

Neiman, Mendy				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rabiner, Aaron				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rabinowitz, Eliezer				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Reich, Samuel				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rosenbaum, Chaim				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Rosenbaum, Malka				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rosenberg, Berish				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rosenberg, Jacob				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rosenberg, Moses				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Rosenberg, Reize				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Samet, Aron	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Schnitzler, Simon	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Schwimmer, Raizy R				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Schwimmer, Joel				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Sebbag, Yaacov	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Shaw, Brian				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Shaw, Rebecca				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Devorah				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Hindy				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Miriam				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Smilowitz, Moshe				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Shifra				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Shrage				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Shulem				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Smilowitz, Yidel				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Smilowitz, Zev				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Sofer, Pinchas				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Sofer, Sholom				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Spielman, Joel				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Spielman, Yenti				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Stern, Abraham	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Stern, Chaim	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Stern, Mendel	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Stern, Moishy	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Strohli, Duvi	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Teitelbaum, Boruch				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Teitelbaum, Chana				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Teitelbaum, David				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Teitelbaum, Meilich	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Teitelbaum, Ruchel				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Teitelbaum, Schla				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Teitelbaum, Zissy				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Tunk, Mendel				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Vogel, Frieda		No documents provided		Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Vogel, Levi				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Wagschal, Israel	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Wasserman, Joseph				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Weiser, Gitty				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Weiser, Jacob				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Weismandl, Hendy				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Weismandl, Isaac				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Weiss, Isaac				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Williams, Jennifer				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Young, Sholom				Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
Zafir, Levi	2/17/14	Returned by USPS Undeliverable	3/7/14 - New registration and 'completed' questionnaire hand delivered to BOE by Frank Taylor with apt. # not found on the original registration	Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency

Zuckerman, Haim		Returned by USPS Undeliverable		Registrant filed lawsuit and intentionally failed to appear pursuant to subpoena to testify and offer proof of residency
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323. With regard to the the Board of Elections' investigation of the Hoppe challenges above, the evidence of residency claims reveals a clear conspiracy to manipulate and effect that March, 2014 election in Bloomingburg.

Investigation of Voter Registrations From 137 Main Street, Bloomingburg, NY

324. Mailings from the Board of Elections to the purported residents of 137 Main Street, Bloomingburg, NY, sent on February 21, 2014 were returned by the US Postal Service as undeliverable. *See* Exhibit E.
325. On March 7, 2014, the Board of Elections received new registrations from each of the residents of 137 Main Street which included the identification of apartment numbers to their purported residences which were not included in the original registration.
326. Each of those new registrations from the purported inhabitants of 137 Main Street was accompanied by a 'completed' questionnaire.
327. Each of the registrations and 'completed' questionnaire were personally delivered to the Board of Elections by Frank Taylor, who, upon information and belief, was employed by or affiliated with Defendants Lamm and Nakdimen.
328. Each of the 'completed' questionnaires from the purported residents of 137 Main Street indicated that the registrant resided there for the past 30 days and included "a boiler plate lease with Bloomingburg Rentals, LLC, none of which included apartment numbers." *Id.*

329. No other verification of residency in Bloomingburg or even Sullivan County was submitted by the purported residents.
330. On March 7, 2014 letters from all the residents of 137 Main Street indicating their purported respective apartment numbers were again hand delivered by Frank Taylor to the Board of Elections.
331. None of those letters delivered by Frank Taylor were signed by the purported resident/registrant.
332. On March 12, 2014 “registration forms from all residents of 137 Main Street were hand delivered by Frank Taylor to the Board of Elections along with a letter from Village Clerk Susan Berentsen indicating that she had received the registration forms on Friday, March 7, 2014.” *Id.*
333. The Board found that: “Upon further inspection by the Sullivan County Board of Elections confirmed that these registration forms were altered photocopies of those dated February 17, 2014 and that they included apartment numbers that do not appear on the originals for that date.” *Id.*
334. On March 21, 2014 “copies of the original questionnaires were hand delivered to the Board of Election on behalf of Isaac Kohn, Simon Schnitzler, Yaacov Sebbage and Levi Zafir inclusive of (unsigned) statements affirming that they spend holidays and the Sabbath in Bloomingburg.” *Id.*

Investigation of Registrations From 99 Main Street, 105 Main Street and 117 Main Street

335. The original questionnaires mailed out on February 25, 2014 were returned to the Board of Elections by the US Postal Service because they were undeliverable. *Id.*

336. The questionnaires received on March 6, 2014 from Benzion Goldman and Boruch Goldman included a Change of Postal Address card, a boiler plate lease with Bloomingburg Rentals, LLC and unsigned affidavits purporting to be from both of them. *Id.*

337. Registrants Devorah Goldman, Joel Klein, Roseh Klein, and Frieda Vogel failed to submit any documentation of any kind to support their purported residency claims.

Investigation of Voter Registration From 32 High Street, Bloomingburg, NY

338. Registrant Gittel Grunhut returned the questionnaire indicating that she had resided there for one month but provided no verification of that claim.

339. She returned the affidavit unsigned and other documentation provided indicated that her husband was employed in Brooklyn. *Id.*

Investigation of Registrations From 107 Godfrey Road, Bloomingburg, NY

340. Registrant Peninah Lamm, daughter of Defendant Lamm, responded that she was married and living in Israel and had not changed her address with DMV to show residency in Bloomingburg. *Id.*

341. Registrant Roberta Lamm, daughter of Defendant Lamm, responded that she was a full time student in Israel, and had not changed her address with DMV to show residency in Bloomingburg. *Id.*

342. Registrant Samuel Lamm, son of Defendant Lamm, responded that he was a full time university student in New York City who spends weekends in Bloomingburg and notified DMV of his change of address. *Id.*

343. Registrant Shalom Lamm, Defendant herein, responded that he rents homes in both Long

Island and Bloomingburg and may, under the law, elect to vote from either residence.

344. Challenger Cracolici, who challenged the voter registration of Defendant Lamm provided the Board of Elections with sworn testimony given by Lamm dated December 13, 2013 (just three months earlier) where Defendant asserted that his residency was in West Hempstead, New York. *Id.*
345. An investigative report authored by the Sullivan County Sheriff's Office indicated that Defendant Lamm's purported residence in Bloomingburg appeared to be an office "at which no one was in residence." *Id.*
346. Registrant Tina Lamm, wife of Defendant Lamm, claimed residency for 2 months in Bloomingburg and notified DMV of her change of address and asserted her right to vote from either residence.

Investigation of Registration From 84 High Street, Bloomingburg, NY

347. Registrant Harold Baird contacted the Board of Elections on March 17, 2014 notifying that he did not actually live at 84 High Street and would not be voting in the upcoming election. *Id.*
348. Upon information and belief, each and every one of those building in which the above cited 'registrants' claimed to reside are owned by Defendants Lamm and/or Nakdimen, or entities such as Bloomingburg Rentals, Inc., which are under their control.
349. Several of those buildings did not have Certificates of Occupancy to legally house tenants.

The Board of Elections' March 25, 2014 Notice of Determination Of Hoppe Challenges

350. In reporting on their investigation into the Hoppe challenges, the Board of Elections made special note that:

On March 21, 2014, ‘completed’ questionnaires, submitted on photocopies* (*all of those originally forwarded on March 13th were returned to our office as undeliverable) were hand delivered to the Board of Elections on behalf of Chaim and Malka Rosenbaum (142 Main Street), Mendel Tunk and Mendel Kornbluh (97 Main Street), Joel and Raizy Schwimmer (8 Hickory Court), David and Rut Berger (99 Main Street), Baruch Goldman and Levi Vogel (105 Main Street), Kenneth, Mordechai, Shelly and Shevi Nakdimen and Joseph Wasserman (101 Main Street), and Chaim, Esther, Peral and Zev Karpen (26 Winterdon Road). Most if not all had (unsigned) statements attached indicating that the registrants spend holidays and the Sabbath in Bloomingburg. (*Exhibit E*)

351. Similarly, the Board of Elections reported that:

On March 24th 2014 “completed” questionnaires were hand delivered to the Board of Elections on behalf of David Berger, Rut Berge and Eliezer Rabinowitz (99 Main Street), David Friedman [sic] Jacob Friedman, Judy Friedman, Malkie Friedman, Yitta Friedman, Joel Goldstein (12 Hickory Street), David Friedman (11 Winterton Road), Lipa Goldstein (142 Main Street), Abraham Greenfeld, Hendel Greenfeld, Devorah Smilowitz, Miriam Smilowitz, Moshe Smilowitz, Shulem Smilowitz, Yidel Smilowitz (8 Winterton Road), Cheskel Grunhut (32 High Street), Aron Karpen, Chaim Karpen, Feigy Karpen, Rachel Karpen, Shabsie Karpen, Shemaya Karpen, Baruch Masri, Aron Rabiner (26 Winterton Road), Joseph Landau (93 Main Street), Esther Mermelstein, Joseph Mermelstein, Usher Mermelstein (30 North Road), Berish Rosenberg, Moses Rosenberg, Reize Rosenberg, Shifra Smilowitz, Shrage Smilowitz (14 Winterton Road), Hindy Smilowitz, Zev Smilowitz (13 Winterton Road), Chana Teitelbaum, Schla Teitelbaum, Gitty Weiser, Jacob Weiser, Hendy Weissmendl, Isaac Weissmendl (8 Hickory Court), and Sholom Young (97 Main Street).

All of the registrants indicate that they have at least one other residence and that they spend holidays and the Sabbath in Bloomingburg. Some are employed, either on a full time or part time basis, in Brooklyn. (Sholom Young is the exception; he has 1 residence in Brooklyn and 2 in Lakewood, New Jersey and is not employed). No other substantive documentation was included.

Of the 148 registrants herein challenged 49 did not return questionnaires or submit any documentation supporting their residency. (*Exhibit E*)

352. The Board of Elections made clear that:

In addition to the documentation provided by challenger, inclusive of dated and sworn eye witness testimony, and the completed questionnaires submitted by the registrants or lack thereof, the Commissioners reviewed the reports submitted by Detective Sgt. Gorr and Detective Browne of the Sullivan County Sheriff's Department who conducted investigations at the address in question. The Commissioners also drove by the addresses in question at various times of the day and on various days of the week during the 30 days next preceding the Village election. It was also of note to the Commissioners that at no time did any one of the challenged voters personally appear at the Board of Elections. All registrations and challenge information were delivered by one of three couriers, all of whom declined to indicate whom they worked for. (*Exhibit E*)

353. The Board's Determination Report granted each and every one of the 148 challenges filed by Hoppe, based on:

"...the registrants' lack of presence in the village prior to election day has cast an aura of sham concerning each of the above referenced registrants". (*Exhibit E*) [emphasis added].

Inducing Co-Conspirators To Travel In Interstate Commerce To Claim Fake Residency

354. According to the Board of Elections' March 25, 2014 Notice of Determination, Sholom Young claimed a residence in Brooklyn, New York, as well as two residences in Lakewood, New Jersey which he maintained in addition to his purported principle residence in Bloomingburg. (*Exhibit E*)

355. Upon information and belief, Defendants Lamm and Nakdimen did induce Sholom Young to become a co-conspirator and member of the racketeering enterprise by co-opting him into the scheme to submit false claims of residency in Bloomingburg, New York for the purposes of registering to fraudulently vote there with the intent to affect local elections

for the benefit of the enterprise.

