

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

STEVEN W. KLEINMAN, Partner  
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Reply to: Oakland Office

April 17, 2017

**Via Hand Delivery**

Clerk  
Superior Court of New Jersey  
Administration Building  
595 Newark Avenue  
Jersey City, NJ 07306

**RE: Biancamano et al. v. Farina et als.**  
**Docket No.: TBD**

Dear Sir or Madam:

This office represents Plaintiffs, Peter Biancamano and Ines Garcia-Keim, in the above-referenced matter. Enclosed for filing please find an original and two (2) copies of the following papers: Verified Complaint, Order to Show Cause Seeking Temporary Restraints Pursuant to R. 4:52, Case Information Statement, Letter Brief, and Certification of Service.

Kindly file same and return a copy stamped "filed" to my attention in the enclosed self-addressed, stamped envelope. Please charge any applicable filing fees to our Superior Court Account No.:142471.

As this matter seeks immediate emergent relief pursuant to R. 4:52, copies of these papers are also being forwarded directly to the chambers of Assignment Judge Bariso. Please contact me as soon as possible as to how the Court intends to handle this application. I can be reached at 973-845-6700 (office) or 201-306-0422 (cell).

Respectfully submitted,

  
STEVEN W. KLEINMAN

Encls.

cc: Hon. Peter F. Bariso, Jr., A.J.S.C.  
Hoboken City Clerk James Farina  
Hudson County Clerk Barbara Netchert  
Aaron and Sheillah Dallara  
Peter Biancamano and Ines Garcia-Keim

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Superior Court of New Jersey  
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Jersey City, NJ 07306

**RE: Biancamano et al. v. Farina et als.**  
**Docket No.: TBD**

Dear Judge Bariso:

This office represents Plaintiffs, Peter Biancamano and Ines Garcia-Keim, in the above-referenced matter. Due to the exigencies of the situation, please accept this letter brief, in lieu of a more formal brief, in support of the Order to Show Cause filed by Plaintiffs against Defendants, Hoboken City Clerk James Farina; Hudson County Clerk Barbara Netchert; and two putative candidates for the office of Hudson County Democratic Committee (“County Committee”) in the Second Ward, First District of the City of Hoboken, Aaron Dallara and Sheillah Dallara.

Plaintiffs, at this juncture of the case, respectfully request the Court issue interim relief, including a temporary injunction pending the return date of the Order to Show Cause, to prevent Defendants Farina and Netchert from placing Mr. and Ms. Dallara on the ballot for the Primary Election scheduled for Tuesday, June 6, 2017 as candidates for County Committee in Hoboken’s Second Ward, First District, printing any such ballots, and taking any other actions that would be difficult, expensive or impossible to reverse, if Plaintiffs are successful on the merits of their claim. The ultimate relief sought is a

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determination that Mr. and Ms. Dallara are altogether ineligible to appear on the ballot due to their failure to timely file a petition to run for County Committee as mandated by N.J.S.A. 19:23-14.

### **STATEMENT OF FACTS**

The relevant facts of this matter are set forth in the Verified Complaint and exhibits thereto, which have been certified to by Plaintiffs, but are reiterated here for the convenience of the Court. Plaintiffs Peter Biancamano and Ines Garcia-Keim are candidates for County Committee in the Second Ward, First District of the City of Hoboken, having timely filed a valid joint petition to run for that office prior to the petition filing deadline of 4:00 P.M. on Monday, April 3, 2017. County Committee members are elected at the Primary Election, which this year is scheduled for Tuesday, June 6, 2017, and serve as the official representatives of a political party in the district that they have been elected to represent, performing various statutory and other duties. County Committee members further serve as members of the municipal committee of their political party in the municipality where they reside and have been elected to serve. In Hudson County, the County Committee consists of one male and one female member from each election district in the County.

In order to appear on the ballot for County Committee, a candidate must submit a petition to the municipal clerk of the municipality where he or she is running. The petition must be signed by at least ten (10) voters in the election district in which the candidate is running, or be at least 5% in number of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly (but no less than one voter), whichever is fewer. Pursuant to N.J.S.A. 19:23-14, the petition must be filed with the municipal clerk in the municipality where the candidate is running "before 4:00 p.m. of the 64th day next preceding the day of the holding of the primary election for the general election," which, as noted above, was 4:00 P.M. on

Monday, April 3, 2017.

When Plaintiffs submitted their petition to Defendant Farina the morning of Monday, April 3, 2017, they requested to bracket with, and run under the slogan of, the “Hudson County Democratic Organization,” which is commonly known as running “on the line.” No other candidates submitted petitions to run for County Committee in Hoboken’s Second Ward, First District by the statutorily mandated deadline, a fact personally confirmed to Plaintiffs by Jerry Lore, the Deputy Hoboken City Clerk, on the morning of Tuesday, April 4, 2017. Mr. Lore also confirmed that in the absence of any opposition, Plaintiffs would be able to utilize the Hudson County Democratic Organization (“HCDO”) slogan and run “on the line.”

Bizarrely, at 7:27 P.M. on Wednesday, April 5, 2017, Mr. Lore sent Plaintiff Biancamano a text message reading, in pertinent part, “Peter can you come in first thing in the morning like 9:30 you’re not on the line and have opposition...” Mr. Biancamano responded that he had other obligations on Thursday, April 6<sup>th</sup> and noted that “[y]ou told me I don’t have competition now I do.” On the morning of Thursday, April 6, 2017, Plaintiffs were able to confirm that Defendants Aaron and Sheillah Dallara had also submitted a joint petition to run for County Committee in Hoboken’s Second Ward, First District and this petition had been accepted for filing by Defendant Farina. Thereafter, Plaintiff Biancamano spoke with Defendant Farina, who confirmed that he had accepted the Dallarás’ petition for filing. Defendant Farina explained to Plaintiff Biancamano that although the Dallarás’ petition had not been filed by the statutory deadline, it appeared to have been notarized on Sunday, April 2, 2017 by an attorney named Philip Cohen, which was sufficient for Defendant Farina to find that the Dallarás’ petition had been timely filed with his office. In response to Plaintiff Biancamano’s protestations that this appeared to be in violation of the law, Defendant Farina told him words to the effect of “if you don’t

like it, go to court.”

