

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Samuel H. Sloan,

Plaintiff

15 CV 6963

COMPLAINT

-against-

Michael Michel, Jose Miguel Araujo, Ronald Castorina Jr., John Flateau, Maria R. Guastella, Michael A. Rendino, Alan Schulkin, Simon Shamoun, Gregory C. Soumas, Michael J. Ryan, Bianka Perez, Steven Howard Richman, Jerry H. Goldfeder, Stanley Kalmon Schlein, Venancio Benny Catala, Daniel Szalkiewicz, Stephen Edward Kitzinger, Douglas Arthur Kellner, Kimberly Galvin, Kathleen O'Keefe, Board of Elections in the City of New York, New York State Board of Elections,

Defendants

STATE OF NEW YORK :

: SS

COUNTY OF NEW YORK :

The plaintiff Samuel H. Sloan states:

1. The plaintiff herein is filing a summons and complaint and is moving by Order to Show Cause bringing a motion for an injunctive relief directing Board of Elections in the

City of New York to restore 11 candidates including Sam Sloan for judicial delegate and one candidate for Civil Court Judge back on the ballot for the Primary Election for Judicial Delegate on September 10, 2015 as Democratic candidates for Judicial Delegate and Judge and for an order declaring the entire Board of Elections to be an unconstitutional and illegally formed body which therefore is declared disbanded and null and void. No prior application has been made in this court for the relief requested herein.

2. The jurisdiction of this court and plaintiffs right to bring this action are found under 42 U.S.C. S 1983, 1988 First Amendment right to political association and Fourteenth Amendment right to due process and equal protection of law.

THE PARTIES

3. Samuel H. Sloan, the plaintiff herein, was in 2014 a Candidate for US Congress and later the same year was a candidate for Governor of the State of New York. This year,

in 2015, the plaintiff is one on a list of candidates for Judicial Delegate for the primary to be held on September 10, 2015. Plaintiff is best known for winning a case in the United States Supreme Court which he argued orally before that court which declared securities trading suspensions by the United States Securities and Exchange Commission to be illegal, invalid and null and void. SEC v. Samuel H. Sloan, 436 US 103 (1978). Plaintiff is a book publisher who has written or published more than 650 books and for playing at the World Championship level Chinese chess, Japanese chess and other chess-type games. Plaintiff resides at 1664 Davidson Ave., Apt. 1B, Bronx NY 10453, tel. 917-659-3397 and 917-507-7226, email: samhsloan@gmail.com

4. Michael Michel, Jose Miguel Araujo, Ronald Castorina Jr., John Flateau, Maria R. Guastella, Michael A. Rendino, Alan Schulkin and Simon Shamoun are Commissioners in the Board of Elections in the City of New York. Michael J. Ryan is Executive Director, Bianka Perez is Secretary and Steven Howard Richman is General Counsel of the Board of Elections in the City of New York. Gregory C. Soumas is a former

commissioner who resigned under fire last year.

5. Jerry H. Goldfeder, Stanley Kalmon Schlein and Daniel Szalkiewicz are attorneys whose legal practice consists of supporting the insider approved candidates and keeping them on the ballot while throwing the non-approved non-insider candidates off the ballot. Jerry H. Goldfeder resides at 360 Central Park West, New York NY 10025. His law office is STROOCK & STROOCK & LAVAN, 180 Maiden Lane, NEW YORK, NY 10038-4925, Stanley Kalmon Schlein resides at 481 King Ave, Bronx, NY 10464-1228, Daniel Szalkiewicz resides at 280 Riverside Drive, New York NY 10025. Mr. Stanley Schlein is known as being the most powerful power broker in New York if not the USA. He has advised important people like the Clintons and has been instrumental in getting them elected by having all their opponents ruled off the ballot. The New York Times says about him, "For years he has been a vital cog in the Bronx Democratic machine, defending incumbents and knocking insurgents from the ballot in the merciless tradition of city politics." See The New York Times for July 26, 2005 "Bronx Lawyer Is a Power Behind Several

Thrones"

6. Venancio Benny Catala is a former district leader of the Bronx Democratic Party County Committee and serves as a nominal "objector" to knock off all not approved candidates from the ballot. Catala resides at 316 E. 164th St., Bronx NY 10456.

7. Stephen Edward Kitzinger is an attorney with the New York Department of Law who conspires with the above named defendants to knock off the ballot all would-be candidates who are not approved by the insider controlling group thereby insuring that few primary elections are ever held as only the insiders can get on the ballot.