356. Upon information and belief, co-conspirator Sholom Young, in violation of *18 U.S.C. 1952(a)(3)*, did travel in interstate commerce from his residences in Lakewood, New Jersey to Bloomingburg, New York at the behest of Lamm and Nakdimen for the purposes of aiding a racketeering enterprise by facilitating the crime of voter fraud.
357. Upon information and belief, many of the registrants who claimed employment or a residence in Brooklyn, New York and a weekend stay in Bloomingburg traveled in interstate commerce between Brooklyn and Bloomingburg, *i.e.* through New Jersey, if they ever appeared in Bloomingburg at all.
358. Any such unfounded residents who traveled between Brooklyn and Bloomingburg through New Jersey also violated *18 U.S.C. 1952(a)(3)*.

The Kahrs Challenges

359. Post-Registration challenges to the eligibility of 34 purported residents were filed by John Kahrs with the Board of Elections on February 25, 2014 and March 4, 2014. (*Exhibit C*)
360. Those challenges duplicated registrants who were also challenged by Anita Hoppe.
361. The Commissioners of the Board of Elections issued their Notice of Determination on March 25, 2014, citing the same facts as they did in the Hoppe challenges to sustain the challenges to those specific challenges filed by Kahrs.
362. Significant to their findings was that part of the Notice of Determination regarding the Kahrs challenges was the Board's statement:

All indications are that none of the challenged voters meet the minimal requirements to duly qualify them as residents of the Village of Bloomingburg for the intended and contrived purpose of voting in the March 18, 2014. (*Exhibit F*).

The Cracolici Challenges

363. James Cracolici filed post-registration challenges with the Sullivan County Board of Elections on February 21, 2014 regarding the eligibility of 29 purported residents to vote in the March 18, 2014 elections.
364. Those 29 registrations challenged by Cracolici were redundant of challenges filed by both Hoppe and Kahrs.
365. The Board of Elections issued its Notice of Determination on March 25, 2014 regarding the challenges filed by Carcolici. (*Exhibit D*)
366. The Commissioners granted each of those challenges for the same reasons as they did with those from Hoppe and Kahrs and reiterated that the registrants failed to meet the minimal residency requirements “for the intended and contrived purpose of voting in the March 18, 2014 Village election.” (*Exhibit G*).
367. As stated above, litigation ensued over the post-registration challenges of Hoppe, Kahrs, and Carcolic and the determinations of the Board of Elections issued on March 25, 2014.
368. Upon information and belief, Defendants Lamm and Nakdimen retained counsel to represent them and all the challenged voters in that action.
369. New York State Supreme Court Justice Schick set aside two full days for hearings so that any and all voters challenged by Hoppe, Kahrs, and Cracolici could have due process and their day in court to present testimony and evidence substantiating their residency and eligibility to vote in the March 18, 2014 Village election.
370. Subpoenas were issued by counsel for the challengers for each and every one of the 148 challenged voters, including defendant Lamm, to appear in Court on the same day to give

testimony under oath with regard to their residency and voter registration.

371. On the return date of the subpoenas, which was the first of two days set aside by Justice Schick to hear testimony from the affected voters, not a single challenged voter complied with the subpoena and appeared in Court to testify.
372. In fact, Defendant Lamm, the Respondent-Voter who had actively participated in the litigation seeking to overturn the determinations of the Commissioners of the Board of Elections, and who himself was under subpoena to appear in court, refused to appear in court that day.
373. According to the Court Record, excerpted at Exhibit H, Lamm instructed his attorney to withdraw from the case and inform the court that he would not further participate in the proceeding. *Id.* at pp. 4 – 5.
374. Defendant Lamm’s counsel informed the Court and counsel on the record that his client would not comply with the subpoena to appear in court and would instead pay the statutory penalty for failure to honor the subpoena. Thus Lamm chose contempt over having to testify and be cross-examined subject to the penalties for perjury. Exhibit H, pp. 18 – 19.
375. Sullivan County District Attorney Farrell was in court that day to watch the proceedings that the 148 challenged voters contumaciously avoided.
376. Astonished that these affected voters had strenuously engaged in the litigation up to that day, ranting that the challenges were born of anti-Semitism, Justice Schick pointedly summed the nature of their claims when he stated: “If there is anything worse than anti-Semitism, it is the false accusation of anti-Semistism.” Exhibit H, pp. 170 -- 171.

377. As a result of the overwhelming evidence of lack of valid residency and the flagrant contempt of subpoenas committed by each of the 148 challenged registrants, the challenged votes were not counted in the general pool and Defendants were not able to succeed in their conspiracy to ‘stuff the ballot box’ with illegal votes.
378. Consequently, Mayor Berentsen was voted out of office.
379. Not one of the 148 determinations of the Sullivan County Board of Elections was appealed or otherwise subjected to collateral attack by a challenged voter, including Defendants Lamm or Nakdimen.

VOTER FRAUD AND THE SEPTEMBER, 2014 DISSOLUTION REFERENDUM

380. In 2014, concerned citizens of Bloomingburg circulated a Petition to hold a Special Election to decide through a referendum whether to dissolve the Village and have its obligations, infrastructure, and zoning regulations revert to and become the subject of the Town of Mamakating.
381. Were the referendum successful, the territory constituting the Village would revert to and be governed by the laws and administration of the Town of Mamakating. As such, the Town as well as the Village had a clear interest in the integrity and outcome of the referendum.
382. The Petition received enough signatures to call for a Special Election on the dissolution referendum.
383. The Special Election was scheduled for September 30, 2014 where Village residents who were eligible to vote would determine the fate of Bloomingburg.
384. On September 24th and September 26th, 2014, to protect against another attempt at voter

fraud, Anita Hoppe filed post-registration challenges and affidavits against 194 purported registrants in the Village of Bloomingburg alleging that those registrants did not meet the minimum State mandated residence requirements that would qualify them to vote in that Special Election. *See, Exhibit I, annexed hereto, BOE Notice of Determination, 11/19/2014.*

385. On September 26, 2014, to prevent the contamination of the vote pool by the inclusion of invalid ballots, an Order To Show Cause was brought under provisions of New York's Election Law in the Sullivan County Supreme Court in an action entitled *Tiffany Francis et. al. v. Ann Pursinski, et al.*, seeking to sequester the challenged ballots from being canvassed and counted until the Sullivan County Board of Elections could investigate the eligibility of those challenged voters.
386. The Court ordered that the challenged voters be administered a challenge oath at the polls, or an affidavit ballot to absentee voters, and that the votes remain segregated from the canvass and count of eligible votes until the Board of Elections had investigated and issued a determination with regard to each challenge.
387. Soon thereafter, as he did before, Defendant Lamm commenced litigation by Order To Show Cause under the caption, *Shalom Lamm, et.al. v. Tiffany Francis, et al.*, Supreme Court, Sullivan County, Index #2326/2014, wherein nearly all challenged voters joined with him and contested the basis for the challenge and the sequestering of their ballots.
388. The Special Election on the dissolution referendum proceeded on September 30, 2014, and the Court's instructions regarding the challenged voters were followed.
389. On November 19, 2014, the Sullivan County Board of Elections issued its Notice of

Determination with regard to those 194 challenges filed by Anita Hoppe as set forth below. *Exhibit I.*

390. For convenience, the chart below lists those challenged voters who voted in the September 30, 2014 Special Election, and sets forth in the center column whether the subject registrant had been previously challenged in March, 2014 general election and the result, and in the right column recites the Board of Elections' determination of the September, 2014 challenge where the registrant voted:

NAME	MARCH 2014 CHALLENGE RESULT	SEPTEMBER 2014 CHALLENGE RESULT
Berger, David	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No Cert. Of Occupancy at purported residence bldg and driver's license indicates Brooklyn
Berger, Rut	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No Cert. Of Occupancy at purported residence.
Breuer, Herman	NOT CHALLENGED	Challenge Granted - Student who registered 31 days before election. No documentation provided by him. Previously voted in Orange County.
Breuer, Jocheved	NOT CHALLENGED	Challenge Granted - Student who registered 31 days before election. No documentation provided by him. Previously voted in Orange County.
Desser, Abraham	NOT CHALLENGED	Challenge Granted - Student who offered no proof of residency. Formerly registered to Monroe home.
Desser, Rivka	NOT CHALLENGED	Challenge Granted - no proof of residency. Formerly registered to Monroe home.

Desser, Mindy	NOT CHALLENGED	Challenge Granted - registered 34 days before election. No Cert. of Occupancy at 14 Winterton Rd. All documentation of residence, employment, and prior voting registration indicate Brooklyn.
Desser, Samuel	NOT CHALLENGED	Challenge Granted - registered 34 days before election. No Cert. of Occupancy at 14 Winterton Rd. All documentation of residence, employment, and prior voting registration indicate Brooklyn
Desser, Zira	NOT CHALLENGED	Challenge Granted - registered 34 days before election. No Cert. of Occupancy at 14 Winterton Rd. All documentation of residence, employment, and prior voting registration indicate Brooklyn
Falkowitz, Gitty	NOT CHALLENGED	Challenge Granted - registered 33 days before election. Formerly registered to Monroe. No proof of residency submitted.
Falkowitz, Mindy	NOT CHALLENGED	Challenge Granted - registered 33 days before election. Formerly registered to Monroe. No proof of residency submitted.
Falkowitz, Yeshiah	NOT CHALLENGED	Challenge Granted - registered 33 days before election. Formerly registered to Monroe. No proof of residency submitted.
Falkowitz, Yosef	NOT CHALLENGED	Challenge Granted - registered 33 days before election. Formerly registered to Monroe. No proof of residency submitted.
Friedman, David	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No documentation provided. No Cert. of Occupancy for bldg.
Goldberg, Esther	NOT CHALLENGED	Challenge Granted - registered 14 days before election. Works and has driver's license to residence in Monsey. No Cert. of Occupancy.
Goldberg, Judah	NOT CHALLENGED	Challenge Granted - registered 14 days before election. Receives STAR exemption in Monsey. No Cert. of Occupancy.

Goldberg, Meir	NOT CHALLENGED	Challenge Granted - registered 14 days before election. No Cert. of Occupancy.
Goldberg, Menachem	NOT CHALLENGED	Challenge Granted - registered 14 days before election. Full time student in Brooklyn. No Cert. of Occupancy.
Goldberg, Sara	NOT CHALLENGED	Challenge Granted - registered 14 days before election. Receives STAR exemption in Monsey. No Cert. of Occupancy.
Goldberg, Zvi	NOT CHALLENGED	Challenge Granted - registered 14 days before election. Full time student in Brooklyn. No Cert. of Occupancy.
Goldstein, Lipa	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student 'staying with' Chaim Rosenbaum. Brooklyn address on Learner's Permit.
Greenfeld, Abraham	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Questionnaire was returned as Addressee Not Known. Abraham a student with other residence in Brooklyn.
Greenfeld, Hendel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Questionnaire was returned as Addressee Not Known. Hendel is a teach with child going to school in Brooklyn.
Gross, Benjamin	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student who submitted driver's license with Brooklyn address.
Halberstam, Baruch	NOT CHALLENGED	Challenge Granted - registered to vote 14 days before election. No documentation provided. Has alternate Brooklyn address. No Cert. of Occupancy.
Halberstam, Eluzer	NOT CHALLENGED	Challenge Granted - registered to vote 14 days before election. No documentation provided. Has alternate Brooklyn address. No Cert. of Occupancy.