Plaintiffs then immediately requested a copy of the petition submitted by Mr. and Ms. Dallara from the Hoboken City Clerk’s office, and received it later in the day on Thursday, April 6, 2017. The Dallaras’ petition contains a time stamp from the Hoboken City Clerk’s office indicating that it was filed at 6:13 P.M. on Wednesday, April 5, 2017 – more than 48 hours after the statutory deadline. The only signatories to the petition were Mr. and Ms. Dallara. Moreover, according to the City of Hoboken’s official municipal website,<sup>1</sup> the Hoboken City Clerk’s office closed at 4:00 P.M. on Wednesday, April 5, 2017. Pursuant to N.J.S.A. 19:13-10, on Friday, April 7, 2017, John Keim, Plaintiff Garcia-Keim’s husband, a member of the Democratic Party, and a resident of Hoboken’s Second Ward, First District, timely filed an objection to the petition filed by Mr. and Ms. Dallara on the grounds that it had not been filed by the statutorily mandated deadline of 4:00 P.M. on April 3, 2017, and also because it did not appear to contain the requisite number of signatures.

On Monday, April 10, 2017, Defendant Farina responded by letter that “the City is accepting the nominating petitions for the office of local Democratic Party Committee for Ward 2, District 1 for the June 6, 2017 primary election of Sheillah Dallara and Aaron Dallara.” Defendant Farina explained that he was “timely provided correspondence dated April 3, 2017 and April 6, 2017 from Assemblyman Vincent Prieto and Mayor Dawn Zimmer, advising that both individuals were running as part of the Hudson County Democratic Organization.” He then further claimed that pursuant to N.J.S.A. 19:13-20, which allows for defective petitions to be amended within three days after the filing deadline, Mr. and Ms. Dallara amended the “documentation provided to the Clerk’s office so as to remedy any defect by timely submitting the appropriate forms within the deadline to amend.” Defendant Farina further stated

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<sup>1</sup> See [www.hobokennj.gov](http://www.hobokennj.gov) (last accessed April 16, 2017).

that there were a sufficient number of signatures on the Dallaras' petition so as to comply with the statute, and concluded, "[a]ccordingly, both candidates will be placed on the ballot for the June 6, 2017 primary election." Defendant Farina did not refute in any way Plaintiffs' contention that the Dallaras failed to file their petition within the statutory deadline.

On Thursday, April 13, 2017, Plaintiffs wrote a letter to Defendant Farina pointing out that his acceptance of the Dallaras' petition, more than two days after the statutory deadline, had no basis in law, and that his purported justifications for doing so were bogus *post hoc* justifications for his illegal action. Plaintiffs urged Defendant Farina to reconsider his illegal, and potentially criminal, violation of New Jersey election law, and to advise Plaintiffs of his position by 10:00 A.M. on Monday, April 17, 2017. Mr. Farina refused to reconsider his decision, meaning in the absence of court action, Mr. and Ms. Dallara will appear on the ballot to be prepared and printed by Defendants Farina and/or Netchert for the June 6, 2017 Primary Election, and will also enjoy the HCDO line, instead of Plaintiffs. It is believed that Defendant Netchert, in furtherance of her statutory responsibilities, will be taking imminent action to prepare and print the ballot for the Primary Election, thus requiring immediate injunctive relief.

### **LEGAL ARGUMENT**

The issue before the Court is a simple one: Does a municipal clerk have the right to blatantly disregard New Jersey election law to accept a petition to run for office that has been filed far beyond the statutory deadline? Plaintiffs believe the answer to that question is self-evident. Defendant Farina's actions in this matter to date are clearly illegal, and must be nullified.

At this initial stage of the proceedings, Plaintiffs seek emergent relief to prevent Defendants Farina and Netchert, who are responsible for preparing the ballot for the June 6, 2017 Primary Election, from taking any irreversible action to place Mr. and Ms. Dallara on the ballot, or printing or mailing any ballots

that contain Mr. and Ms. Dallara's names as candidates for County Committee in Hoboken's Second Ward, First District. The legal standard for such an application is set forth in the seminal case of Crowe v. DeGioia, 90 N.J. 126, 132 (1982). Pursuant to the well-known four-part Crowe test, an application for interim injunctive relief will be granted where:

- (1) The party seeking the injunction is reasonably likely to prevail on the merits of its underlying claim;
- (2) The party seeking the injunction is likely to suffer irreparable injury if the injunction is not granted;
- (3) Any undue hardship to the party being enjoined is outweighed by the hardship to the party seeking the injunction; and,
- (4) The public interest will not be harmed if the injunction is granted.

Id. at 132-134. As will be demonstrated herein, Plaintiffs meet all of the required tests for emergent relief to be granted.

**I. Plaintiffs are reasonably likely to prevail on the merits of their underlying claim.**

The law is clear and indisputable. In order to appear on the ballot for County Committee, a candidate must submit a petition to the municipal clerk of the municipality where he or she is running. The petition must be signed by at least ten (10) voters in the election district in which the candidate is running, or be at least 5% in number of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly (but no less than one voter), whichever is fewer. N.J.S.A. 19:23-8. That petition must be filed with the municipal clerk in the municipality where the candidate is running "before 4:00 p.m. of the 64th day next preceding the day of the holding of the primary election for the general election." N.J.S.A. 19:23-14. In 2017, that date was 4:00 P.M. on Monday, April 3, 2017. Mr. and Ms. Dallara filed their petition with Defendant Farina at 6:13 P.M. on Wednesday, April 5, 2017. Yet, somehow, Defendant Farina accepted their

petition as timely filed and if this Court does not intervene they will illegally appear on the Primary Election ballot on June 6, 2017.

There is nothing in the record to indicate why the Dallarases failed to file their petition within the statutory deadline, such as some exigency of such a substantial nature that it would have made it impossible to comply with the law. In fact, there is no indication whatsoever that they ever made any effort at all to file by the deadline. Instead, Defendant Farina presented Plaintiffs with *post hoc* justifications for accepting the petition that make no sense whatsoever. First, he verbally informed Plaintiff Biancamano that although the Dallarases' petition had not been filed by the statutory deadline, it appeared to have been notarized on Sunday, April 2, 2017 by an attorney named Philip Cohen, which somehow was sufficient for him to find that the Dallarases' petition had been timely filed with his office. Then, in response to the formal objection filed by John Keim, Defendant Farina apparently abandoned the notary argument, and invented two new excuses. First, he explained that he was "timely provided correspondence dated April 3, 2017 and April 6, 2017 from Assemblyman Vincent Prieto and Mayor Dawn Zimmer, advising that both individuals were running as part of the Hudson County Democratic Organization." See Verified Complaint, Exhibit G. He then further claimed that pursuant to N.J.S.A. 19:13-20, which allows for defective petitions to be amended within three days after the filing deadline, Mr. and Ms. Dallara amended the "documentation provided to the Clerk's office so as to remedy any defect by timely submitting the appropriate forms within the deadline to amend." Id. These justifications were utter and complete nonsense.

