

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

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MARGARITA LÓPEZ 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,

v.

Index No. CV 04-1129 (JG)

NEW YORK STATE BOARD OF ELECTIONS; NEIL W. KELLEHER,
CAROL BERMAN, HELENA MOSES DONOHUE, AND EVELYN J.
ACQUILA, IN THEIR OFFICIAL CAPACITIES AS COMMISSIONERS
OF THE NEW YORK STATE BOARD OF ELECTIONS,

Defendants,

NEW YORK COUNTY DEMOCRATIC COMMITTEE, NEW YORK
REPUBLICAN STATE COMMITTEE, ASSOCIATION OF JUSTICES OF THE
SUPREME COURT OF THE STATE OF NEW YORK, ASSOCIATION OF
JUSTICES OF THE SUPREME COURT OF THE CITY OF NEW YORK,
AND JUSTICE DAVID DEMAREST, INDIVIDUALLY, AND AS PRESIDENT
OF THE STATE ASSOCIATION,

Defendant-Intervenors,

ATTORNEY GENERAL OF THE STATE OF NEW YORK,

Statutory Intervenor.

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NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendants and Defendant-Intervenors and the Statutory Intervenor in the above-captioned matter, hereby appeal to the United States Court of Appeals for the Second Circuit from the Decision and Order (the "Order") of the Honorable John Gleeson, U.S.D.J., dated and entered in this action on January 27, 2006, and any other judgments, rulings, or proceedings giving rise to the Order.

Dated: New York, New York
February 7, 2006

Respectfully submitted,

By: /s/ Andrew J. Rossman, Esq.
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York, and Honorable David Demarest, J.S.C.,
individually, and as President of the State
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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*

To: Fredrick A.O. Schwarz, Jr. Esq.
Jeremy Creelan, Esq.
The Brennan Center for Justice
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161 Avenue of the Americas
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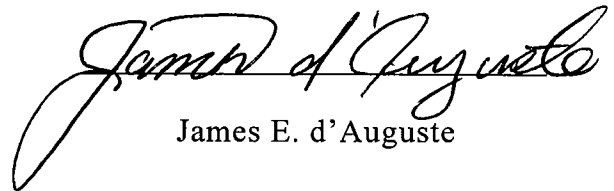
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was served by electronic notification c/o Frederick A.O. Schwarz, Jr., Brennan Center for Justice at NYU School of Law and Kent A. Yalowitz, Arnold & Porter LLP, on this 7th day of February, 2006.

A handwritten signature in cursive script, reading "James E. d'Auguste". The signature is written in black ink and is positioned above the printed name.

James E. d'Auguste