

5. DUTCHESS COUNTY BOARD OF ELECTIONS was summonsed as a necessary party and responded to the summons on 12-7-11.

6. DCBOE is not the NYSBOE and does not have the authority or the knowledge to answer on behalf of NYSBOE.

7. **Driscoll v New York State Attorney General's Office Litigation Unit, supra**, this Court was strongly guided by two appellate decisions in concluding that **§12 (1) [Court of Claims Act]** does not preclude the entry of a default judgment against the State, and that the State is to be treated, with respect to a default judgment application, just the same as an individual or corporate defendant. **247-59 W., LLC v. State, 2010 NY Slip Op 20069 (N.Y. Ct. Cl. 2/3/2010), 2010 NY Slip Op 20069 (N.Y.Ct.Cl., 2010) February 3, 2010**

WHEREFORE; the plaintiffs move the Court to:

- A) deem the plaintiffs allegations of facts admitted for all purposes and,
- B) to enter an Order for a Default judgment in favor of the plaintiffs for the relief demanded in the complaint.

All rights reserved,

DATE: The Fourteenth 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
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