It appears from correspondence attached to Defendant Farina's response to Mr. Keim that on April 3, 2017, Hoboken Mayor Dawn Zimmer requested that HCDO Chairman Vincent Prieto permit Mr. and Ms. Dallara, along with a number of other County Committee candidates in other election districts, to run



on the HCDO line and use the HCDO slogan. This letter was filed with Defendant Farina at 3:38 P.M. on Monday, April 3, 2017. However, this letter had no legal relevancy whatsoever, and it is not clear why she filed it with Defendant Farina in the first place. Mayor Zimmer had no authority to award the HCDO line to anyone. That determination is made by the campaign manager for the joint candidates for county-wide office. N.J.S.A. 19:49-2. The right to use the HCDO slogan is determined by the legal owner of that slogan, which surely is not Mayor Zimmer. N.J.S.A. 19:23-17. Mayor Zimmer's meaningless letter therefore could not have possibly served as a substitution for a timely submitted petition. Defendant Farina also provided Mr. Keim with a letter from HCDO Chairman Prieto to Defendant Netchert authorizing numerous candidates for Hoboken County Committee to appear on the HCDO line and use the HCDO slogan, including the Dallarases. That letter is dated April 3, 2017, but it apparently was not filed with Defendant Farina until 11:10 A.M. on Thursday, April 6, 2017. Chairman Prieto's letter, of course, cannot supersede the Dallarases' obligation to timely file a petition in the first place.

With respect to Defendant Farina's second argument, it is accurate that if a candidate submits a defective petition, and is advised as such by the officer with whom such petition has been filed, the candidate can "amend the petition either in form or in substance, but not to add signatures, so as to remedy the defect within three days." N.J.S.A. 19:23-19; 19:23-20. However, it is nonsensical to suggest that these statutes somehow serve to extend the petition filing deadline, and so it should be unsurprising that Plaintiffs have found no legal authority for such a ludicrous proposition. In any event, Defendant Farina does not appear to have advised the Dallarases that they had filed a defective petition, and the Dallarases never amended their petition – they filed their petition, in the first instance, more than 48 hours after they were legally required to have done so.

Plaintiffs are aware that the statutory deadline is not completely immutable. However, in the rare instance where a court has accepted a petition beyond that deadline, it has been in far more reasonable circumstances not present here. The relevant standard was established in Application of Cucci, 92 N.J. Super. 223 (Law Div. 1966). In Cucci, two candidates for United States House of Representatives from Hudson County went to file their petitions with the Secretary of State in Trenton on the day of the petition filing deadline. Despite leaving two hours for the journey, they encountered a serious traffic accident and were unable to get to the Secretary of State's office until 4:20 P.M., 20 minutes after the deadline. The Secretary of State refused to accept the petitions because they had not been timely filed. The Court explained that "[t]he question raised is whether a petition of nomination may be filed within a reasonable time after the statutory deadline when the delay is through no fault of the applicants," and noted that "there is no New Jersey precedent precisely on point." Id. at 225. The Court considered the matter, and determined to accept the petitions, explaining:

The delay in the cases now before the court was through no fault of plaintiffs. Traffic jams are a result of our modern means of transportation and cannot be foreseen. Notwithstanding these difficulties plaintiffs made every reasonable effort to reach the office of the Secretary of State before 4 P.M. The petition was presented within a reasonable time after the statutory deadline, namely, at 4:20 P.M. This court holds that a petition of nomination may be filed within a reasonable time after the statutory deadline when the delay was through no fault of the applicant. An order will, therefore, issue directing the Secretary of State to accept plaintiffs' petitions for filing as within time.

Id. at 227.

Of course, the situation present here is light years away from what happened in Cucci. The Dallarás' petition was not "presented within a reasonable time after the statutory deadline," as it was more than two days late (and would have been even later except that it appears that Defendant Farina somehow accepted the petition more than two hours after his office was already closed for the day on Wednesday, April 6<sup>th</sup>). There does not appear to have been any reasonable effort made by the Dallarás to file their

petition on time, nor was there any act of God or other unusual burden that made it impractical for them to do so. Rather, it appears that they simply failed or forgot to comply with the deadline. Plaintiffs have located no recorded case in New Jersey history where a petition filed more than two days late, without any justification whatsoever, has been accepted as timely filed. After all, if Defendant Farina acted properly, what exactly is the deadline to file a petition under N.J.S.A. 19:23-14? Because certainly it will no longer be what the statute says it is, or even any reasonable facsimile thereof.

The reason Defendant Farina's action is so dangerous is that it shows a wholesale disrespect for the election law in a particular instance where it benefits the candidates preferred by the incumbent Mayor of Hoboken and perhaps others with influence over the Hoboken City Clerk's office. At this early stage of the litigation, there has been no discovery to determine exactly what Defendant Farina was thinking when he decided to accept the late petition, or whether Mayor Zimmer or any of her agents pressured Defendant Farina to do so using the considerable power of her office. But Plaintiffs strongly doubt whether Defendant Farina would have exercised his discretion in such a generous manner if they were the ones to have filed their petition late. Certainly, the bizarre and nonsensical justifications provided by Defendant Farina add to the air of suspicion regarding the decisions he has made in this matter. Plaintiffs are reminded of recent events in countries like Venezuela and Iran, where candidates are allowed to run for office or are barred from doing so based upon the whims of the existing government. All that separates us from them is our adherence to the rule of law, something that Defendant Farina apparently does not understand. Defendants Sheillah Dallara and Aaron Dallara did not file their petition on time. They had no legitimate excuse for not doing so. That is all that is required for this Court to find for Plaintiffs and remove the Dallaras from the ballot for election to the County Committee.

**II. Plaintiffs will suffer irreparable injury if the injunction is not granted, and this injury far outweighs any undue hardship Defendants will suffer as a result.**

According to Crowe, “[h]arm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages.” Crowe, 90 N.J. at 132-33. “Pecuniary damages may be inadequate because of the nature of the injury or of the right affected.” Id. at 133. By virtue of the illegal actions of Defendant Farina, the Plaintiffs are now forced to compete against candidates for County Committee in Hoboken’s Second Ward, First District who have not met the legal requirements to run for office. Obviously, Plaintiffs will now be required to expend substantial time and resources on their campaign, especially since they have been deprived of “the line” as a result of the Dallarás’ entrance into the race more than two days beyond the petition filing deadline. Because of Defendant Farina’s blatantly improper action in accepting the Dallarás’ petition, the injury Plaintiffs have suffered cannot be redressed adequately by monetary damages. Id. Moreover, Plaintiffs are residents, taxpayers and registered voters of the City of Hoboken, and in that capacity believe that they have been deprived of fundamental due process based upon Defendant Farina’s clear abuse of discretion.

