



4. This is an action pursuant to Election Law §3-102, §3-104, and §3-105 whereas defendant's [NYSBOE] general powers and duties are to issue instructions, promulgate rules and regulations, visit local boards of election, examine BOE procedures and records, conduct investigation, and conduct private or public hearings, it is by the abuse of these powers that created the uniform behavior and attitude amongst the sixty-two (62) boards, towards the people that are pursuing elective office outside of the blessings of the two major masked political associations.

5. This is an action about NYSBOE's abuse of powers and dereliction of their constitutional duties.

6. If the NYSBOE was cognizant of its constitutional oaths the county boards would not be so ignorant and confused as to their constitutional duties.

7. This is an action about the NYSBOE covertly training the county boards to act as sentinels for the two private associations, intimidating the people with "unconstitutional" FOIA demands, armed with form letters of denial and deceit, ignorant to their own constitutional oaths, ignorant to the "LAW".

8. This is an action about the NYSBOE's un-constitutional orchestration of constitutional violations.

9. Since this kind of activity has been going on for decades; and instructions and procedural knowledge emanate from the NYSBOE it appears likely that that the commissioners and the employed people under their command in the county boards are clueless as to committeeman history, Law, and their constitutional duty to provide and assist without question information demanded by their employer, We The People!

**FAILURE TO JOIN NECESSARY PARTY**

10. This is a lawsuit upon the NYSBOE, the sixty-two (62) county boards of Election and private association members will be hostile witnesses called to witness against the NYSBOE.

11. This action is state-wide and alleges violations in virtually all sixty-two (62) county boards of Election.

12. To try and engage all sixty-two (62) county boards of Election would be absurd, unnecessary and not feasible.

13. The sixty-two (62) county boards of Election are arms of the NYSBOE proven by the fact that authority over them is written in law and stated in their purpose on their web site.

14. The sixty-two (62) county boards of Election report, submit to and are dependent upon the NYSBOE for their procedures, training and form responses.

15. County board commissioners, employees and private association members will be called in through discovery as we start our deposition process, therefore all the witnesses for both sides will be available for examination by the jury, and therefore justice will be met.

**WHEREFORE:** plaintiffs move the court to enter an order denying defendants demand for motions to dismiss for failure to join, Res judicata and collateral estoppel.

All rights reserved,

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

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