

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M290475
AFA/

ANGELA G. IANNACCI, J.P.
JOSEPH J. MALTESE
WILLIAM G. FORD
JANICE A. TAYLOR, JJ.

2023-06463

DECISION & ORDER ON MOTION

In the Matter of Claudio Guazzoni de Zanett,
etc., petitioner-respondent, v Village of
Tuxedo Park, et al., respondents-appellants,
Marc D. Citrin, respondent-respondent.

(Index No. 4013/2023)

Joint motion by Village of Tuxedo Park, Elizabeth Doherty, Joshua S. Scherer, Paul A. Brooke, and David C. McFadden for leave to appeal to this Court from an order to show cause of the Supreme Court, Orange County, dated June 20, 2023, and, in effect, to stay enforcement of a temporary restraining order contained in the order to show cause, pending hearing and determination of the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, it is

ORDERED that the branch of the motion which is for leave to appeal from the order is granted; and it is further,

ORDERED that the branch of the motion which is, in effect, to stay enforcement of a temporary restraining order contained in the order to show cause, pending hearing and determination of the appeal, is granted to the extent that so much of the temporary restraining order as temporarily restrains the Village Clerk of the Village of Tuxedo Park from counting all absentee ballots in the 2023 General Village Election held in and for the Village of Tuxedo Park, directs that any objected-to, unopened and/or uncanvassed ballots, absentee ballots, uncanvassed emergency ballots, affidavit ballots, special ballots, and military ballots be set aside unopened and uncanvassed pending further order of the Supreme Court, and enjoins the Village Clerk and any person or entity acting on her behalf from certifying the results of the subject election pending further order of the Supreme Court, is stayed, pending hearing and determination of the appeal or determination of the

August 9, 2023

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proceeding initiated by the order to show cause, whichever occurs first, and that branch of the motion is otherwise denied; and it is further,

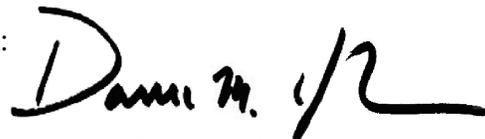
ORDERED that on or before August 16, 2023, the appellants shall serve and file the record or appendix and the appellants' briefs via NYSCEF, if applicable, or, if NYSCEF is not mandated, serve the record or appendix and the appellants' briefs and upload digital copies of the record or appendix and the appellants' briefs, with proof of service thereof, through the digital portal on this Court's website; and it is further,

ORDERED that on or before August 23, 2023, the respondents shall serve and file the respondents' briefs via NYSCEF, if applicable, or, if NYSCEF is not mandated, serve the briefs and upload a digital copy of the briefs, with proof of service thereof, through the digital portal on this Court's website; and it is further,

ORDERED that on or before August 25, 2023, the appellants shall serve and file the reply briefs via NYSCEF, if applicable, or if NYSCEF is not mandated, serve the reply briefs and upload a digital copy of the reply briefs, with proof of service thereof, through the digital portal on this Court's website.

IANNACCI, J.P., MALTESE, FORD and TAYLOR, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Darrell M. Joseph" with a stylized flourish at the end.

Darrell M. Joseph
Acting Clerk of the Court