On the other hand, there is no undue hardship to Defendants if this Court directs that any irreparable action, such as the printing and mailing of ballots at taxpayer expense, is briefly halted until this matter can be addressed and resolved. In that this litigation primarily involves a matter of law, it is unlikely there will be any need for substantial discovery or reason for substantial delay in achieving a prompt judicial resolution to this dispute. The Dallarás can still campaign for office in the unlikely event that they are allowed to remain on the ballot, and the Primary Election is nearly two months away, more than enough time to resolve this dispute.

**III. The public interest will not be harmed if the injunction is granted.**

It is apparent, for all the reasons discussed above, the public interest will not be harmed if

interim relief is granted. In fact, the public interest demands such relief be issued. If Defendant Farina simply can ignore the plain terms of a statute on a matter as critical as which candidates are permitted to appear on an election ballot, then why did the Legislature bother to create an explicit filing deadline for petitions in the first place? It is indisputable that Mr. and Ms. Dallara completely ignored that deadline, not by a matter of minutes, but by several days, yet right now they are standing as candidates for an office for which they have not met the statutory prerequisites to run.

If Defendant Farina's action is allowed to stand, his illegal conduct will have made a mockery of the law, effectively eviscerating the statute establishing a fixed deadline for potential candidates to file petitions to run for office. Instead, he will have unilaterally invented a dangerous precedent in which there must now be a case-by-case determination in place of what was otherwise believed to be a stable election deadline (with minimal deviations only for truly exceptional circumstances). What now will be the deadline for filing a petition to run for office in Hoboken? It will be whatever one James Farina decides it is in any particular circumstance. The potential for abuse in such circumstances is obvious, and would require this Court to become an election monitor, becoming the clearing house for the creation of factual records to support the gross ignorance of election deadlines. With apologies to Frank Hague, Defendant Farina is not the law. Instead, he is obligated to follow it. As our Supreme Court has stated, "[t]he Election Law should be construed liberally to accomplish its salutary purposes. One of these purposes is to purify the politics of the State by preventing fraud and wrongdoing in the nominating procedure." Sadloch v. Allan, 25 N.J. 118, 129 (1957) (internal citations omitted).

Moreover, there are certain other statutory election deadlines that are quickly approaching, including the preparation of the official primary election ballot for printing pursuant to N.J.S.A. 19:14-1, and the commencement of mailing of the mail-in ballots, pursuant to N.J.S.A. 19:63-5 and 19:63-9,

which is scheduled to occur no later than Saturday, April 22, 2017. The public interest would be poorly served if mail-in ballots are printed and distributed listing candidates for County Committee who are not eligible to appear on the ballot. Since this case only involves one election district in Hoboken, it should not interfere with Defendant Netchert's ability to prepare and mail out ballots for the remaining election districts in Hoboken and the rest of Hudson County. The public interest therefore demands that injunctive relief be granted.

**IV. This matter should be heard on a summary or expedited basis.**

Plaintiffs further believe that that this matter should be heard on a summary or expedited basis, pursuant to R. 4:67-1 and/or N.J.S.A. 19:13-12. That statute provides, in pertinent part, that:

...a judge of the Superior Court assigned to the county in which any petition of nomination shall be filed, on the application or complaint, duly verified, of any candidate, which application or complaint shall be made on or before the twelfth day after the last day for the filing of petitions, setting forth any invasion or threatened invasion of his rights under the petition of nomination filed with...any county clerk, shall hear such application or complaint in a summary way and make such order thereon as will protect and enforce the rights of such candidates, which order or determination shall be filed within three days after the filing of the application or complaint.

Plaintiffs have met the statutory requirements of filing a verified complaint within the time frame envisioned by the statute, and have presented in the foregoing argument how their rights have been invaded by the improper actions of Defendant Farina. While the statute does not expressly state that it applies to petitions filed with a municipal clerk, by implication the procedure set forth in the statute would be the only sensible approach, given the statutory deadlines that apply to a county clerk in preparing the ballot, and that Defendant Netchert is already a necessary party to this litigation. Our Supreme Court has previously stated that "the expression 'invasion or threatened invasion' of the rights of 'any' candidate ought to be construed broadly when resort is had to court action." Sadloch, 25 N.J. at 129. Proceeding as a typical Action in Lieu of Prerogative Writs would present considerable difficulties in the administration

of the Primary Election. Accordingly, Plaintiffs request the most expedited possible review of their application and are prepared to appear before the Court as soon as practicable.

**CONCLUSION**

For the foregoing reasons, Plaintiffs respectfully request the Court grant their application for interim relief.

Respectfully submitted,

CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC

By:



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Steven W. Kleinman, Esq. (ID # 02768-2002)

cc: Hon. Peter F. Bariso, Jr., A.J.S.C.  
Hoboken City Clerk James Farina  
Hudson County Clerk Barbara Netchert  
Aaron and Sheillah Dallara  
Peter Biancamano and Ines Garcia-Keim

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Attorney for Plaintiffs

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PETER BIANCAMANO AND INES  
GARCIA-KEIM,

Plaintiffs,

v.

JAMES FARINA, in his official capacity as  
Hoboken City Clerk; BARBARA  
NETCHERT, in her official capacity as  
Hudson County Clerk, SHEILLAH  
DALLARA and AARON DALLARA,

Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION:  
HUDSON COUNTY  
DOCKET NO.: HUD-L-

Civil Action

**ORDER TO SHOW CAUSE  
WITH TEMPORARY RESTRAINTS  
PURSUANT TO R. 4:52**

THIS MATTER being brought before the Court by Cleary, Giacobbe, Alfieri & Jacobs, LLC, attorney for Plaintiffs, Peter Biancamano and Ines Garcia-Keim, seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint filed herewith; and it appearing that immediate and irreparable damage will probably result before notice can be given and a hearing held and for good cause shown:

It is on this \_\_\_\_ day of \_\_\_\_\_, 2017 *ORDERED* that Defendants James Farina, Barbara Netchert, Sheillah Dallara and Aaron Dallara appear and show cause before the Superior Court of New Jersey, Law Division at the Hudson County Courthouse in Jersey City, New Jersey at \_\_\_\_ o'clock in the \_\_\_\_ noon or as soon thereafter as counsel can be heard, on the \_\_\_\_ day of \_\_\_\_\_, 2017 why an order should not be issued preliminarily:



A. Enjoining and restraining Defendant Farina from accepting the untimely petitions filed by Defendants Sheillah Dallara and Aaron Dallara, and/or certifying Defendants Sheillah Dallara and Aaron Dallara as candidates for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken;

