

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARGARITA LOPEZ TORRES, STEVEN :
BANKS, C. ALFRED SANTILLO, JOHN J. :
MACRON, LILI ANN MOTTA, JOHN W. :
CARROLL, PHILIP C. SEGAL, SUSAN :
LOEB, DAVID J. LANSNER and COMMON :
CAUSE/NY, :

Plaintiffs, :

-against- :

NEW YORK STATE BOARD OF :
ELECTIONS; CAROL BERMAN, NEIL W. :
KELLEHER, HELENA MOSES DONOHUE, :
and EVELYN J. AQUILA, in their official :
capacities as Commissioners of the New York :
State Board of Elections, :

Defendants. :

04 Civ. 1129

**ANSWER TO FIRST AMENDED
COMPLAINT**

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Defendant-Intervenors, the Associations of Justices of the Supreme Court of the City and State of New York and Justice David Demarest, individually, and as President of the Association (the "Defendant-Intervenors"), by their attorneys Stroock & Stroock & Lavan, LLP, as and for their answer to the first amended complaint, admit, deny and allege the following upon information and belief:

1. Deny the allegations contained in paragraph 1 of the first amended complaint.
2. Admit the allegations contained in paragraph 2 of the first amended complaint.
3. Deny the allegations contained in paragraph 3 of the first amended complaint.
4. Deny the allegations contained in paragraph 4 of the first amended complaint.
5. Deny the allegations contained in paragraph 5 of the first amended complaint.
6. Deny the allegations contained in paragraph 6 of the first amended complaint.

7. Deny knowledge or information sufficient to form a belief as to the truth of the portion of paragraph 7 of the first amended complaint referencing a *New York Times* editorial, and deny the remainder of the allegations contained in paragraph 7 of the first amended complaint.
8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the first amended complaint.
9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the first amended complaint.
10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the first amended complaint.
11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the first amended complaint.
12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the first amended complaint.
13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the first amended complaint.
14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the first amended complaint.
15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the first amended complaint.
16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the first amended complaint.
17. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the first amended complaint.
18. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the first amended complaint.
19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the first amended complaint.
20. Admit the allegations contained in paragraph 20 of the first amended complaint.
21. Admit the allegations contained in paragraph 21 of the first amended complaint.
22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the first amended complaint.
23. Admit the allegations contained in paragraph 23 of the first amended complaint.

24. Admit the allegations contained in paragraph 24 of the first amended complaint.
25. Admit the allegations contained in paragraph 25 of the first amended complaint.
26. Admit the allegations contained in paragraph 26 of the first amended complaint.
27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the first amended complaint.
28. Deny the allegations contained in paragraph 28 of the first amended complaint.
29. Deny the allegations contained in paragraph 29 of the first amended complaint.
30. Assert that paragraph 30 of the first amended complaint contains a legal conclusion to which no response is necessary, but to the extent an answer is deemed necessary, deny the allegations contained therein.
31. Admit the allegations contained in paragraph 31 of the first amended complaint.
32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the first amended complaint.
33. Deny the allegations contained in paragraph 33 of the first amended complaint.
34. Deny the allegations contained in paragraph 34 of the first amended complaint.
35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the first amended complaint.
36. Deny the allegations contained in paragraph 36 of the first amended complaint.
37. Assert that Paragraph 37 of the first amended complaint contains a legal conclusion to which no response is necessary, but to the extent that an answer is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.
38. Deny the allegations contained in paragraph 38 of the first amended complaint, but admit that state law provides that if neither a delegate nor an alternate from the AD is present to fill a delegate seat at the judicial convention, the delegates from that AD are permitted to appoint a replacement.
39. Assert that paragraph 39 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 39 of the first amended complaint.
40. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the first amended complaint.
41. Deny the allegations contained in paragraph 41 of the first amended complaint.