Halberstam, Rukel	NOT CHALLENGED	Challenge Granted - registered to vote 14 days before election. No documentation provided. Has alternate Brooklyn address. No Cert. of Occupancy.
Karpen, Aron	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - has driver's license with Brooklyn address.
Karpen, Berl	NOT CHALLENGED	Challenge Granted - no specific reason given
Karpen, Chaim	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted driver's license with Bloomingburg address but no other supporting evidence.
Karpen, Esther	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no specific reason given
Karpen, Feigy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted driver's license with Brooklyn address. Interviewed by Sheriff.
Karpen, Pearl	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no specific reason given
Karpen, Rachel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no specific reason given
Karpen, Shemaya	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted driver's license with Brooklyn address. Interviewed by Sheriff.
Karpen, Zev	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted driver's license with Bloomingburg address but no other supporting evidence or documents.
Klein, Shmuel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student who submitted out of county driver's licenses.
Klein, Yotzchok	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student who submitted out of county driver's license.

Kohn, Isaac	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted driver's license with address of parents' home in Brooklyn.
Kornbluh, Mendel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - driver's license has Loch Sheldrake PO Box and he was active with Hatzolah based out of Fallsburg.
Lamm, Shalom	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Denied
Lichtenstadter, Avraham	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - questionnaire returned as Addressee Not Known. Driver's license has parents address in Brooklyn.
Mermelstein, Joseph	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Denied
Nakdimen, Kenneth	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Denied
Nakdimen, Shelly	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Denied
Nakdimen, Shevi	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Denied
Nakdimen, Shlomo	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - full time student in Israel. Only able to vote in Federal elections by absentee ballot.
Nakdimen, Tamar	NOT CHALLENGED	Challenge Granted - full time student in Israel. Only able to vote in Federal elections by absentee ballot.
Rabiner, Aron	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - lease submitted as evidence was neither dated nor signed. Driver's license has Harris, NY address.

Rosenberg, Moses	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Driver's license shows address of their home in Brooklyn. No Cert. of Occupancy for bldg.
Rosenberg, Reize	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Moses' Driver's license shows address of their home in Brooklyn. No Cert. of Occupancy for bldg.
Saunders, Melissa	NOT CHALLENGED	Challenge Denied
Schlesinger, Yakov	NOT CHALLENGED	Challenge Granted - All mail undeliverable at either address he claims to live in Village. Submitted Driver's license with Monsey address. No Cert. of Occupancy for bldg.
Schnitzler, Simon	NOT CHALLENGED	Challenge Granted - never provided a driver's license or social security card to Board of Elections to properly register.
Sebbag, Yaacov	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - did not return questionnaire until 11/2014, months after it was due. Student who could not provide documentation
Smilowitz, Devorah	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - listed on lease of 8 people for premises. No compelling proof of residency submitted.
Smilowitz, Hindy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - listed on lease of 8 people for premises. Rents a property in Monroe. No compelling proof of residency submitted.
Smilowitz, Miriam	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - listed on lease of 8 people for premises. No compelling proof of residency.
Smilowitz, Moshe	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted -
Smilowitz, Shulem	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted a driver's license with Brooklyn address. Attends school full time in Glendale.

Smilowitz, Yidel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no compelling proof submitted.
Smilowitz, Zev	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no compelling proof of residency. Driver's license has Orange County address on it.
Spitzer, Mendel	NOT CHALLENGED	Challenge Granted - No documentation submitted
Spitzer, Rivka	NOT CHALLENGED	Challenge Granted - No documentation submitted
Stein, Borech	NOT CHALLENGED	Challenge Granted - Registered 35 days before election. Driver's License goes to Highland Mills address. Signatures on licenses, questionnaires, and voter registrations do not match.
Stein, Sheindel	NOT CHALLENGED	Challenge Granted - Registered 35 days before election. Driver's License goes to Highland Mills address. Signatures on licenses, questionnaires, and voter registrations do not match.
Wasserman, Joseph	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No documentation submitted.
Zafir, Levi	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student with Driver's License that has his parents address in Brooklyn.
Zuckerman, Haim	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Questionnaire returned months after it was issued. All identification indicates Suffern, NY address

391. In that same Notice of Determination of November 19th, the Board of Elections rendered decisions regarding eligibility of those challenged voters who did not vote in the September 30, 2014 Special Election. Those were:

Name	March 2014 Challenge Result	September 2014 Challenge Result
Adler, Yossi	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No questionnaire or documents returned
Baird, Harold	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Re- registered outside of Village of Bloomingburg
Baker, Kenneth	NOT CHALLENGED	Challenge Granted - Re- registered outside of Village of Bloomingburg
Berentsen, Mark	NOT CHALLENGED	Challenge Granted - Moved to Town of Wallkill
Berentsen, Susan	NOT CHALLENGED	Challenge Granted - Moved to Town of Wallkill
Berger, Esther	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no questionnaire or documents returned. Sheriff finds no one in residence
Berger, Lazar	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no questionnaire or documents returned. Sheriff finds no one in residence
Berger, Miriam	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no questionnaire or documents returned. Sheriff finds no one in residence
Berger, Naftuli	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no questionnaire or documents returned. Sheriff finds no one in residence
Braver, Pinchus	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no documentation or questionnaire returned

Derbaremdiger, Yehuda	NOT CHALLENGED	Challenge Granted - registered 16 days before election. Residence unoccupied and No Cert. of Occupancy
Diana, Herbierto	NOT CHALLENGED	Challenge Granted - moved to Puerto Rico
Erps, Samuel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No questionnaire or documentation returned
Falhowitz, Gitl	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No longer residing at address. No Cert. of Occupancy
Falhowitz, Joel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No longer residing at address. No Cert. of Occupancy
Fekete, Moishe	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No questionnaire or documentation returned
Fried, David	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No questionnaire or documentation returned
Friedman, Chana	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No longer residing at address. No Cert. of Occupancy. "Questionnaire picked up and returned to Post Office by Shalom Lamm and associates."
Friedman, Hillel	NOT CHALLENGED	Challenge Granted - no longer residing at address. No Cert. of Occupancy
Friedman, Jacob	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No questionnaire or documentation returned

Friedman, Judy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No questionnaire or documentation provided
Friedman, Malkie	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Mail returned as undeliverable. No questionnaire or documentation provided.
Friedman, Yitta	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Mail returned as undeliverable. No questionnaire or documentation provided.
Friedman, Zalman	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Mail returned as undeliverable. No questionnaire or documentation provided.
Friedman, Moses	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No longer living at address. No Cert. of Occupancy. "Questionnaire had been picked up and returned to the Post Office by Shalom Lamm associate."
Friedman, Shaindle	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No longer living at address. No Cert. of Occupancy. "Questionnaire had been picked up and returned to the Post Office by Shalom Lamm associate."
Fromowitz, Michael	NOT CHALLENGED	Challenge Granted - residence is unoccupied. No Cert. of Occupancy
Gertner, Yisroel	NOT CHALLENGED	Challenge Granted - residence is unoccupied. No Cert. of Occupancy
Gluck, Joseph	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address

Gluck, Mordechai	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address
Gluck, Sendey	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address
Gold, Hendel	NOT CHALLENGED	Challenge Granted - old mail observed on doorstep. Questionnaire returned without supporting documentation. Employed in Monroe.
Goldberger, Chaim	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. No Cert. of Occupancy.
Goldberger, Israel	NOT CHALLENGED	Challenge Granted - registered 31 days before election. In Israel. Mail returned as addressee unknown. No Cert. of Occupancy.
Goldman, Benzion	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - residence appears unoccupied. No questionnaire or documentation returned. No Cert. of Occupancy
Goldman, Boruch	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - residence appears unoccupied. Located in Israel. No questionnaire or documentation returned. No Cert. of Occupancy
Goldman, Devorah	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - residence appears unoccupied. No questionnaire or documentation returned. No Cert. of Occupancy

Goldstein, Brucha	NOT CHALLENGED	Challenge Granted - no longer resides as address
Goldstein, Joel	NOT CHALLENGED	Challenge Granted - no longer resides at address
Green, Hershel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - "questionnaire returned to BOE/Address Not Known. Questionnaire (copy) returned indicating Hershel works in Bloomingburg, has drivers license with his Monsey address. Registered to 99 Main Street 8/29/14 - Building does not have a Certificate of Occupancy."
Greenfield, Mordechai	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Purged from records. Moved out of county.
Grunhut, Cheskel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. "Questionnaires had been picked up at and returned to the Post Office by Shalom Lamm and/or associates."
Grunhut, Gittel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. "Questionnaires had been picked up at and returned to the Post Office by Shalom Lamm and/or associates."
Jungreis, David	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no documentation returned
Karpen, Chana	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no documentation returned

Karpen, Shabsie	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no documentation returned
Katz, Chana	NOT CHALLENGED	Challenge Granted - Challenge Granted - no longer residing at address. "Questionnaires had been picked up at and returned to the Post Office by Shalom Lamm associate."
Katz, Chaya	NOT CHALLENGED	Challenge Granted - Challenge Granted - no longer residing at address. "Questionnaires had been picked up at and returned to the Post Office by Shalom Lamm associate."
Katz, Shloima	NOT CHALLENGED	Challenge Granted - Challenge Granted - no longer residing at address. "Questionnaires had been picked up at and returned to the Post Office by Shalom Lamm associate."
Klein, Aron	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.
Klein, Bashy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at address
Klein, Bracha	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at address
Klein, Gitty	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at address

Klein, Menya	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at address
Klein, Moshe	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at address. Has children in Orange County schools and resides in Bloomingburg "when he wishes"
Klein, Yosef	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at address
Klein, Joel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - premises appear unoccupied. No Cert. of Occupancy
Klein, Roseh	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - premises appear unoccupied. No Cert. of Occupancy
Klein, Shloime	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student
Klein, Yosef	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No longer resides at address
Lamm, Peninah	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - residing in Israel. "Eligible for Federal voter status only."
Lamm, Roberta	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - residing in Israel. "Eligible for Federal voter status only."
Lamm, Tina	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no documentation supporting residency
Landau, Joseph	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. No Cert. of Occupancy

Landau, Mindel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. No Cert. of Occupancy
Landau, Moses	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. No Cert. of Occupancy
Landau, Yaakov	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student
Lebovitz, Isaac	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student
Lebovitz, Joel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student
Levy, Nathan	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - questionnaire returned to BOE as addressee not known.
Masri, Baruch	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no questionnaire or documentation provided
Mermelstein, Esther	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - purged/voter registration info incomplete
Mermelstein, Usher	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - purged/voter registration info incomplete
Moskowitz, Isaac	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address. No Cert. of Occupancy
Nakdimen, Mordechai	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - "per father no longer resides" at address.