B. Enjoining and restraining Defendants Farina and Netchert from placing Defendants Sheillah Dallara and Aaron Dallara on the ballot for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken in the Primary Election scheduled for June 6, 2017;

C. Enjoining and restraining Defendants Farina and Netchert from printing or causing to be printed any ballot, whether sample, vote-by-mail, military, provisional, emergency, voting machine, ballot card or any other form of ballot, which contains the names of Defendants Sheillah Dallara and Aaron Dallara as candidates for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken in the Primary Election scheduled for June 6, 2017, or mailing any such ballot;

D. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that pending the return date herein, Defendants Farina and Netchert are:

A. Enjoined and restrained from accepting the untimely petitions filed by Defendants Sheillah Dallara and Aaron Dallara, and/or certifying Defendants Sheillah Dallara and Aaron Dallara as candidates for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken;

B. Enjoined and restrained from placing Defendants Sheillah Dallara and Aaron Dallara on the ballot for the office of Member of the Hudson County Democratic Committee in

the Second Ward, First District of the City of Hoboken in the Primary Election scheduled for June 6, 2017;

C. Enjoined and restrained from printing or causing to be printed any ballot, whether sample, vote-by-mail, military, provisional, emergency, voting machine, ballot card or any other form of ballot, which contains the names of Defendants Sheillah Dallara and Aaron Dallara as candidates for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken in the Primary Election scheduled for June 6, 2017, or mailing any such ballot.

And it is further ORDERED that:

1. Defendants may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the Plaintiffs' attorney.

2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon Defendants personally within \_\_\_\_ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. Plaintiffs must file with the court their proof of service of the pleadings on Defendants no later than three (3) days before the return date.

4. Defendants shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by \_\_\_\_\_, 2017. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf). You must send a copy of your opposition papers directly to Judge \_\_\_\_\_,

whose address is \_\_\_\_\_, New Jersey. You must also send a copy of your opposition papers to the Plaintiffs' attorney whose name and address appears above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$\_\_\_\_ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the Plaintiff is seeking.

4. The Plaintiffs must file and serve any written reply to Defendants' order to show cause opposition by \_\_\_\_\_, 2017. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge \_\_\_\_\_.

5. If the Defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of order at least three days prior to the return date.

6. If the Plaintiffs have not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. DEFENDANTS TAKE NOTICE that the Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it. These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these

offices is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf). Include a \$\_\_\_\_\_ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the Plaintiffs' attorney whose name and address appears above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief Plaintiffs demand.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than \_\_\_\_\_ days before the return date.

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J.S.C.

STEVEN W. KLEINMAN, ESQ. (ID # 02768-2002)  
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Attorney for Plaintiffs

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PETER BIANCAMANO AND INES  
GARCIA-KEIM,

Plaintiffs,

v.

JAMES FARINA, in his official capacity as  
Hoboken City Clerk; BARBARA  
NETCHERT, in her official capacity as  
Hudson County Clerk, SHEILLAH  
DALLARA and AARON DALLARA,

Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION:  
HUDSON COUNTY  
DOCKET NO.: HUD-L-

Civil Action

**VERIFIED COMPLAINT AND  
ACTION IN LIEU OF PREROGATIVE  
WRITS**

Plaintiffs, Peter Biancamano, residing at 1125 Washington Street #1F, Hoboken, NJ 07030 and Ines Garcia-Keim, residing at 1103 Washington Street #1, Hoboken, NJ 07030, by way of Verified Complaint against Defendants Hoboken City Clerk James Farina, with his offices located at 94 Washington Street, Hoboken, NJ 07030, Hudson County Clerk Barbara Netchert, with her offices located at 257 Cornelison Avenue, 4th Floor, Jersey City, NJ 07302, and Defendants Sheillah and Aaron Dallara, both residing at 1000 Hudson Street, Apartment 201, Hoboken, NJ 07030 hereby state as follows:

**PARTIES**

1. Plaintiffs Peter Biancamano and Ines Garcia-Keim are candidates for Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken.

2. Defendants Sheillah Dallara and Aaron Dallara are putative candidates for Members of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken.

3. Defendant James Farina serves as the Hoboken City Clerk. He is sued in his official capacity only.

4. Defendant Barbara Netchert is the Hudson County Clerk. She is sued in her official capacity only.

### **JURISDICTION AND VENUE**

5. Jurisdiction is conferred upon this Court by R. 4:69-1 and the Court's inherent jurisdiction to consider and review election matters, as well as N.J.S.A. 19:13-12. Venue is proper in Hudson County pursuant to R. 4:3-2, as the election in question and the subsequent actions complained of herein occur and occurred within Hudson County.

### **FACTS COMMON TO ALL COUNTS**

6. Pursuant to N.J.S.A. 19:5-1, the two officially recognized political parties in the State of New Jersey – the Democratic and Republican parties – will hold a primary election on June 6, 2017, the purpose of which is to nominate candidates to officially represent their respective party in the November general election.

7. Additionally, pursuant to N.J.S.A. 19:5-3, the June 6, 2017 primary election will also be used to elect county committee members for the Democratic and Republican parties.

8. County committee members serve as the official representatives of a political party in the district that they have been elected to represent, and perform various statutory and other duties.

9. County committee members further serve as members of the municipal committee of their political party in the municipality where they reside and have been elected to serve.

10. In Hudson County, the county committee of the Democratic Party consists of one male and one female member from each election district in the County.

11. In order to appear on the ballot for county committee, a candidate must submit a petition to the municipal clerk of the municipality where he or she is running.

12. The petition must be signed by at least ten (10) voters in the election district in which the candidate is running, or be at least 5% in number of the total vote cast by the voters of that political party at the last preceding primary election held for the election of that party's candidates for the General Assembly (but no less than one voter), whichever is fewer.

13. Pursuant to N.J.S.A. 19:23-14, the petition must be filed with the municipal clerk in the municipality where the candidate is running "before 4:00 p.m. of the 64th day next preceding the day of the holding of the primary election for the general election."

14. The statutorily mandated deadline to submit a petition for county committee was 4:00 P.M. on Monday, April 3, 2017. Attached as Exhibit A is a copy of the 2017 Primary Election Timeline published by the New Jersey Secretary of State, setting forth the deadline in question.

15. On the morning of Monday, April 3, 2017, Plaintiffs timely submitted a valid joint petition to Defendant James Farina, the Hoboken City Clerk, to run for the Hudson County Democratic County Committee in Hoboken's Second Ward, First District. Attached as Exhibit B is a copy of the first page of Plaintiffs' petition, which reflects that it was timely filed with Defendant Farina's office at 9:17 A.M. on Monday, April 3, 2017.

