

**New York Supreme Court, Albany**

Gerard Aprea,	)	
John Vidurek,	)	CASE No. 7215-11
	)	
Plaintiffs;	)	JUDGE Joseph C. Teresi
	)	
- vs -	)	
	)	
NEW YORK STATE BOARD OF ELECTIONS,	)	
DUTCHESS COUNTY BOARD OF ELECTIONS,	)	
GREEN COUNTY BOARD OF ELECTIONS,	)	<b>COMBINED DISCOVERY</b>
	)	
Defendants.	)	
	)	

**PLAINTIFFS, pursuant to New York Rules of Civil Procedure,** requests the following combined discovery for admissions, interrogatories and productions:

**REQUEST TO NYSBOE FOR PRODUCTIONS**

1. All Republican & Democrat designating petitions sorted by county and party.
2. County lists, from all sixty-two (62) counties, of all designating petitions with titles filed at the last election for committeeman that are posted after the primary election.
3. Dem & Rep party rules for all sixty-two (62) counties.
4. List of all counties that choose committeemen by caucus
5. List of names, mailing address, and party of all NYSBOE Commissioners
6. List of names, mailing address, party and county of all BOE Commissioners
7. List of names, mailing address, party and county of all County Chairmen

8. List of names, mailing address, party and county of all State Committeemen employed by the BOE and their employed positions.
9. List of names, mailing address, party and county of all committeemen employed by the BOE and their employed positions.
10. Copy of NYSBOE Policy and procedures (if by party both).

**REQUEST TO DUTCHESS COUNTY BOE FOR ADMISSIONS**

The following questions are directed to Commissioner Erik J. Haight to admit the truth of the following statements of fact: Commissioner Erik J. Haight may examine Exhibits 108, 109 and 110 to help assist the Commissioners memory.

11. On or about July 14 2011 the DCBOE received a designating petition from John E. Vidurek with the designating title "Committeeman".
12. In a letter addressed to John E. Vidurek dated July 15,2011 signed by Erik J. Haight the DCBOE notified John E. Vidurek that the designating title "Committeeman" was changed to "Cnty Comm Hyde Park".
13. On July 18, 2011 John Vidurek wrote a letter to Erik J. Haight correcting the title change.
14. Erik J. Haight did not respond in writing or by phone to John Vidurek letter dated July 18, 2011.
15. On or about July 28, 2011 John Vidurek went to the DCBOE office and spoke to Commissioner Erik J. Haight, whereas Commissioner Erik J. Haight responded as follows:
16. Commissioner Erik J. Haight said I'm not going to answer the letter from John Vidurek dated July 18, 2011 because no form letter exists to respond to the complaint.

17. Commissioner Erik J. Haight said “Member of the County Committee” is the only title for committeeman, there is no other.
18. Commissioner Erik J. Haight said the executive committee is elected at a convention by “members of the county committee”.
19. Commissioner Erik J. Haight said the same executive committee (4 people) from last year was re-elected this year, and they ran unopposed.
20. Commissioner Erik J. Haight said unless I fill out a FOIA he will not give me copies of Dutchess county designating petitions for committeemen or any other information.
21. On or about June of 2010 until about May 13, 2011 (about 12 months) I requested many times from the Dutchess County BOE commissioner and the Dutchess County Chairman a copy of the Dutchess County Republican rules and NYS Republican Party rules without success.
22. On or about May 14, 2011 I received a letter from the DCBOE dated 5-13-11 concluding my Freedom of Information Law stating "DCBOE does not possess the requested information",
23. That information that the DCBOE "FAILED TO DEFINE" was the Dutchess County Republican Party Rules and the NYS Republican Party Rules.

**REQUEST TO DUTCHESS COUNTY BOE FOR INTERROGATORIES**

The following questions are directed to Commissioner Erik J. Haight, please answer the following questions in depth:

24. Please explain in detail how a county chairman is elected in your county.
25. Please explain in detail your relationship with the county chairman and how often you might communicate with him/her.

26. Please give us the names and titles of all republican or democratic state or county committeemen that are employed at the DCBOE, how long they have been employed, how long they have been a state or county committeemen, and if they were a state or county committeemen before or after their employment.

27. Who requires or requested that the Dutchess County Commissioner is to require a FOIA to be filled out for all requested information?

28. Where in the statutes is it written that a FOIA is requires for a citizen to receive information?

29. Who wrote Dutchess County's policy and procedure, if different for republican and democrat than both.

#### **REQUEST TO DUTCHESS COUNTY BOE FOR PRODUCTIONS**

30. Copy of policy and procedures, if different for republican and democrat than both.

#### **REQUEST TO GREEN COUNTY BOE FOR ADMISSIONS**

The following questions are directed to Commissioner Thomas J. Burk to admit the truth of the following statements of fact: Commissioner Thomas J. Burk may examine Exhibits 111, 112 and 113 to help assist the Commissioners memory:

31. On or about July 15 2010 the DCBOE received a designating petition from Gerard L. Aprea with the designating title "Committeeman".

32. In a letter addressed to Gerard L. Aprea dated July 20, 2010 signed by Commissioner Thomas J. Burk the GCBOE notified Gerard L Aprea that the designating title "Committeeman" was changed to a "Membership" and that there were no vacancies in that position.

33. On July 22, 2010 Gerard L. Aprea wrote a letter to Commissioner Thomas J. Burk correcting the title change and the error.

34. Commissioner Thomas J. Burk responded with a letter dated July 28, 2010 in writing incorrectly stating that Gerard L Aprea's petition was for "Member of County Committee" and not the elected "Committeeman" and that the petition was one year late.

### **REQUEST TO GREEN COUNTY BOE FOR INTERROGATORIES**

The following questions are directed to Commissioner Thomas J. Burk, please answer the following questions in depth.

35. Please explain in detail how a county chairman is elected in your county.

36. Please explain in detail your relationship with the county chairman and how often you might communicate with him/her.

37. Please give us the names and titles of all republican or democratic state or county committeemen that are employed at the DCBOE, how long they have been employed, how long they have been a state or county committeemen, and if they were a state or county committeemen before or after their employment commenced.

38. Who wrote Green County's policy and procedure, if different for republican and democrat than both.

### **REQUEST TO GREEN COUNTY BOE FOR PRODUCTIONS**

39. Copy of policy and procedures.

All rights reserved,

**DATE:** The 12th Day of the Twelfth month of the Year of Our Lord two thousand eleven and the two hundred thirty-fifth Year of Our Independence.

---

John Vidurek, Sui Juris, unrepresented  
Lead Plaintiff  
Fax (888) 891-8977  
600 Violet Ave, Suite 107  
Hyde Park, New York