

CIVIL MOTION CALENDAR

September 11th, 2006 - 1:00 PM - ALBANY

HONORABLE GARY L. SHARPE - PRESIDING

COURT CLERK: W. Griffin

LAW CLERK: D. Day

COURT REPORTER: B. Buckley

(Oral)

David Price, et al.

VS.

1:06cv1083 (GLS/RFT)

Albany County Board of Elections, et al.

RETURN ON APPLICATION FOR ORDER TO SHOW CAUSE FOR TRO

APPEARANCES:

Office of Thomas Marcelle

Tom Marcelle, Esq., for the plaintiff

NYS BOE

**Todd Valentine, Patricia Murray Esqs., for the
defendant**

Albany County BOE

Kristina Burns, Esq. for deft.

1:05pm In Court. Oral argument begins.

Pltf is seeking relief as to two absentee ballots/voters; NYS BOE argues; County BOE takes no position, but advises that this condition may exist in other elections and that all voters may not be addressed; Court= acknowledges that votes must count and grants the TRO to a limited extent to take care of the immediate problem; Counsel for Pltfs to submit proposed Order, crafted to take into account the eventuality of the matter.

2:20pm Adj.