16. Plaintiffs requested to bracket with, and run under the slogan of, the “Hudson County Democratic Organization,” which is commonly known as running “on the line.”

17. No other candidates submitted petitions to run for the Hudson County Democratic County Committee in Hoboken’s Second Ward, First District by the statutorily mandated deadline, a fact personally confirmed to Plaintiffs by Jerry Lore, the Deputy Hoboken City Clerk, on the morning of Tuesday, April 4, 2017. Mr. Lore also confirmed that in the absence of any opposition, Plaintiffs would be able to utilize the Hudson County Democratic Organization slogan and run “on the line.”

18. Bizarrely, at 7:27 P.M. on Wednesday, April 5, 2017, Mr. Lore then sent Plaintiff Biancamano a text message reading, in pertinent part, “Peter can you come in first thing in the morning like 9:30 you’re not on the line and have opposition...” Mr. Biancamano responded that he had other obligations on Thursday, April 6<sup>th</sup> and added that “[y]ou told me I don’t have competition now I do.” Attached as Exhibit C is a copy of Mr. Lore’s text message and Plaintiff Biancamano’s response.

19. On the morning of Thursday, April 6, 2017, Plaintiffs were able to confirm that Defendants Sheillah Dallara and Aaron Dallara had also submitted a joint petition to run for the Hudson County Democratic County Committee in Hoboken’s Second Ward, First District and this petition had been accepted for filing by Defendant Farina.

20. Thereafter, Plaintiff Biancamano spoke with Defendant Farina, who confirmed that he had accepted the Dallarases’ petition for filing. Defendant Farina explained to Plaintiff Biancamano that although the Dallarases’ petition had not been filed by the statutory deadline, it appeared to have been notarized on Sunday, April 2, 2017 by an attorney named Philip Cohen, which was sufficient for Defendant Farina to find that the Dallarases’ petition had been timely filed



with his office. In response to Plaintiff Biancamano's protestations that this appeared to be in violation of the law, Defendant Farina told him words to the effect of "if you don't like it, go to court."

21. Plaintiffs then immediately requested a copy of the petition submitted by Mr. and Ms. Dallara from Hoboken City Clerk's office, and received it later in the day on Thursday, April 6, 2017. Attached as Exhibit D is a copy of the Dallararas' petition.

22. The Dallararas' petition contains a time stamp from the Hoboken City Clerk's office indicating that it was filed at 6:13 P.M. on Wednesday, April 5, 2017 – more than 48 hours after the statutory deadline.

23. The only signatories to the petition were Mr. and Ms. Dallara.

24. According to the City of Hoboken's official municipal website, [www.hobokennj.gov](http://www.hobokennj.gov), the Hoboken City Clerk's office closed at 4:00 P.M. on Wednesday, April 5, 2017. Attached as Exhibit E is the City Clerk's page on the City of Hoboken's official municipal website.

25. Pursuant to N.J.S.A. 19:13-10, on Friday, April 7, 2017, John Keim, a registered Democrat and resident in Hoboken's Second Ward, First District, timely filed an objection to the petition filed by Mr. and Ms. Dallara because it had not been filed by the statutorily mandated deadline of 4:00 P.M. on April 3, 2017, and because it did not contain the requisite number of signatures. Attached as Exhibit F is Mr. Keim's letter of objection.

26. On Monday, April 10, 2017, Defendant Farina responded by letter that "the City is accepting the nominating petitions for the office of local Democratic Party Committee for Ward 2, District 1 for the June 6, 2017 primary election of Sheillah Dallara and Aaron Dallara." Attached as Exhibit G is Defendant Farina's letter.

27. Defendant Farina explained that he was “timely provided correspondence dated April 3, 2017 and April 6, 2017 from Assemblyman Vincent Prieto and Mayor Dawn Zimmer, advising that both individuals were running as part of the Hudson County Democratic Organization.” He then further claimed that pursuant to N.J.S.A. 19:13-20, which allows for defective petitions to be amended within three days after the filing deadline, Mr. and Ms. Dallara amended the “documentation provided to the Clerk’s office so as to remedy any defect by timely submitting the appropriate forms within the deadline to amend.”

28. Defendant Farina further stated that there were a sufficient number of signatures on the Dallarass’ petition so as to comply with the statute, and concluded, “[a]ccordingly, both candidates will be placed on the ballot for the June 6, 2017 primary election.”

29. Defendant Farina did not refute Plaintiffs’ contention that the Dallarass failed to file their petition within the statutory deadline, and instead, simply ignored that deadline.

30. The Hudson County Democratic Organization’s consent to allow Mr. and Ms. Dallara to bracket with its candidates and run on its line does not supersede the obligation of a candidate to file a petition by the deadline established by law.

31. Notwithstanding that the Dallarass did not file any amendment to their untimely petition filed at 6:13 P.M. on Wednesday, April 5, 2017, N.J.S.A. 19:13-20, allowing the amendment of petitions to cure defects, does not override the statutory obligation to have filed those petitions on time in the first place.

32. On Thursday, April 13, 2017, Plaintiffs wrote a letter to Defendant Farina pointing out that his acceptance of the Dallarass’ petition, well after the statutory deadline, had no basis in law, and that his purported justifications for doing so were bogus *post hoc* justifications for his illegal action. Attached as Exhibit H is Plaintiffs’ letter to Defendant Farina.

33. Plaintiffs urged Defendant Farina to reconsider his illegal, and potentially criminal, violation of New Jersey election law, and to advise Plaintiffs of his position by 10:00 A.M. on Monday, April 17, 2017. Mr. Farina refused to reconsider his decision, meaning in the absence of court action, Mr. and Ms. Dallara will appear on the ballot to be prepared by Defendants Farina and/or Netchert for the June 6, 2017 Primary Election, and will enjoy the Hudson County Democratic Organization line, instead of Plaintiffs.

34. As a direct result of Defendant Farina's unlawful actions, Plaintiffs' rights were violated by allowing unqualified candidates to run against them for Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken.

**Count One – Action In Lieu of Prerogative Writs (R. 4:69-1 et seq.)**

35. The allegations contained in Paragraphs 1-34 are incorporated by reference as if fully set forth herein.

36. This Court has jurisdiction to determine this matter by way of an Action in Lieu of Prerogative Writs pursuant to R. 4:69-1 et seq., and/or N.J.S.A. 19:13-12.

37. The statutory deadline to file petitions for the office of Member of the Hudson County Democratic Committee was 4:00 P.M. on Monday, April 3, 2017.

