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April 4, 2006

Honorable John Gleeson
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Margarita Lopez Torres v. New York State Board of Elections, 04 CV 1129 (JG)*

Dear Judge Gleeson:

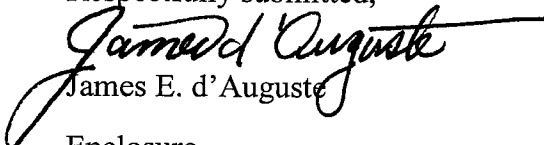
We are counsel to Defendant New York County Democratic Committee and write in response to the February 23, 2006 letter of Christopher Earl Strunk seeking permission to intervene as a *pro se* plaintiff in this action.

First, to be entitled to intervention as of right, Mr. Strunk is required to demonstrate, among other things, that his interest "relates to the transaction which is the subject of the action." Fed. R. Civ. P. 24(a). Mr. Strunk cannot satisfy this requirement as he is not a member of a political party required by New York's Election Law to use the judicial nominating conventions that are the subject of this litigation. El. L. § 1-104(3), 6-106, 6-124. Mr. Strunk's voter registration card reveals that he has chosen to affiliate with an apparently self-created "Non-Affiliated Voters Party." Exh. 1 is Mr. Strunk's public filing with the Board of Elections. As New York's Election Law does not mandate Mr. Strunk's "party" use judicial nominating conventions, he lacks the prerequisite interest necessary for intervention as a matter of right. Plaintiffs' April 3, 2006 submission addresses the remaining intervention factors and Mr. Strunk's failure to meet them.

Second, Mr. Strunk likewise cannot demonstrate common questions of law or fact necessary for permissive intervention. The districting issue Mr. Strunk seeks to interject into this lawsuit lacks any relation to the question of the constitutionality of judicial conventions, as they are presently constituted. Thus, whatever the merits of Mr. Strunk's legal assertions, this is simply not the forum to resolve them.

As Mr. Strunk does not meet the requirements for intervention, his application should be denied.

Respectfully submitted,


James E. d'Auguste

Enclosure

cc: **All Counsel of Record & Proposed Intervenor (via email)**

EXHIBIT 1



Yes, I need an application for an Absentee Ballot Please print or type in blue or black ink Yes, I would like to be an Election Day Worker

1 Are you a U.S. citizen? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		2 I will be 18 years old on or before election day: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		For Board use only!	
3 Last Name STRUNK		First Name CHRISTOPHER		MIDDLE INITIAL E.	
4 Address Where You Live (Do not give P.O. address) 593 VANDERBILT AVE #281		City/Town/Village BROOKLYN		County KINGS	
5 Address Where You Get Your Mail (if different from above)		P.O. box, star no., etc.		Post Office 11238	
6 Date of Birth 1-23-47	7 Sex (circle) M	8 Home Tel. Number (optional)		9 ID Number - Check the applicable box and provide your number	
10 The last year you voted		Your Address was (give house number, street, and city)		<input type="checkbox"/> New York Driver's License Number <input checked="" type="checkbox"/> Last four digits of your Social Security number 8096	
11 Choose a Party - Check one box only		12 AFFIDAVIT: I swear or affirm that		<input type="checkbox"/> I do not have a New York driver's license number or a Social Security number.	
<input type="checkbox"/> REPUBLICAN PARTY <input type="checkbox"/> DEMOCRATIC PARTY <input type="checkbox"/> INDEPENDENCE PARTY <input type="checkbox"/> CONSERVATIVE PARTY <input type="checkbox"/> WORKING FAMILIES PARTY <input checked="" type="checkbox"/> OTHER (write in) NON-AFFILIATED VOTERS PARTY <input type="checkbox"/> I DO NOT WISH TO ENROLL IN A PARTY		Please note: In order to vote in a primary election, you must be enrolled in one of these parties.		• I am a citizen of the United States. • I will have lived in the county, city, or village for at least 30 days before the election. • I meet all requirements to register to vote in New York State. • This is my signature or mark on the line below. • The above information is true. I understand that if it is not true I can be convicted and fined up to \$5,000 and/or jailed for up to four years. Signature or mark: Christopher E. Strunk Date: 1-18-04	

Please do not write in this space