent	Appellant
3 14	Susan Peters	Respondent	Appellant
3 15	Henry T. Berger	Respondent	None
3 16	Peter S. Kosinski	Respondent	None
3 17	Emma Bagnuola	Respondent	None
3 18	Anthony J. Casale	Respondent	None
19			
20			

Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Howard E. Colton, Esq./Law Office of Howard E. Colton, Esq.

Address: 53 East Merrick Road, Suite 237

City: Freeport State: New York Zip: 11520 Telephone No: (516) 855-7469

E-mail Address: coltonlaw@coltonlaw.net

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1-4

Attorney/Firm Name: Gary L. Donoyan, Esq./Law Office of Gary L. Donoyan

Address: 565 Plandome Road, #209

City: Manhasset State: New York Zip: 11030 Telephone No: (516) 312-8782

E-mail Address: gdonoyan@verizon.net

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 5-34

Attorney/Firm Name: Brian Quail, Esq./New York State Board of Elections

Address: 40 North Pearl Street, Fifth Floor

City: Albany State: New York Zip: 12207 Telephone No: (518) 474-6220

E-mail Address: brian.quail@elections.ny.gov

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 35-38

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):