38. Defendants Sheillah Dallara and Aaron Dallara did not file their joint petition for the office of Member of the Hudson County Democratic Committee by the statutory deadline of 4:00 P.M. on Monday, April 3, 2017.

39. Defendant Farina was without the lawful authority to ignore the statutory deadline and accept for filing the joint petition filed by Defendants Sheillah Dallara and Aaron Dallara at 6:13 P.M. on Wednesday, April 5, 2017.

40. Defendants Sheillah Dallara and Aaron Dallara are not eligible to appear on the ballot for the June 6, 2017 Primary Election.

**WHEREFORE**, Plaintiffs respectfully request the Court enter judgment as follows:

- (1) Invalidating the untimely petition filed by Defendants Sheillah Dallara and Aaron Dallara, and enjoining Defendant Farina from accepting same or certifying Defendants Sheillah Dallara and Aaron Dallara as candidates for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken.
- (2) Enjoining Defendants Farina and Netchert from placing Defendants Sheillah Dallara and Aaron Dallara on the ballot for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken in the Primary Election scheduled for June 6, 2017.
- (3) Enjoining Defendants Farina and Netchert from printing or causing to be printed any ballot, whether sample, absentee, military, provisional, emergency, voting machine, ballot card or any other form of ballot, which contains the names of Defendants Sheillah Dallara and Aaron Dallara as candidates for the office of Member of the Hudson County Democratic Committee in the Second Ward, First District of the City of Hoboken in the Primary Election scheduled for June 6, 2017.
- (4) Implementing a monitor for a period of at least one (1) year to ensure that Defendant Farina further complies with all aspects of New Jersey election law in accordance with his statutory obligations.
- (5) Awarding Plaintiffs their costs and reasonable attorneys' fees;

- (6) Awarding Plaintiffs such other and further relief as the Court deems just and proper under the circumstances.

**TRIAL ATTORNEY DESIGNATION**

Steven W. Kleinman, Esq. is hereby designated as trial counsel.

CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC

By:  \_\_\_\_\_  
STEVEN W. KLEINMAN

Date: April 17, 2017

**RULE 4:5-1 CERTIFICATION**

The undersigned certifies that to the best of his knowledge the within matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration proceeding nor is any action or arbitration proceeding contemplated nor are other parties required to be joined in this action.

CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC

By:  \_\_\_\_\_  
STEVEN W. KLEINMAN

Date: April 17, 2017

**RULE 1:38-7(c) CERTIFICATION OF COMPLIANCE**

The undersigned certifies that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC

By:  \_\_\_\_\_  
STEVEN W. KLEINMAN

Date: April 17, 2017

**VERIFICATION**

Peter Biancamano and Ines Garcia-Keim, of full age, certify and state as follows:

1. We are the Plaintiffs in this matter.

2. We have read the allegations contained in the annexed Verified Complaint, and we certify that the allegations are true and correct, except as to those statements being designated as being on information and belief.

3. We hereby certify that the foregoing statements made by me are true. We are aware that if any of the foregoing statements made by us are willfully false, we are subject to punishment.

Date: April 16, 2017

  
\_\_\_\_\_  
PETER BIANCAMANO

Date: April 16, 2017

  
\_\_\_\_\_  
INES GARCIA-KEIM

# EXHIBIT A

# 2017 Primary Election Timeline

## **April 12**

### **Deadline for Change of Party Affiliation Declaration Forms for Primary Election to be Filed with County Commissioners of Registration**

(55 days before election)

*N.J.S.A. 19:23-45*

## **April 12**

### **Deadline for Filing Certificate to Fill Vacancy of a Primary Election Candidate By the Appointed Vacancy Committee**

(55 days before election)

*N.J.S.A. 19:23-12*

## **April 12**

### **Deadline for Determination of Petition Challenges for Primary Election Candidates**

(9 days after the last day for filing nomination petitions)

*N.J.S.A. 19:13-11*

## **April 13**

### **Deadline for Municipal Clerk to Certify to the County Clerk the Names of the Candidates who filed Primary Election Nomination Petition with Municipal Clerk**

(54 days before election)

*N.J.S.A. 19:23-14*

## **April 13**

### **Transmittal of Secretary of State Certification of Federal and State Primary Election Candidates to County Clerks**

(54 days before election)

*N.J.S.A. 19:23-21*

## **April 14**

### **Transmittal of County Clerk Certification of All Candidates to be Placed on the Primary Election Ballot to Municipal Clerks, the County Clerk Shall also Transmit such List, but for Federal Candidates; to Election Law Enforcement Commission (ELEC)**

(53 days before the election)

*N.J.S.A. 19:23-22*

## **April 14**

### **County & Municipal Clerk Drawings for Ballot Positions for Primary Election Candidates**

(53 days before election)

*N.J.S.A. 19:23-24*

## **April 16 - May 15**

### **Publication of Notice of Primary Election by County Boards of Election**

(within 30 days before close of registration for election)

*N.J.S.A. 19:12-7*

*\*Under current law the Primary Election is held only for the Democratic and Republican parties. N.J.S.A. 19:5-1*

## **April 17**

### **Deadline for Filing in Superior Court to Protect Primary Election Candidate's Rights**

(12 days after petition filing deadline)

*N.J.S.A. 19:13-12*



# 2017 Primary Election Timeline

## April 17\*

### **Deadline for Preparation of Official Primary Election Ballot for Printing**

(50 days before election)

**N.J.S.A. 19:14-1**

*\* County Commissioner of Registration is to provide notice to the two County Chairpersons of the date to inspect voting machines after they have been prepared for the upcoming election. This date will vary from county to county. N.J.S.A. 19:48-6*

## April 22

### **Commencement of Mailing of Mail-In Ballots for Primary Election**

(45 days before election)

**N.J.S.A. 19:63-5, N.J.S.A. 19:63-9**

## May

### May 15

#### **Certification of Polling Places by County Boards of Election**

**N.J.S.A. 19:8-4**

### May 15

#### **Filing of Certification of Accessible Polling Places to the Secretary of State by the County Boards of Election**

**N.J.S.A. 19:8-3.4**

### May 16

#### **Voter Registration Deadline for Primary Election**

(21 days before election)

**N.J.S.A. 19:31-6**

### May 16

#### **Mandated Evening Voter Registration Available for Primary Election in Offices of County Commissioners of Registration**

(optional for Municipal Clerk)

(21 days before election)

**N.J.S.A. 19:31-2**

### May 23

#### **Deadline for Filing of Challenger Appointments for Primary Election**

(second Tuesday preceding election)

**N.J.S.A. 19:7-3**

### May 28 – June 3

#### **Publication of Notice of Primary Election by County Boards of Election**

(once during the calendar week prior to election)