Neiman, Malka	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address
Neiman, Mendy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address
Rabinowitz, Eliezer	NOT CHALLENGED	Challenge Granted - No Cert. of Occupancy
Reich, Samuel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address. No Cert. Of Occupancy
Rodriguez, Eric	NOT CHALLENGED	Challenge Granted - moved to Puerto Rico
Rodriguez, Leslie	NOT CHALLENGED	Challenge Granted - moved to Puerto Rico
Rodriguez, Lillian	NOT CHALLENGED	Challenge Granted - moved to Puerto Rico
Rodriguez, Stephanie	NOT CHALLENGED	Challenge Granted - moved to Puerto Rico
Rosenberg, Berish	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - currently residing in Israel. Mail returned as addressee unknown. No documentation provided
Rosenberg, Jacob	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - currently residing in Israel. Mail returned as addressee unknown. No documentation provided
Rubin, Yechiel	NOT CHALLENGED	Challenge Granted - premises unoccupied. No Cert. Of Occupancy
Samet, Aron	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student

Saunders, Michael	NOT CHALLENGED	Challenge Granted - no longer resides at address
Schwimmer, Joel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at residence
Schwimmer, Raizy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at residence
Shaw, Brian	NOT CHALLENGED	Challenge Granted - no longer resides at address. No Cert. Of Occupancy
Shaw, Matthew	NOT CHALLENGED	Challenge Granted - no longer resides at address. No Cert. Of Occupancy
Smilowitz, Shifra	NOT CHALLENGED	Challenge Granted - no documentation provided. Sheriff's report concludes not in residence
Smilowitz, Shrage	NOT CHALLENGED	Challenge Granted - no documentation provided. Sheriff's report concludes not in residence
Sofer, Chaim	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at residence. No Cert. Of Occupancy
Sofer, Pinchas	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at residence. No Cert. Of Occupancy
Sofer, Shlomo	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer at residence. No Cert. Of Occupancy

Spielman, Joel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. "Questionnaires picked up and returned to Post Office by Lamm associate." No Cert. Of Occupancy
Spielman, Yenty	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer residing at address. "Questionnaires picked up and returned to Post Office by Lamm associate." No Cert. Of Occupancy
Stern, Chaim	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - student
Stern, Abraham	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - student
Stern, Mendel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - student
Stern, Moshe	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - student
Strauss, Nathan	NOT CHALLENGED	Challenge Granted - registered 16 days before election. Mail undeliverable. Questionnaire confirmed Brooklyn residence, driver's license and DMV registration.
Strauss, Tova	NOT CHALLENGED	Challenge Granted - registered 16 days before election. Mail undeliverable. Questionnaire confirmed Brooklyn residence, driver's license and DMV registration.

Strohli, Duvi	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student. Driver's license had Brooklyn address.
Teitelbaum, Boruch	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.
Teitelbaum, Chana	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.
Teitelbaum, Malka	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.
Teitelbaum, Schla	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.
Teitelbaum, Zissy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.
Teitelbaum, Meilich	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - student. No documentation provided
Teitelbarn, David (identified as Teitelbaum, David in 3/14 BOE Notice)	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides as address. No Cert. Of Occupancy
Teitelbarn,, Ruchel (identified as Teitelbaum, Ruchel in 3/14 BOE Notice)	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides as address. No Cert. Of Occupancy
Vogel, Frieda	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - premises appear unoccupied. No Cert. Of Occupancy
Vogel, Levi	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - premises appear unoccupied. No Cert. Of Occupancy

Wagschal, Israel	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - student
Weiser, Gitty	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address
Weiser, Jacob	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address
Weismandl, Hendy	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address
Weismandl, Isaac	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address
Weiss, Isaac	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address. No Cert. Of Occupancy
Williams, Jennifer	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address. No Cert. Of Occupancy
Young, Sholom	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no longer resides at address.

392. Significant from this November 19th Notice of Determination was that the Board of Elections, in accordance with its set procedures, mailed to each challenged voter a notice of the challenge and a questionnaire to be returned by the Board.
393. Those mailings were sent by the Board of Elections through the United States Postal Service via certified mail/return receipt requested.
394. In addition to relying on the information supplied by each individual voter, if any, an independent investigation by the Sullivan County Sheriff's Department was conducted at

the behest of the Board of Elections.

395. As a result of their own investigation, and the information learned by the independent investigation of the Sheriff's Department, the Board of Elections stated in the November 19, 2014 Notice of Determination that:

The Commissioners are faced with issues and circumstances similar to those encountered in March relative to the Village election. We are confronted with an apparently mobile population, most of whom admit to having at least on other residence but opting, at least for this election, to vote from Bloomingburg.
(*Exhibit I*)

396. The Board was informed by Henry Radcliffe, Post Master of the United States Post Office in Bloomingburg, that slips were placed in mailboxes notifying residents that their questionnaire packet was to be picked up at the post office.
397. The Board reported that of the 194 questionnaire packet mailings sent through that Post Office, 70 were returned as undeliverable.
398. Post Master Radcliffe reported to the Board that "the preponderance of the remaining questionnaires was collected at the Bloomingburg post office by an individual in the employ of Mr. Shalom Lamm." *Id.*
399. He further reported to the Board of Elections that: "On October 29th, 2014 an associate of Mr. Lamm returned 12 questionnaire packets to the post office, indicating that 'they did not need these.'" *Id.*
400. Upon information and belief, that same associate of Defendant Lamm did additionally cause "the return of nine packets on October 30th, seven packets on November 10th and five additional packets on November 14th, all for the same reason." *Id.*
401. The Board of Elections Notice of Determination specifically noted that:

[o]f the 68 questionnaires returned, all but 6 were delivered by courier to the Board of Elections over a period of about 7-12 days in 40 separate large manila envelopes. **All of these envelopes were addressed in the same handwriting, giving the appearance of an orchestrated effort.** (*Exhibit I*)(*emphasis added*)

402. The Board of Elections further stated that:

With the exception of a few driver's licenses and/or vehicle registrations with Bloomingburg addresses the returned questionnaires contained virtually NO proof of residency such as paid tax or utility bills, rent payments, tuition receipts or employment verification. On the other hand, EVERY returned questionnaire contained a statement asserting that individual's rights to vote from Bloomingburg. (*Exhibit I*)(*emphasis in original*)

403. Suspecting that Defendant Lamm and others were engaged in voter fraud again, the

Board's Notice of Determination stated:

While the Commissioners concede that the vagaries of NYS Election law do allow voters with multiple residences to choose one from which they wish to vote, the law also stipulates that there must be significant as well as verifiable ties to the address and community that they so designate. **Failure to establish residency on that basis is tantamount to the aura of sham perpetrated this past March.** (*Exhibit I*)(*emphasis added*)

404. Noting that many of the challenged voters claimed to be entitled to vote as students residing in the Village on a full time basis, the Board of Elections determined that: "...in our opinion this should not pertain to schools without accreditation or a fixed address that holds classes on what can best be described as a capricious schedule." *Id.*

405. The Board specifically cited the fact that "[m]ost students have been assigned rooms at 137 Main Street which the Sheriff's Department describes as a sparsely furnished and largely unoccupied dormitory. As such, the challenges to all voters identified as STUDENTS shall be GRANTED for the above referenced reasons in addition to any others as noted." *Id.*

406. Adding to the Board's concerns that there was an "aura of a sham," as there was in

March, 2014, was the fact that:

During the course of their investigation the Sheriff's Department met with Mr. Joseph W. Smith, Building Inspector for the Village of Bloomingburg, who confirmed that many of the addresses to which the challenged voters claim residency have not been issued Certificates of Occupancy. This information has been noted with respect to the challenged voters' [sic] residing' [sic] 78 Main, 93 Main, 99 Main, 105 Main, 117 Main, 160 Main, 97 Godfrey Road, 11 Winterton, 13 Winterton, 14 Winterton or 38 High Street. *Id.*

407. Upon information and belief, those properties listed above, which were reported as lacking a Certificate of Occupancy, are owned and/or controlled by Bloomingburg Rentals, Inc., or another legal entity owned and controlled by Defendants Lamm and Nakdimen.
408. Lamm and Nakdimen's scheme of attempting to have large numbers of illegal voter registrations affect the outcome of three separate elections in Bloomingburg, as detailed above, violates New York State Election Law §§ 17-132, 17-152, and 17-160.
409. By Order of Justice Schick, the Sullivan County Board of Elections did on December 1, 2014, canvass and count the uncontested Absentee and Affidavit Ballots cast in the September 30, 2014 Special Election.
410. Of the 196 Affidavit Ballots cast at the polls, 68 were challenged, 4 were from unregistered voters and 13 were from individuals who were not residents of the Village of Bloomingburg, leaving a remainder of 111 to be opened.
411. In total, 17 Absentee ballots had been cast with 2 returned as undeliverable, 2 living in Israel, and 2 challenged leaving a remainder of 11 to be opened on that date.
412. Two additional challenges were made during the opening of each Affidavit ballot rendering a final total of 82 votes in favor of the referendum to dissolve the Village and 36

in opposition.

413. Pursuant to a supplemental Court Order, 6 Affidavit ballots which the Commissioners had formerly denied were opened, bringing the vote tally to 82 in favor and 42 opposed to the dissolution referendum.
414. That same day, David Berger, despite being a challenged voter and named party in the *Tiffany Francis v. Prusinski* proceeding, filed by Order To Show Cause, under a separate caption and index number, a collateral proceeding entitled *Berger v. Rogers, et al.*, seeking to reverse the standing sequestration order issued in the *Francis* proceeding.
415. Upon information and belief, the *Berger* proceeding was not only procedurally improper, but also brought to confuse the Court and deprive it of the opportunity to have opposing arguments presented for consideration of this highly technical aspect of election law.
416. On December 17, 2014, without any input or opportunity for the *Tiffany Francis* parties to be heard, and without reference to his standing sequestration order in *Tiffany Francis*, Justice Schick, misled by the procedural impropriety of the *Berger* case, instructed the Board of Elections to canvass and count the remaining 68 challenged Affidavit and absentee ballots. He further instructed the Board to certify the result.
417. Despite the official findings set forth in the Board of Elections' November 19th Notice of Determination (Exhibit I) that the 68 registrants lacked sufficient residency to vote in September's Special Election, the Board canvassed and counted the ballots of challenged voters, notwithstanding that most of the challenged voters had already been determined to be ineligible.
418. At the conclusion, the final tally for the Special Election stood at 85 votes in favor of the

referendum and 107 opposed with 2 votes being void.

419. As such, the dissolution referendum was defeated by the inclusion and contamination of the general pool with illegal and ineligible votes.
420. The Town was harmed by Defendants' voter fraud in the dissolution referendum in that, but for and as a direct result of Defendants' voter fraud, the Town would have resumed jurisdiction over the territory comprising the Village of Bloomingburg and, unquestionably, the Territory where Defendants' project is located.
421. At no time was the *Tiffany Francis* proceeding or sequestration order issued in that proceeding rescinded or discontinued by Order of the Court or notation to the case folder maintained by the Clerk of Court.
422. Those challenged votes which altered the outcome of the election were part and parcel of the conspiracy to further the ends of the Defendants and the racketeering enterprise to wrest control of the Village by means of voter fraud .
423. Despite causing the Board of Elections to countermand its determinations with regard to the challenged ballots by inclusion of them in the final tally and certifying the result, Justice Schick nonetheless instructed the Board to conduct its Administrative Review of the qualifications of all 250 registrants challenged in September's Special Election.
424. Justice Schick instructed that these determinations be applied "prospectively" such that they apply only to the Village's March 18, 2015 election.