8. Douglas Arthur Kellner is Chairman of the New York State Board of Elections. His office is at 470 Park Ave South STE 7N, NEW YORK, NY 10016-6819.

9. Kimberly Galvin is the Republican Party representative on the NEW YORK STATE BOARD OF ELECTIONS at 40 Steuben St., Suite 5, Albany, NY 12207-2108. Kathleen O'Keefe is the Democratic Party representative on the New York State Board

of Elections. Their jobs are to ensure that only the insider approved candidates get on the ballot and thus the outsider candidates such as the plaintiff here never get a fair chance to contest the elections in New York State. Their address is 40 N. Pearl St., SUITE 5, ALBANY, NY 12207-2729

The Facts

10. Petitions were duly filed on July 8, 2015 nominating Sam Sloan and 10 other candidates for Judicial Delegate and one candidate for New York Civil Court Judge. A copy of that petition is annexed hereto. However, even before any notices had been sent to the candidates or to their vacancy committee or any hearings had been held, these 12 candidates had been ruled off the ballot by Defendant Steven H. Richman. On July 23, 2015, upon learning that all 12 candidates had been thrown off the ballot even though hearings had not yet been scheduled for another week, Plaintiff-Petitioner filed a Petition to Validate in the New York Supreme Court. This all happened because the above named defendants are engaged in a massive conspiracy so as

to make it impossible for practical purposes for any outsider non-approved candidate to get on the ballot to contest the choices of the insider established and incumbent candidates and because they are targeting Sam Sloan even though he was just one of 12 candidates on the list. The defendants have implemented starting in 2014 what they call "The Sloan Rule" under which the Board of Elections can browse the petitions filed by any candidate and search for defects in the petition and since invariably every petition contains a defect somewhere they can just throw that candidate off the ballot even though no specific objections have been filed. In this latest petitioning period, at least two other slates of candidates had their petitions thrown out under this "Sloan Rule". The Board of Elections makes the assertion that it need not follow New York Election Law by citing a case this same petitioner lost last year: Sam Sloan vs. Kellner, Appellate Division, Third Department, decided August 21, 2014, Sloan v. Kellner, 120 AD3d 895 (3d Dept. 2014). What is going on here is the Board of Elections is doing a line-by-line

objection when no proper objection by a voter has been filed. The Board of Elections is not itself allowed to do line by line objections. They are required to act only if a voter makes objections and as there were none made here the candidates must be reinstated.

11. The plaintiff's First Amendment constitutional right will suffer irreparable harm if the candidates including himself are not restored to the ballot.

12. There is a likelihood of success on the merits for the plaintiff to put these candidates back on the ballot so these voters can exercise their constitutional rights to vote for a candidate of their choice.

13. The primary election is to be held on September 10, 2015, so the plaintiff is moving for injunction relief because of the short time in question for them to seek their protected rights under the United States Constitution.

14. If the election were to go forward without the relief requested, this would be an irreparable damage to

plaintiffs' constitutional First Amendment right to vote and upon information and belief, the Democratic voters would have no choice in their primary. It is well known fact that the winner of the Democratic Primary in this District will have the power to appoint a judge of the New York State Supreme Court and civil courts.

15. The right for a candidate to appear on the ballot is integral to the right to vote and is a right protected by the united states constitution.

16. Plaintiff has no plain or adequate remedy in any other court and timely relief can be obtained by plaintiff only through the granting of Writ of Mandamus by this court.

17. Incorporating herein as evidence is the youtube video of the of 2014 and 2015 proceedings linked at <http://www.elections.ny.gov/2014Meetings.html> which shows that the Board of Elections clearly violate the due process clause of the 14th amendment.

18. It is clear from the videos of the 2014 and 2015 meetings that it was not on the calender to remove these

candidates from the ballot and these names were not on the list of names read by the Commissioners of candidates to be removed from the ballot.

19. There was never any objections of specifications filed in either 2014 and 2015 against Sam Sloan and required by NY election law 16-102 and 6-154 which states "the written objection to such petition may be filed within three days after the filing of such party certificate or the making of such party nomination. When such an objection is filed, specifications of the grounds of the objections shall be filed within six days thereafter with the same officer or board and if specifications are not timely filed, the objection shall be null and void."

20. The videos illustrate that there was no witness at the hearing as requited by NY state evidence law as to the insufficiency of the petitions. The Board of Elections never even reviewed the petitions.

21. On July 8, 2014, four volumes of petitions were filed nominating Sam Sloan as a Democratic candidate for Governor