

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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Docket No.:

**DAVID SEUBERT, CAROLINE TOLBERT, MARK
WHELAN, DILYS FARNEY, RICHARD HASTINGS,
LYNN LANPHEAR and LINDA LANPHEAR** and for all
similarly situated voters of the Twenty-Fifth Congressional
District in the State of New York,

**ORDER TO SHOW
CAUSE**

Plaintiffs,

-against-

**ANDREW M. CUOMO, in his official capacity as
Governor of the State of New York, THE NEW YORK
STATE BOARD OF ELECTIONS, and THE MONROE
COUNTY BOARD OF ELECTIONS**

Defendant.

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Upon the reading of the Summons and Complaint of Plaintiffs annexed hereto, and the Memorandum of Law duly affirmed by Andrew K. Preston, on the 17th day of April 2018, submitted herewith, and good cause being shown therefor;

IT IS **HEREBY ORDERED**, that Defendant **ANDREW M. CUOMO**, in his official capacity as Governor of the State of New York and Defendants Boards of Elections show cause before this Court at the United States District Court for the Western District of New York having an address of _____, on _____ 2018 at _____ o'clock in the _____ noon, or as soon thereafter as counsel may be heard, before the Honorable _____, in Court room _____ why an order of mandamus should not be issued commanding Defendant **ANDREW M. CUOMO**, in his official capacity as Governor of the State of New York, to issue a Proclamation of Election, forthwith, for the Twenty-Fifth Congressional District in the State of New York, setting a date for said election not fewer than 70 nor more than 80 days from the issuance of said Proclamation, as provided by the Article

I, Section 2, Clause IV of the United States Constitution, and New York Public Officers Law Section 42 [3], or, in the alternative, for this Honorable Court to order Defendants to conduct a special election and to, set the date for the Special Election to be on the date of the already scheduled Federal Election, June 26, 2018, and for such other and further relief as the Court deems just, proper, and equitable; and it is further;

ORDERED, that a copy of this Order, together with the papers upon which it is granted, be personally served upon:

- Defendant Governor at the Office of the Attorney General of the State of New York located at Justice Building, Second Floor, Empire State Plaza, Albany NY 12224 on or before the _____ day of _____, 2018,

- Defendant New York State Board of Elections at the Executive Offices of same located at 40 North Pearl Street, Suite 5, Albany NY 12207, on or before the _____ day of _____, 2018,

- Defendant Monroe County Board of Elections at the Office of the Monroe County Attorney located at 307 County Office Building, 39 W. Main Street, Rochester NY 14614, on or before the _____ day of _____, 2018,

And that such service be deemed good and sufficient.

Dated: April _____ 2018

Buffalo, New York

UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF NEW YORK