Determination That 214 Registrants Were Ineligible To Vote And To Be Purged From Rolls

425. On February 27, 2015, the Board of Elections released a Notice of Determination with regard to each of the 250 previously challenged voters.

426. At the request of, and by arrangement with Berger's counsel, the Board, in accordance with New York Election Law §5-402, conducted an Administrative Review of the 250 voters independently challenged by Joseph Kolakowski and Anita Hoppe prior to the September, 2014 Special Election. *Exhibit J*.
427. The Board extended its statutorily imposed notice and review period of 14 days to allow any and all challenged voters the right to appear before and present evidence to the Board with regard to their residency.
428. In total, only 21 individuals met with the Commissioners. *Id.*
429. The purpose of the Administrative hearings was to "identify and purge those voters who are no longer in residence in the Village of Bloomingburg" as well as to "determine prospectively which registrants are verifiably residing in the Village of Bloomingburg and ensure their right to vote in future elections." *Id.*
430. The Commissioners concluded that of 250 challenged registrations, 214 were to be purged prospectively. *See* Board of Elections Notice of Determination dated February 27, 2015, Exhibit J.
431. It is irrefutable that registrants that had been subject to challenges in September and deemed ineligible to vote on February 27, 2015, could not and were not eligible to vote on the dissolution referendum in the previous Special Election.
432. Therefore, only 36 registrants out of 250 were eligible to vote in September, 2014.
433. The following 41 registrants, each of whom voted in the dissolution referendum, did register with the Sullivan County Board of Elections for the purposes of committing voter fraud in an attempt to further the interests of Defendants and the racketeering enterprise.

Such registrations caused the Sullivan County Board of Elections to make use of the U.S.

Mails in accordance with the Board's regular procedures to confirm the registrations.

NAME	VOTED IN SEPTEMBER 30, 2014 SPECIAL ELECTION ON REFERENDUM	FOUND INELIGIBLE BY BOE ON FEBRUARY 27, 2015 AND REGISTRATION TO BE CANCELLED PROSPECTIVELY
BREUER, HERMAN	X	X
BREUER, JOCHEVED	X	X
BROPHY, FRANK	X	X
DESSER, ABRAHAM	X	X
DESSER, MINDY	X	X
DESSER, RIVKA	X	X
DESSER, SAMUEL	X	X
DESSER, ZIRA	X	X
FRIEDMAN, DAVID	X	X
GOLDBERG, ESTHER	X	X
GOLDBERG, MEIR	X	X
GOLDBERG, MENACHEM	X	X
GOLDBERG, ZVI	X	X
GOLDSTEIN, LIPA	X	X
GREENFELD, ABRAHAM	X	X
GREENHELD, HENDEL	X	X
HALBERSTAM, BARURT	X	X
HALBERSTAM, ELUZER	X	X
HALBERSTAM, RACHEL	X	X
KARPEN, ARON	X	X
KARPEN, BERL	X	X
KARPEN, ESTHER	X	X
KARPEN, FAIGY	X	X
KARPEN, PEARL	X	X
KARPEN, RACHEL	X	X
KARPEN, SHEMAYA	X	X
KLEIN, SHMUEL	X	X
KLEIN, YITZCHAK	X	X
KOHN, ISAAC	X	X

KORNBLUH, MENDEL	X	X
LICHTENSTADTER, AVRAHAM	X	X
NEWHALL, VERNON	X	X
ROSENBERG, MOSES	X	X
ROSENBERG, REIZE	X	X
SCHLESINGER, YAKOV	X	X
SMILOWITZ, MOSHE	X	X
STEIN, BORUCH	X	X
STEIN, SCHEINDEL	X	X
WASSERMAN, JOSEPH	X	X
ZAFIR, LEVI	X	X
ZUCKERMAN, HAIM	X	X
TOTAL	41	41

THE MARCH 18, 2015 ELECTION FOR VILLAGE OF BLOOMINGBURG TRUSTEE

434. With only 36 registrants out of 250 eligible to vote in the March 18, 2015 general election for Trustee of Bloomingburg, the Defendants and racketeering enterprise could not succeed in their scheme to stuff the ballot box with illegal votes for the purposes of gaining direct control over the Village government.
435. Upon information and belief, Defendants Lamm and Nakdimen did conspire and design an attack plan to strafe the Sullivan County Board of Elections through a contrived federal lawsuit⁴ and relentless public relations campaign falsely claiming that the Board's purge list was nothing more than the product of institutionalized governmental anti-Semitism.
436. There was absolutely no mention in that lawsuit that Defendant Lamm was found to have orchestrated the voting registration shams of March, 2014 or September, 2014 with bogus claims of residency in facilities owned by Bloomingburg Rentals, Inc., which had no

⁴ Moshe Smilowitz et al. v. Sullivan County Board of Elections, et al., S.D.N.Y., No. 15-cv-1757(KBF)

certificate of occupancy, an orchestrated campaign of forged documents being submitted through the US Postal Service, or the participation of the corrupted Village Clerk, Susan Berentsen.⁵

437. Simultaneous to that federal discrimination lawsuit, Defendants Lamm and Nakdimen caused a separate state court proceeding to be commenced under Article 78 of the Civil Procedure Law and Rules, seeking to prevent the Board of Elections from purging the 27 registrations and allowing all such registrants to vote in the upcoming March 18, 2015 election for Village trustee.
438. The Petitioners in that Article 78 proceeding entitled "*In the Matter of the Application of Moshe Smilowitz, et al.*", Index #2015-43, are set forth in the chart below.
439. Forced to fight a two front war to justify its prior *determinations*, and with the resources of its counsel stretched to the limit, on March 4, 2014 the Board of Elections was induced to agree not to enforce its February 27, 2014 determination as to the 27 specific registrants who had sued, despite the absence of any new or contrary finding, thus *de facto* permitting such persons who had been duly found to be un-qualified to vote, to nonetheless vote in the March 18, 2015 Village election, and *de facto* determination that the ballots of such 27 unqualified voters would be canvassed and counted in the final tally of the general pool without limitation.

⁵ False claims of anti-Semitism were recently rejected by another Justice of Sullivan County Supreme Court, in Winterton Properties, LLC v. Town of Mamakating Zoning Board of Appeals, Index No. 2882-2014. In that case, the court found that claims by Petitioner (another Lamm-controlled entity) that the ZBA's determination that Petitioner's proposed use (a mikvah) did not fit within a particular zoning classification was motivated by anti-Semitism, were "wholly unsupported by the record."

440. That stipulation was then ratified by the duty judge, the Hon. Mark M. Meddaugh, on March 5, 2015.
441. On March 18, 2014, the general election for Trustee of Bloomingburg was held.
442. By reason of the failure of the Board of Elections promptly to perform the ministerial implementation of its February 27, 2015 determinations, and the Board's *subsequent* inducement or coercion to enter into a stipulation to continue to refrain from implementing its February 27, 2015 determinations, the following voters, already found ineligible to vote on at least one prior occasion, were enabled to cast their ballots and have them counted in the general pool.

VOTED BY STIPULATION WITH B.O.E. IN MARCH 18, 2015 ELECTION	CHALLENGE D IN MARCH 2014	CHALLENGE OF SEPTEMBER 2014	DETERMINATION OF 2/27/2015
Smilowitz, Moshe (Lead Petitioner)	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted -	Ineligible to vote. To be purged from voter rolls
Desser, Abraham	Not Challenged	Challenge Granted - Student - formerly registered in Monroe	Ineligible to vote. To be purged from voter rolls
Desser, Mindy	Not Challenged	Challenge Granted - No Cert. Of Occupany. All documentation of residence, employment, and prior voting reg. indicate Brooklyn	Ineligible to vote. To be purged from the voter rolls

Desser, Rivka	Not Challenged	Challenge Granted - no proof of residency. Formerly registered to Monroe	Ineligible to vote. To be purged from the voter rolls.
Desser, Zira G.	Not Challenged	Not Challenged	None
Friedman, David	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - No documentation provided. No Cert. Of Occupancy	Ineligible to vote. To be purged from voter rolls
Goldberg, Esther	Not Challenged	Challenge Granted - Receives STAR exemption in Monsey. No Cert. Of Occupancy	Ineligible to vote. To be purged from voter rolls
Goldberg, Zvi	Not Challenged	Challenge Granted - Full time Student in Brooklyn. No Cert. Of Occupancy	Ineligible to vote. To be purged from voter rolls
Goldstein, Lipa	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - Student 'staying with' Chaim Rosenbaum. Brooklyn address on Learner's permit	Ineligible to vote. To be purged from voter rolls
Green, Hershel	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - "questionnaire returned to BOE/Address Not Known. Questionnaire (copy) returned indicating Hershel works in Bloomingburg, has drivers license with his Monsey address. Registered to 99 Main Street 8/29/14 - Building does not have a Certificate of Occupancy."	Ineligible to vote. To be purged from voter rolls.

Greenfield, Abraham	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - Questionnaire was returned as Address not known. Student with other residence in Brooklyn.	Ineligible to vote. To be purged from voter rolls
Greenfield, Hendel	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - Questionnaire returned as Addressee not known. Teacher with child going to school in Brooklyn.	Ineligible to vote. To be purged from voter rolls.
Karpen, Aron	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - Driver's License has Brooklyn address	Ineligible to vote. To be purged from voter rolls
Karpen, Berl	Not Challenged	Challenge Granted - no specific reason given	Ineligible to vote. To be purged from voter rolls.
Karpen, Esther	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - no specific reason given.	Ineligible to vote. To be purged from voter rolls
Karpen, Feigy	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - Driver's License with Brooklyn address. Sheriff interviewed.	Ineligible to vote. To be purged from voter rolls
Karpen, Pearl	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - no specific reason given	Ineligible to vote. To be purged from voter rolls

Karpen, Rachel	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - no specific reason given.	Ineligible to vote. To be purged from voter rolls
Karpen, Shemaya	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted	Ineligible to vote. To be purged from voter rolls
Kohn, Isaac	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - submitted Driver's License with parents' home in Brooklyn	Ineligible to vote. To be purged from voter rolls.
Sebbag, Yaacov	Did not contest or challenge BOE March 25, 2014 ineligibility determination	Challenge Granted - Student who could not provide documentation	Ineligible to vote. To be purged from voter rolls
Stein, Borech	Not Challenged	Challenge Granted - Driver's license goes to Highland Mills address. Signature on licenses, questionnaires, and voter registrations do not match.	Ineligible to vote. To be purged from voter rolls
Stein, Shendel	Not Challenged	Challenge Granted - Driver's license goes to Highland Mills address. Signature on licenses, questionnaires, and voter registrations do not match.	Ineligible to vote. To be purged from voter rolls.