42. Deny the allegations contained in paragraph 42 of the first amended complaint.
43. Deny the allegations contained in paragraph 43 of the first amended complaint.
44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the first amended complaint.
45. Deny the allegations contained in paragraph 45 of the first amended complaint.
46. Deny the allegations contained in paragraph 46 of the first amended complaint.
47. Deny the allegations contained in paragraph 47 of the first amended complaint.
48. Deny the allegations contained in paragraph 48 of the first amended complaint.
49. Assert that paragraph 49 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 49 of the first amended complaint.
50. Deny the allegations contained in paragraph 50 of the first amended complaint.
51. Deny the allegations contained in paragraph 51 of the first amended complaint.
52. Deny the allegations contained in paragraph 52 of the first amended complaint.
53. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of the first amended complaint.
54. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the first amended complaint.
55. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of the first amended complaint.
56. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 of the first amended complaint.
57. Deny the allegations contained in paragraph 57 of the first amended complaint.
58. Assert that paragraph 58 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 58 of the first amended complaint.
59. Admit the allegations contained in paragraph 59 of the first amended complaint.
60. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 of the first amended complaint.
61. Deny the allegations contained in paragraph 61 of the first amended complaint.

62. Deny the allegations contained in paragraph 62 of the first amended complaint.
63. Admit the allegations contained in paragraph 63 of the first amended complaint.
64. Deny the allegations contained in paragraph 64 of the first amended complaint.
65. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of the first amended complaint.
66. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the first amended complaint.
67. Admit the allegations contained in paragraph 67 of the first amended complaint.
68. Deny the portion of paragraph 68 of the first amended complaint contained in the first sentence of that paragraph, and deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in remainder of that paragraph.
69. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the first amended complaint.
70. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of the first amended complaint.
71. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the first amended complaint.
72. Deny the allegations contained in paragraph 72 of the first amended complaint, except admit that in certain counties the general election *may* be uncontested.
73. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of the first amended complaint.
74. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the first amended complaint.
75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the first amended complaint.
76. Deny the allegations contained in paragraph 76 of the first amended complaint.
77. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 77 of the first amended complaint.
78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 78 of the first amended complaint.
79. Deny the allegations contained in paragraph 79 of the first amended complaint.

80. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the first amended complaint, except admit that New York State Election Law provides varying methods for candidates to get on the ballot for different offices.
81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 81 of the first amended complaint.
82. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 82 of the first amended complaint.
83. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the first amended complaint.
84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the first amended complaint.
85. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of the first amended complaint.
86. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 86 of the first amended complaint.
87. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 87 of the first amended complaint.
88. Deny the allegations contained in paragraph 88 of the first amended complaint.
89. Admit the allegations contained in paragraph 89 of the first amended complaint.
90. Deny the allegations contained in paragraph 90 of the first amended complaint.
91. Deny the allegations contained in paragraph 91 of the first amended complaint.
92. Deny the allegations contained in paragraph 92 of the first amended complaint.
93. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the first amended complaint.
94. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 94 of the first amended complaint.
95. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 95 of the first amended complaint.
96. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 96 of the first amended complaint.

97. Assert that paragraph 97 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 97 of the first amended complaint.
98. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 98 of the first amended complaint.
99. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 99 of the first amended complaint.
100. Deny the allegations contained in paragraph 100 of the first amended complaint.
101. Assert that paragraph 101 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 101 of the first amended complaint.
102. Assert that paragraph 102 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 102 of the first amended complaint.
103. Assert that paragraph 103 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny the allegations contained in paragraph 103 of the first amended complaint.
104. With respect to paragraph 104 of the first amended complaint, the Defendant-Intervenors repeat and reallege their responses to paragraphs 1 through 103 as if fully set forth therein.
105. Assert that paragraph 105 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny all allegations contained in paragraph 105 of the first amended complaint.
106. Assert that paragraph 106 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny all allegations contained in paragraph 106 of the first amended complaint.
107. Deny the allegations contained in paragraph 107 of the first amended complaint.
108. Deny the allegations contained in paragraph 108 of the first amended complaint.
109. With respect to paragraph 109 of the first amended complaint, the Defendant-Intervenors repeat and reallege their responses to paragraphs 1 through 108 as if fully set forth therein.
110. Assert that paragraph 110 of the first amended complaint contains legal conclusions to which no response is necessary, but to the extent that an answer is required, deny all allegations contained in paragraph 110 of the first amended complaint.

