

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS:

-----X
CHRISTOPHER-EARL STRUNK

PETITIONER

SPECIAL ELECTION PART
Index No. 21948/12
Hon. David I. Schmidt
November 19, 2012

-against-

HAKEEM JEFFRIES ET AL.,

RESPONDENTS
-----X

Upon the foregoing papers, petitioner purchased an index number with the County Clerk and submits an order to show cause with the court for signature. Although it is difficult to discern the exact nature of the relief sought by petitioner, the main thrust of his papers seems to challenge the validity of the November 6, 2012 election of Kirsten Gillibrand to the office of United States Senator from the State of New York. Specifically, the petition states that "Petitioner wishes the Court to void the U.S. Senate Election and ask the Governor set a special election, because a significant number of the electors casting their respective vote were domiciled in New York for less than five years." At a minimum, both the Governor and the Board of Elections in the State of New York are necessary parties in any proceeding seeking such relief. However, neither has been named here. In this regard, the court notes that in an order dated April 11, 2012, Hon. Arthur Schack of this court specifically enjoined petitioner "from commencing future litigation in the New York State Unified Court System against the New York State Board of Elections [and] Andrew Cuomo

(among others) . . . without prior approval of the appropriate Administrative Justice or Judge.”

Under the circumstances, the court declines to sign the instant order to show cause. Prior to presenting any further orders to show cause to the court, petitioner must name all necessary parties and obtain the proper authorization as set forth in Justice Schack’s order.

This constitutes the decision and order of the court.

ENTER,

A handwritten signature in black ink, appearing to be 'D. Schmidt', written in a cursive style.

J. S. C.

HON. DAVID I. SCHMIDT