Wasserman, Joseph S	Did not contest or appeal BOE March 25, 2014 ineligibility determination	Challenge Granted - no documentation submitted	Ineligible to vote. To be purged from voter rolls
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443. Only 24 of the 27 challenged voters from the Smilowitz litigation cast ballots in that election.
444. With the inclusion of their votes, the challenger candidate, a professed Lamm supporter, defeated the incumbent by 9 votes.
445. The election results were certified on April 1, 2015.
446. But for the inclusion of those tainted challenged votes the incumbent would have won.
447. That stipulation between the Board and Counsel for the Challenged registrants was without notice to or sanction of Justice Schick, who had instructed the Board to conduct the Administrative Proceedings that led to the February 27, 2015 Notice of Determination that declared those same voters ineligible to vote and scheduled to be purged from the rolls.
448. That ratified stipulation only enjoined the Board of Elections from canceling the registrations and purging those 27 voters from the voter rolls; it was not a stipulation that the Board would otherwise reverse its prior determination about the eligibility of those voters and canvass and count their votes in the March 18th election.
449. Those prior determinations of ineligibility were unaffected by the ratified stipulation and the determinations of February 27, 2015 therefore are *res judicata* of the question of voter eligibility.

450. To knowingly vote when found to be ineligible, as 24 of those 27 ineligible voters did on March 18, 2015, is a felony and prosecutable under New York's Penal Law for voter fraud.
451. The Board of Elections was manipulated and outmaneuvered by the ceaseless and insidious campaign of Defendants and the racketeering enterprise which is set to overrun Bloomingburg now that they have taken hold of governmental power.
452. Federal action and the installation of a federal monitor is the only means by which this racketeering enterprise may be stopped.

AS AND FOR A FIRST CAUSE OF ACTION

(Declaratory Judgment – Void Annexation of the Territory)

(By Town of Mamakating against Defendants Lamm, Nakdimen, Roe,
Raymond Farms, LLC, and Sullivan Farms II, Inc.)

453. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in paragraphs 1 through 452, above.
454. There is a case of actual controversy between Plaintiffs and Defendants Lamm, Nakdimen, Roe, Raymond Farms, LLC, and Sullivan Farms II concerning the municipal entity – the Village of Bloomingburg or the Town of Mamakating – which exercises zoning and regulatory jurisdiction and taxing authority over the purportedly annexed Territory referred to above.
455. Although the New York State Constitution and State law require that a special election must be held among the voters who reside in the Territory proposed for annexation, no special election was ever held in the case of the purportedly annexed Territory. The State

Constitution states that no annexation shall occur “until” the annexation is approved at the special election.

456. Lacking the required special election, there was not and could not have been a valid annexation of the purportedly annexed Territory from the Town of Mamakating into the Village of Bloomingburg.
457. In fact, the Supreme Court of the State of New York, Sullivan County, has ruled in Rural Community Coalition v. Village of Bloomingburg that in the absence of the required special election, the purported annexation is void *ab initio*. Although that ruling was reversed by the Appellate Division -- an intermediate appellate court -- on statute of limitations grounds, they nonetheless stated emphatically that the annexation may have been the product of “chicanery or worse conduct”. The Town intends to seek review by New York’s Court of Appeals and believes that the lower court’s ruling, which followed recent Court of Appeals precedent, was correct and not time barred.
458. In the absence of the required special election, the purported annexation failed and the Town of Mamakating as a matter of law did not relinquish jurisdiction over the purportedly annexed Territory.
459. Moreover, the annexation – albeit incomplete – was obtained through and the product of fraud and misrepresentation by and on behalf of defendants Roe, Lamm, Nakdimen, Sullivan Farms II, Inc., and Raymond Farms, LLC.
460. Failing a proper annexation, the Village of Bloomingburg did not obtain jurisdiction over the purportedly annexed Territory or the authority to modify or replace the zoning and

land use regulations that the Town of Mamakating had previously imposed upon the Territory.

461. Failing a proper annexation, the Village of Bloomingburg did not obtain jurisdiction or the authority to issue building permits within the purportedly annexed Territory.
462. At no time did the Town of Mamakating amend the PO zoning designation for the Territory or impose or approve of a planned unit development overlay to govern the land use of the Territory, or issue permits for the construction of Chestnut Ridge.
463. Although the Village of Bloomingburg under the control of the corrupted Mayor Berentsen purported to re-zone the Territory and to impose and approve a planned unit development over the Territory, the Village of Bloomingburg had no authority or jurisdiction to do either such act.
464. Accordingly, Plaintiffs request a judgment pursuant to the Declaratory Judgment Act, 28 *U.S.C.* §§ 2201 and 2202, declaring:
 - a. That the Town of Mamakating did not surrender and still retains jurisdiction over the purportedly annexed Territory including but not limited to jurisdiction over zoning, land use, building permits, and taxation;
 - b. That any purported re-zoning, approval or adoption of a planned unit development, and building permits issued by the Village of Bloomingburg concerning the purportedly annexed Territory are null and void and of no effect; and
 - c. That the zoning and permissible land use of the purportedly annexed Territory is the Town of Mamakating PO zoning; and

- d. That all development approvals and building permits issued for the purportedly annexed Territory by the Village of Bloomingburg or any board or department thereof are void and of no effect.

AS AND FOR A SECOND CAUSE OF ACTION

(Violation of R.I.C.O. – *18 U.S.C. §1962(c)*)

(By Plaintiff Town of Mamakating against Defendants Lamm, Nakdimen, Roe, Berentsen, Sullivan Farms II, Inc., and Bloomingburg Rentals, LLC)

465. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in paragraphs 1 through 464, above.
466. Raymond Farms, LLC, which is not a defendant on this Cause of Action, is an ongoing “enterprise” as that term is defined under *18 U.S.C. §1961(4)*, that engaged in and whose activities affect interstate commerce.
467. Defendants Lamm, Nakdimen, Roe, and Berentsen are each associated with Raymond Farms, LLC., in that Lamm and Nakdimen are principals of Raymond Farms, LLC, Roe was the nominal principal of and shill for Sullivan Farms II, Inc., which under the Confidential Retention Agreement was a *de-facto* subsidiary of Raymond Farms, LLC, and Berentsen was a party to and secret beneficiary of the Development Agreement with Sullivan Farms II, Inc., the *de-facto* subsidiary of Raymond Farms, LLC.
468. Defendants Sullivan Farms II, Inc. and Bloomingburg Rentals, LLC are entities which through Lamm and Nakdimen were associated with Raymond Farms, LLC and were vehicles through which Roe, Lamm and Nakdimen committed acts of development fraud (Sullivan Farms II, Inc.) and voter fraud (Bloomingburg Rentals, LLC) detailed above.

469. Defendants Lamm, Nakdimen, Roe, and Berentsen have knowingly conducted the affairs of Raymond Farms, LLC, and have participated in the affairs of Raymond Farms, LLC, through a pattern of racketeering activity which has been and is open-ended and continuous.

470. The pattern of racketeering activity through which the above defendants conducted the affairs of Raymond Farms, LLC commenced as early as 2006, is on-going, and consists of repeated violation of at least the following:

- a. The federal Mail Fraud statute, *18 U.S.C. §1341* (hereafter “Mail Fraud”), based upon use of or causing the use of the U.S. mails and/or interstate courier services to submit or cause to be submitted hundreds of fraudulent voter registration forms, questionnaires, and unsigned “affidavits” to and from the Sullivan County Board of Elections in connection with three different elections which directly affect the Village of Bloomingburg and the Town of Mamakating, *i.e.* (i) the March, 2014 election for Mayor and Village Trustees of the Village of Bloomingburg; (ii) the September 2014 dissolution referendum Special Election on whether the Village of Bloomingburg should be dissolved into the Town of Mamakating; and (iii) the March 2015 election for Village Trustee of the Village of Bloomingburg;
- b. Mail Fraud in corrupt Mayor Berentsen sending out or having co-conspirator Susan Berentsen, the Bloomingburg Village Clerk, send out letters through the U.S. Mails and/or interstate courier services to, *inter alia*, the New York State Department of Environmental Conservation, the New York State Department of Transportation, the New York State Department of Health, and the Sullivan

- County Department of Economic Development seeking comments on the materially false Draft Environmental Impact Statement (DEIS);
- c. Mail Fraud in causing the New York State Department of Environmental Conservation, the New York State Department of Transportation, and the Sullivan County Department of Economic Development to submit through the U.S. mails and/or interstate courier services written comments and critiques of the materially false Draft Environmental Impact Statement (DEIS);
 - d. The materially false Draft Environmental Impact Statement (DEIS) was a critical component of the corrupt scheme Mayor Berentsen facilitated to obtain for the benefit of Raymond Farms and to the detriment of the Town of Mamakating (which *ab initio* as stated above in the First Cause of Action has jurisdiction over the Territory) and to the detriment of the Village of Bloomingburg, environmental approval under New York SEQRA for the Villages of Chestnut Ridge project;
 - e. Mail Fraud in co-conspirator Susan Berentsen, acting as Bloomingburg Village Clerk, sending out through the U.S. Mails a notice of the August 28, 2012 Special Village Meeting of the Village of Bloomingburg at which defendant Lamm was invited to and did make a presentation to the Village Board and the public concerning the Villages of Chestnut Ridge project in an attempt to quell the growing public questioning concerning that project and well test reports;
 - f. The federal Wire Fraud statute, *18 U.S.C. §1343* (hereafter “Wire Fraud”), based upon using or causing the use of interstate wire transmissions in publishing the

- materially false Draft Environmental Impact Statement on line and in publishing the materially false Final Environmental Impact Statement (EIS) on line;
- g. Wire Fraud based upon using or causing the use of interstate wire transmissions between the Sullivan County Board of Elections and the New York State Board of Elections that reflect the fraudulent voter registrations filed with them by and at the behest of defendants Lamm and Nakdimen and John Does 1 – 250, designed and intended to affect the results of each of the three elections set forth above;
- h. Wire Fraud based upon Defendant Roe using or causing the use of interstate wire transmissions to send a letter dated October 17, 2006 to the Village of Bloomingburg by facsimile transmission in which Defendant Roe made materially false representations concerning the development proposal for the Territory, including: (i) that he, Roe, owned and represented Sullivan Farms II, Inc, when in fact he was merely a secret front for Defendants Lamm and Nakdimen; and (ii) that he intended to develop the Territory proposed for annexation “as a scenic golf course and residential community” when in fact he, Lamm, and Nakdimen had no intent to develop a scenic golf course and intended instead to create a high-density cluster housing project that was wholly out of keeping with the rural character of the Village of Bloomingburg and the Town of Mamakating and hence neither the Village nor the Town would approve;
- i. Bribery as a felony under New York State Law, Penal Code §§ 200.00 *et. seq.*, in the bribe given to and accepted by Mayor Berentsen, and Mayor Berentsen’s continual, pervasive, and unrelenting influence in pushing the

- Chestnut Ridge project through the government of the Village of Bloomingburg, both through the Village Board and through the SEQRA process;
- j. Bribery as a felony under New York State Law, Penal Code §§ 200.00 *et. seq.*, and the theft of the intangible right to honest services under 18 U.S.C. §1346 in the bribe given to and accepted by Mayor Berentsen, and Mayor Berentsen's continual, pervasive, and unrelenting influence in pushing the Waste Water Treatment Plant Development Agreement through the government of the Village of Bloomingburg and having the Village Board approve and adopt such agreement, which Mayor Berentsen then executed on behalf of the Village of Bloomingburg, and which created a monopoly controlled by Raymond Farms, LLC. on waste-water treatment capacity in and contiguous to the Village of Bloomingburg including on the Territory which is within the Town of Mamakating;
- k. Bribery as a felony under New York State Law, Penal Code §§200.00 *et. seq.*, and the theft of the intangible right to honest services under 18 U.S.C. §1346 in the bribe given to and accepted by Mayor Saunders with the purchase of his properties and installation of water and municipal sewer at the Amberlight trailer park to push through the agenda of the racketeering enterprise by engaging in acts of fraud, collusion, and conspiracy;
- l. The federal Travel in Interstate Commerce in Furtherance of a Racketeering Enterprise statute, 18 U.S.C. §1952(a)(3), by causing co-conspirator Sholom Young to travel in interstate commerce from the State of New Jersey to the State of New York with the intent of promoting the continued office-holding of the corrupt

Mayor Berentsen, preventing the dissolution of the Village of Bloomingburg, and placing in office as a trustee of the Village of Bloomingburg one of defendant Lamm's minions, by illegally and fraudulently registering to vote in Bloomingburg, New York, and thereafter in fact illegally and fraudulently registering to vote in Bloomingburg, New York; and

- m. The federal Travel in Interstate Commerce in Furtherance of a Racketeering Enterprise statute, *18 U.S.C. §1952(a)(3)*, by causing other co-conspirators to travel in interstate commerce from Brooklyn, New York through the State of New Jersey to Bloomingburg, New York, with the intent of promoting the continued office-holding of the corrupt Mayor Berentsen, preventing the dissolution of the Village of Bloomingburg, and placing in office as a trustee of the Village of Bloomingburg one of defendant Lamm's minions, by illegally and fraudulently registering to vote in Bloomingburg, New York, and thereafter in fact illegally and fraudulently registering to vote in Bloomingburg, New York.

