



DEC 14 2011

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November 28, 2011

Hon. Joseph C. Teresi
Supreme Court
Albany County Courthouse
Albany, New York 12207

Re: Gerard Aprea and John Vidurek v. NYS Board of Elections, et. al.
Index No. 1196-11 RJ1 No. 01-11-105040

Dear Judge Teresi:

The State Board of Elections is in receipt of your correspondence setting a preliminary conference in the above referenced matter for December 20, 2011 at 8:30 A.M.

I thought it critical to advise the Court that a very similar action was brought in Albany County (Index No. 4710-11) by Plaintiffs herein, among others, earlier this year which was ultimately dismissed by Judge Connolly. There may be other parties in this action but the claims are essentially identical as can be seen from the Decision of Judge Connolly dismissing the case. I am attaching a copy of those papers for your review.

As such, we are respectfully suggesting the instant case should have been listed as a related matter to the July action under the IAS system and should have been assigned to Judge Connolly as well. While I have not seen the Request for Judicial Intervention, I suspect that the prior case was not mentioned and that had it been, this case would have been assigned to Judge Connolly.

Respectfully submitted

Kimberly A. Galvin
Special Counsel