- 471. The business of Raymond Farms, LLC is racketeering activity, inasmuch as the enterprise exists for the purpose of acquiring real estate and obtaining annexation of the real estate, re-zoning, environmental and planning approval of a planned unit development, and building permits all under materially false pretenses using mail and wire fraud in order to construct a high-density cluster housing development, and using bribery of public officials (Mayor Berentsen, d Village Clerk Berentsen, and Mayor Saunders) and voter fraud to maintain control of the municipality which purportedly had jurisdiction over the Territory where the development was to be constructed; and the very existence of Raymond Farms,

LLC as an ongoing business depends on the continued perpetration of criminal acts and fraudulent representations by its owners to the Town of Mamakating, the Village of Bloomingburg, the Sullivan County Board of Elections, and the New York State Board of Elections.

472. The Town of Mamakating has been directly harmed in its business and property by the conduct described above, which violates *18 U.S.C. §1962(c)*, in that:

- a. Defendants Lamm, Nakdimen, Roe, and Berentsen directly targeted the Territory which was and in fact always has been under the jurisdiction of the Town of Mamakating to construct their housing project through illegal and fraudulent means;
- b. Defendants Lamm, Nakdimen, and Roe directly targeted the Town of Mamakating to give up jurisdiction over the Territory through the annexation process;
- c. The Town of Mamakating believed – albeit wrongly – that it had relinquished jurisdiction over the Territory through the incomplete annexation thereof;
- d. The Town of Mamakating was deprived of a \$1,000/unit fee that it charges all new development, to fund its public parks program, thereby depriving the Town of substantial income;
- e. The incomplete annexation was obtained through fraud and false representations;
- f. The Territory is now burdened with re-zoning and a planned unit development which was obtained through mail and wire fraud and which the Town of Mamakating never would have approved;

- g. Because of the failed annexation, jurisdiction over the Territory has been and remains with the Town of Mamakating, which in essence has gotten back the Territory in a damaged state;
 - h. By reason of Defendants' voter fraud in the dissolution referendum, the Town of Mamakating has been unlawfully denied jurisdiction over the territory comprising the Village of Bloomingburg;
 - i. The monopoly which Raymond Farms, LLC now holds over waste water treatment capacity for the Territory severely restricts the ability of the Town of Mamakating to promote future, responsible development in and near the Territory, including areas under the Town's jurisdiction that are near to the Territory;
 - j. The false claims of anti-Semitism which defendants Lamm and Nakdimen have raised in their various litigations, and which others at said Defendants' behest have raised in the media, in order to maintain and promote Raymond Farms, LLC and its Villages at Chestnut Ridge by coercing governmental acquiescence and accommodation as set forth above, have defamed the Town of Mamakating, damaged its public image and reputation, caused a decrease in real estate values, and impacted tourism which is an economic driver for the Town of Mamakating.
473. By reason of its injury directly and proximately caused by Defendants, Plaintiff Town of Mamakating is entitled to treble damages, costs, and reasonable attorney's fees pursuant to 18 U.S.C. §1964(c), and such other relief as the Court deems to be just and proper.

AS AND FOR A THIRD CAUSE OF ACTION

(Violation of R.I.C.O. Conspiracy under – *18 U.S.C. §1962(d)*)

(By Plaintiff Town of Mamakating against Defendants
Lamm, Nakdimen, Roe, Berentsen and John Does 1 – 250)

474. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in paragraphs 1 through 473, above.
475. Defendants Lamm, Nakdimen, Roe, and Berentsen, and Defendants John Does 1 – 250, knew of, agreed to, and acted in furtherance of the common and overall objective (*i.e.* to defraud the Town of Mamakating and to defraud, corruptly influence, and control the structure of government of the Village of Bloomingburg (believing, wrongly, that the Village had jurisdiction over the Territory), in order to benefit the enterprise and to construct the Villages at Chestnut Ridge by engaging in the pattern of racketeering acts set forth above, in violation of *18 U.S.C. §1962(d)*).
476. The Town of Mamakating has been directly harmed by said Defendants' conspiracy in the manner detailed in paragraph 473, above.
477. By reason of its injury, Plaintiff Town of Mamakating is entitled to treble damages, costs, and reasonable attorney's fees pursuant to *18 U.S.C. §1964(c)*, and such other relief as the Court deems to be just and proper.

AS AND FOR A FOURTH CAUSE OF ACTION

(Violation of R.I.C.O. – *18 U.S.C. §1962(c)*)

(By Plaintiff Village of Bloomingburg against Defendants
Lamm, Nakdimen, Roe, Berentsen, Sullivan Farms II, Inc. and Bloomingburg Rentals LLC)

478. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in paragraphs 1 through 477, above.
479. The Village of Bloomingburg has been directly harmed in its business and property by the conduct described above, which violates *18 U.S.C. §1962(c)*, in that:
- a. Defendants Lamm, Nakdimen, Roe, and Berentsen directly targeted the Territory to construct their housing project through illegal and fraudulent means;
 - b. Defendants Lamm, Nakdimen, and Roe directly targeted the Village of Bloomingburg to acquire jurisdiction over the Territory through the annexation process;
 - c. The Village of Bloomingburg believed – albeit wrongly – that it had acquired jurisdiction over the Territory through the failed annexation thereof and although the Village has and will continue to exercise jurisdiction, it is doing so notwithstanding the failed annexation;
 - d. The failed annexation was obtained through fraud and false representations;
 - e. Defendants Lamm, Nakdimen, and Berentsen targeted the Village of Bloomingburg government and administration by installing and bribing the corrupt Mayor Berentsen, who in turn installed his wife co-conspirator Susan Berentsen as Village Clerk;

- f. Village Mayor Berentsen was bribed by Defendants Lamm and Nakdimen to breach his fiduciary duty and to deprive the Village of Bloomingburg and its electorate and citizens of the intangible right to his honest services;
- g. Village Clerk Susan Berentsen was corruptly influenced to further the schemes and frauds of the Defendants and promote the interests of the enterprise, Raymond Farms, LLC, by:
 - i. Removing and/or destroying official Village records;
 - ii. The untimely transfer of alleged voter registrations to the Sullivan County Board of Elections, representing that said registrations had been timely received;
 - iii. Filing and publishing a material public notice of the Village Board's acceptance of the DEIS, falsely representing the size, scope and character of the Villages at Chestnut Ridge to further the interests of Raymond Farms, LLC, by placing it only in the obscure New York State Department of Environmental Conservation's Environmental Notice Bulletin with the intent to deprive the public including Village citizens of actual notice;
 - iv. Publication of the hearing notice to double the allowable density of the Chestnut Ridge project, which notice did not give any indication of the purpose of the hearing and was published with an unlawfully short notice period;
 - v. The publishing of one hour's notice of a Special Meeting of the Village of Bloomingburg Board of Trustees for the sole purpose of indemnifying

- them and employees of the Village (including the Village Clerk) from any lawsuits related to their activities;
- vi. Breaching her fiduciary duty as Village Clerk and depriving the Village and its citizens of the intangible right to her honest services;
 - h. Through the corrupt Mayor Berentsen and corrupt Village Clerk Berentsen, Defendants Lamm, Nakdimen, and Roe caused the Village to participate as lead agency under New York State SEQRA and hence to prepare, publish, and approve a materially false Environmental Impact Statement for approval of the Village of Chestnut Ridge development;
 - i. Through the bribery of Mayor Saunders the Defendants were able to push through the agenda of the racketeering enterprise through acts of fraud, collusion, and conspiracy;
 - j. The Territory over which the Village of Bloomingburg believed, wrongly, that it had jurisdiction is now burdened with re-zoning and a planned unit development which was obtained through mail and wire fraud and which the Village of Bloomingburg never would have approved had the fraudulent representations and bribery not been committed;
 - k. The Village of Bloomingburg was induced through the fraud of defendants Roe, Lamm, Nakdimen, and Sullivan Farms II, Inc. and the corrupted influence of Mayor Berentsen to reduce the permit fees that the Village charged for building permits for Chestnut Ridge, thereby depriving the Village of substantial income;

1. The Village of Bloomingburg was induced through the corrupt Mayor Berentsen and at the behest of Defendants Lamm, Nakdimen, and Roe to grant Raymond Farms, LLC through its de-facto subsidiary Sullivan Farms II, Inc. a monopoly over waste water treatment capacity for the Village;
- m. The monopoly which Raymond Farms, LLC now holds over waste water treatment capacity for the Territory severely restricts the ability of the Village of Bloomingburg to have or promote future, responsible development in Village of Bloomingburg;
- n. The repeated efforts at voter fraud and election fraud by and on behalf of defendants Lamm and Nakdimen have targeted the Village of Bloomingburg directly, have defamed the Village of Bloomingburg, and have falsely cast the legitimacy of the government of the Village of Bloomingburg in doubt;
- o. The false claims of anti-Semitism which defendants Lamm and Nakdimen have raised in their various litigations, and which others at said Defendants' behest have raised in the media, in order to maintain and promote Raymond Farms, LLC and its Villages at Chestnut Ridge by coercing governmental acquiescence and accommodation as set forth above, have defamed the Village of Bloomingburg, damaged its public image and reputation, caused a decrease in real estate values, and impacted tourism which is an economic driver for the Village of Bloomingburg.

480. By reason of its injury, Plaintiff Village of Bloomingburg is entitled to treble damages, costs, and reasonable attorney's fees pursuant to *18 U.S.C. §1964(c)*, and such other relief as the Court deems to be just and proper.

AS AND FOR A FIFTH CAUSE OF ACTION

(Violation of R.I.C.O. Conspiracy under – *18 U.S.C. §1962(d)*)

(By Plaintiff Village of Bloomingburg against Defendants
Lamm, Nakdimen, Roe, Berentsen, and John Does 1 – 250)

481. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in paragraphs 1 through 480, above.
482. Defendants Lamm, Nakdimen, Roe, and Berentsen, and Defendants John Does 1 – 250, knew of, agreed to, and acted in furtherance of the common and overall objective (*i.e.* to defraud the Town of Mamakating and to defraud, corruptly influence, and control the structure of government of the Village of Bloomingburg (believing, wrongly, that the Village had jurisdiction over the Territory), in order to benefit the enterprise and to construct the Villages at Chestnut Ridge by engaging in the pattern of racketeering acts set forth above, in violation of *18 U.S.C. §1962(d)*).
483. The Village of Bloomingburg has been directly harmed by said Defendants' conspiracy in the manner detailed in paragraph 479, above.
484. By reason of its injury, Plaintiff Village of Bloomingburg is entitled to treble damages, costs, and reasonable attorney's fees pursuant to *18 U.S.C. §1964(c)*, and such other relief as the Court deems to be just and proper.

AS AND FOR A SIXTH CAUSE OF ACTION

(Contract Void as Against Public Policy – Remedy of Recission)

(By Plaintiff Village of Bloomingburg against Defendants
Lamm, Nakdimen, Roe, and Sullivan Farms II, Inc.)

485. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in Paragraph 1 through 484, above.
486. Defendants Lamm, Nakdimen, Roe, and Sullivan Farms II, Inc., and co-defendant Mayor Berentsen, through a systematic pattern of false representations, induced the Village of Bloomingburg to enter into a contract with Sullivan Farms II, Inc., for the purpose of granting a monopoly to said Defendants over the water and municipal sewer services to be installed by significantly limiting access of the Village and other properties in the Village to those services.
487. The terms of this contract were not only inequitable to the Village, but the contract and its inequitable terms was predicated upon and intentionally induced by fraudulent representations as to the size, scope, and character of the planned development and the concealment of material information (*i.e.* the bribe to Mayor Berentsen that had already taken place and that would be greatly enhanced by the very contract), designed to benefit Defendants and the racketeering enterprise and to the detriment of the Village of Bloomingburg.
488. But for the fraudulent misrepresentations, concealment of material information, and bribe of Mayor Berentsen, the Village of Bloomingburg would not have entered into the contract with Defendants.

489. The Court should find that, to the extent that there was a meeting of the minds between the Village of Bloomingburg and the Defendants, while fraudulently induced, it is void as against public policy and Order the remedy of rescission.

AS AND FOR A SEVENTH CAUSE OF ACTION

(Injunctive Relief)

(Town of Mamakating and Village of Bloomingburg against All Defendants)

490. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in Paragraph 1 through 489 above.

491. Defendants, through a pattern of fraud and racketeering, have obtained contracts and permits to commence and continue construction of the high density cluster housing complex known as the Villages of Chestnut Ridge within the Territory.

492. The Town of Mamakating has at all relevant times had *de jure* jurisdiction and control over those lands upon which Defendants are engaged in construction.

493. The construction of those high density cluster housing units violates the Town of Mamakating's PO zoning designation of the Territory where the Villages of Chestnut Ridge is located.

494. The Town of Mamakating has not issued any building permits for the construction of the Villages of Chestnut Ridge.

495. Any building permits which have been issued for Chestnut Ridge were obtained by or as a result of Defendants' fraud detailed above, and are void.

496. The Defendants must cease and desist any further construction and development upon those lands until such time that this Court determines the respective rights of the parties with regard to municipal jurisdiction, zoning regulations, and building permits.
497. The Court should grant interim and permanent injunctive relief preventing any further development of those lands in violation of the laws, rules, and regulations of the Town of Mamakating and the Village of Bloomingburg.

AS AND FOR AN EIGHTH CAUSE OF ACTION

(Common Law Fraud)

(Town of Mamakating and Village of Bloomingburg against Defendants
Lamm, Nakdimen, Roe, Berentsen, and Sullivan Farms II, Inc.)

498. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in Paragraphs 1-497, above.
499. Defendants Roe, Lamm, Nakdimen, Berentsen, and Sullivan Farms II, Inc. as set forth at length above, intentionally and knowingly made false and fraudulent statements of material fact to the Town of Mamakating and the Village of Bloomingburg and concealed material facts from the Town of Mamakating and the Village of Bloomingburg in the course of their public development presentations and contract negotiations.
500. Those fraudulent statements and representations did induce the Town of Mamakating and the Village of Bloomingburg to grant permissions, enter into contracts, annex lands, gain and relinquish control over annexed lands, amend zoning laws, grant land use approvals, and grant a water and municipal sewer monopoly to Defendants.

501. As a result of having been falsely induced into granting these rights, lands, licenses, approvals, and contracts, the Defendants and their racketeering enterprise have been benefitted for their ultimate development scheme.
502. The Town of Mamakating has been injured in its business and property by reason of the above described conduct in that it believed (albeit wrongly), that it had relinquished jurisdiction and control over the subject properties upon which the Waste Water Treatment Plant and the Villages at Chestnut Ridge are built. Had it not been falsely induced, and had it known that it had retained such control, the contracts, licenses, variances, and permissions which resulted from such fraud and enabled the construction of the high density cluster housing development would not have been granted.
503. The Village of Bloomingburg has been injured in its business and property by reason of the above described conduct in that it believed and gave permission for a gated luxury golf course weekend community to be constructed, and albeit wrongly, that it had acquired jurisdiction and control over the subject properties upon which the Waste Water Treatment Plant and the Villages of Chestnut Ridge are built. Had it not been falsely induced, and had it known that it lacked such control, the contracts, licenses, variances, and permission which resulted in from such fraud and enabled the construction of the high density cluster housing development would not have been granted.
504. The extensive fraudulent conduct of Defendants Lamm, Nakdimen, Roe, Berentsen, and Sullivan Farms II, Inc. demonstrates a high degree of moral turpitude and wanton dishonesty that entitles the Town of Mamakating and the Village of Bloomingburg to recover punitive damages.

505. Accordingly, by virtue of the foregoing, Plaintiffs are entitled to compensatory and punitive damages, together with interests and costs, and any other relief the Court deems just and proper.

AS AND FOR A NINTH CAUSE OF ACTION

(Breach of Fiduciary Duty)

(Village of Bloomingburg against Defendant Berentsen)

506. Plaintiffs incorporate, as though fully set forth herein, each and every allegation set forth in Paragraphs 1-505 above.
507. In his capacity as Mayor of the Village of Bloomingburg, Defendant owed a fiduciary duty to the Village.
508. By many acts of accepting bribes, failing to disclose the bribes, and thereupon acting to further the interests of the enterprise, as set forth above, Defendant Berentsen breached his fiduciary duty to the Village of Bloomingburg.
509. The Village of Bloomingburg has been damaged by Defendant Berentsen's breach of fiduciary duty to the extent set forth in paragraph 479, above.
510. By reason of the foregoing, Plaintiff Village of Bloomingburg is entitled to recover from Defendants Berentsen and Saunders compensatory and punitive damages, together with interests and costs, and any other relief the Court deems just and proper.

JURY DEMAND

511. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs, the Town of Mamakating and the Village of Bloomingburg demand a trial by jury of all issues so triable.

WHEREFORE, Plaintiffs, the Town of Mamakating and the Village of Bloomingburg, demand that a Judgment be entered in their favor and against the Defendants as follows:

A. On the First Cause of Action against All Defendants and in favor of both Plaintiffs, a declaration pursuant to the Declaratory Judgment Act, *28 U.S.C. §§2201 and 2202*, that the Territory upon which Defendants' Villages at Chestnut Ridge and the Waste Water Treatment Plant sit were not constitutionally, legally, or properly annexed and as such, the purported annexation is void *ab initio*. Failing a proper annexation, Plaintiff, Town of Mamakating, did not relinquish jurisdiction or control over the Territory proposed for annexation to the Village of Bloomingburg. Failing a proper annexation, Plaintiff, Village of Bloomingburg, did not obtain jurisdiction over the Territory proposed for annexation, and the zoning and other development regulations that were established by the Town of Mamakating did and continue to govern development on such Territory.

B. On the Second Cause of Action against Defendants Lamm, Nakdimen, Roe, and Berentsen, compensatory damages in favor of Plaintiff Town of Mamakating in an amount to be determined at trial, together with treble damages, costs, and reasonable attorneys' fees pursuant to *18 U.S.C. §1964(c)*, plus interest;

C. On the Third Cause of Action against Defendants Lamm, Nakdimen, Roe, and Berentsen, compensatory damages in favor of Plaintiff Town of Mamakating in an amount to be determined at trial, together with treble damages, costs, and reasonable attorneys' fees pursuant to *18 U.S.C. §1964(c)*, plus interest;

D. On the Fourth Cause of Action against Defendants Lamm, Nakdimen, Roe, and Berentsen,, compensatory damages in favor of Plaintiff Village of Bloomingburg in an amount to

be determined at trial, together with treble damages, costs, and reasonable attorneys' fees pursuant to *18 U.S.C. §1964(c)*, plus interest;

E. On the Fifth Cause of Action against Defendants Lamm, Nakdimen, Roe, and Berentsen, compensatory damages in favor of Plaintiff Village of Bloomingburg in an amount to be determined at trial, together with treble damages, costs, and reasonable attorneys' fees pursuant to *18 U.S.C. §1964(c)*, plus interest;

F. On the Sixth Cause of Action against Defendants Lamm, Nakdimen, Roe, and Sullivan Farms II, Inc. and in favor of Plaintiff Village of Bloomingburg, rescinding the Development Agreement for the Waste Water Treatment Plant as void as against public policy and the product of fraudulent misrepresentations;

G. On the Seventh Cause of Action against All Defendants granting an interim and permanent injunction preventing any further development of the Territory in violation of the laws, rules, and regulations of the Town of Mamakating, pursuant to *18 U.S.C. §1964(a)* and the common law;

H. On the Eighth Cause of Action against Defendants Lamm, Nakdimen, Roe, Berentsen, and Sullivan Farms II, Inc. compensatory and punitive damages for said defendants' common law fraud;

I. On the Ninth Cause of Action against Defendants Berentsen and Saunders, compensatory damages in favor of Plaintiff Village of Bloomingburg in an amount to be determined at trial, together with an award of punitive damages, and costs plus interest;

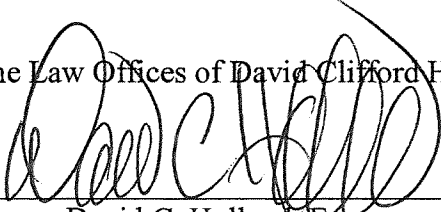
J. Appointment of a monitor to oversee all aspects of democratic elections, environmental review, land use review, applications for and issuance of building permits, and

building inspection in the Town and in the Village; and

K. Granting such other and further relief as the Court or Jury determines to be just and proper.

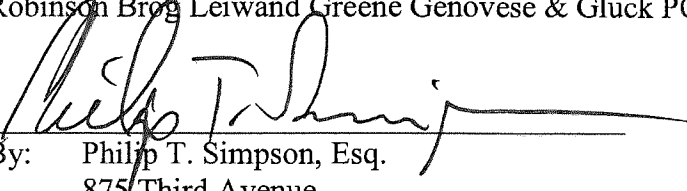
Dated: New York, New York
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