**N.J.S.A. 19:12-7**

### May 30

#### **Publication of Challenge and Complaint Procedures for Primary Election by County Boards of Election**

(7 days before election)

**N.J.S.A. 19:12-9**

# 2017 Primary Election Timeline

## May 30

### **Deadline to apply for a Mail-In Ballot by Mail for Primary Election**

(not less than 7 days prior to election)

*N.J.S.A. 19:63-3*

## May 31

### **Mailing of Sample Ballots for Primary Election**

(on or before 12 noon on Wednesday preceding election)

*N.J.S.A. 19:23-34*

## June

### June 2

#### **Deadline for Application to Receive Primary Election Mail-In Ballots by Electronic Means for Qualified Overseas Civilian and Military Voters**

(4th day before election)

*N.J.S.A. 19:59-4*

### June 5 – by 3:00 p.m.

#### **Deadline for In-Person Mail-In Ballot Applications for Primary Election**

(up to 3:00 p.m. on the day before election)

*N.J.S.A. 19:63-3*

### June 5

#### **Publication of Challenge and Complaint Procedures for Primary Election by County Boards of Election**

(1 day before election)

*N.J.S.A. 19:12-9*

### June 6

#### **Last day for Testing of Electronic Scanning Equipment for Tabulation of Paper Ballots for Primary Election**

(day of election)

(notice to be given 48 hours prior to the start of testing)

*N.J.S.A. 19:53A-8*

### June 6

#### **Primary Election Day**

(Tuesday after first Monday in June)

*N.J.S.A. 19:2-1, N.J.S.A. 19:23-40*

### June 6

#### **Deadline for Submission of Primary Election Mail-In Ballots to County Boards of Election**

(by 8:00 p.m. on the day of election)

*N.J.S.A. 19:63-16*

### June 7 - June 21

#### **Impoundment Period for Voting Machines Used in the Primary Election**

(15 days following election)

*N.J.S.A. 19:52-6*

# 2017 Primary Election Timeline

## June 13

### **Deadline for Filing of Acceptance of Nomination by Successful Primary Election**

#### **Write-in Nominee**

(7 days after election)

*N.J.S.A. 19:23-16*

## June 13

### **Filing of Acceptance of One Nomination where Primary Election Nominee Receives More Than One Nomination for Same Office**

(7 days after election)

*N.J.S.A. 19:14-9*

## June 14

### **Deadline for Municipal Clerk to Certify to County Clerk and County Board of Elections the Names of Duly Elected County Committee Members**

(within 8 days after primary election)

*N.J.S.A. 19:23-54*

## June 16

### **Deadline for Filing of Election Contest Petitions for Primary Election**

(up to 10 days after election)

*N.J.S.A. 19:29-3*

## June 16

### **Canvass of Primary Election Votes by County Clerks**

(10 days after the election)

*N.J.S.A. 19:23-55*

## June 21

### **Deadline for Recount Applications for Primary Election**

(within 15 days after election)

*N.J.S.A. 19:28-1*

## June 21

### **Deadline for Applications for Recheck of Voting Machines Used in the Primary Election**

(within 15 days after election)

*N.J.S.A. 19:52-6*

## June 21

### **Deadline for Preparation of Emergency and Provisional Ballot Reports by Each County Board of Election for the Primary Election**

(within 15 days after the election or 3 days after the certification of the results of the election)

*N.J.S.A. 19:53B-21, N.J.S.A. 19:53C-21*

# 2017 Primary Election Timeline

## January

### **January 16 - February 14**

#### **Nomination of County Board of Election Members**

(30 day period before February 15)

*N.J.S.A. 19:6-18*

*\*Under current law, the Democratic and Republican parties are the only "recognized political parties in New Jersey."*

## February

### **February 15**

#### **Submission of Evening Voter Registration Plan by County Commissioners of Registration to Secretary of State**

*N.J.S.A. 19:31-2*

*\*\*In counties where there is a Superintendent of Elections, that office serves as the commissioner of registration; in all other counties it's the County Board of Election.*

## March

### **March 1**

#### **Governor Commissions County Election Board Members**

*N.J.S.A. 19:6-18*

### **March 1 - March 15**

#### **County Boards of Election to Organize**

*N.J.S.A. 19:6-22; N.J.S.A. 19:6-23*

### **March 23**

#### **Deadline for Creating, Abolishing, Dividing or Consolidating an Election District by County Board of Election**

(75 days before primary election) (No election districts shall, except with the prior approval of the Secretary of State, be created, abolished, divided or consolidated between January 1 of any year whose last digit is 7 and December 1 of any year whose last digit is 0.)

*N.J.S.A. 19:4-15, N.J.S.A. 19:4-15b.*

### **March 26 - April 1; April 2 - April 8**

#### **Publication of Notice of Requirements to Vote in Primary Election by County Commissioner of Registration**

(notice to be published once during each of the two calendar weeks next preceding the week of the 55th day before the election.)

*N.J.S.A. 19:23-45.1*

### **March 31**

#### **Secretary of State to Submit Notice to County Clerks and County Boards of Election of Available Offices and Public Questions for Upcoming General Election**

(67 days before primary election)

*N.J.S.A. 19:12-1*

# 2017 Primary Election Timeline

## April

### **April 1**

**Appointment of District Board Workers by County Boards of Election**

*N.J.S.A. 19:6-3*

### **April 1**

**County Committee Chairs to File with Municipal Clerks the Number of County Committee Seats to be Filled at Primary Election**

*N.J.S.A. 19:23-1*

### **April 1**

**Municipal Clerks to Submit Certified List of Suggested Polling Places to County Boards of Election**

*N.J.S.A. 19:8-2*

### **April 3**

**Nomination Petition Filing Deadline for Primary Election**

(before 4:00 p.m. on or before 64th day prior to election)

*N.J.S.A. 19:23-14*

### **April 6**

**Deadline for Amendments to Defective Petitions for Primary Election Candidates**

(3 days after filing deadline)

*N.J.S.A. 19:23-20*

### **April 7**

**Filing Deadline for Objections to Nominating Petitions for Primary Election Candidates**

(no later than 4 days after filing deadline)

*N.J.S.A. 19:13-10*

### **April 10**

**Notice of Federal, State, and County Offices to be Elected at General Election to be sent by County Clerks to Municipal Clerks**

(57 days before the primary election)

*N.J.S.A. 19:12-3*

### **April 10**

**Notice of Public Offices to be Elected at General Election to be sent by Municipal Clerks to County Clerks**

(57 days before the primary election)

*N.J.S.A. 19:12-6*

### **April 11**

**Publication of Notice of Mail-in Ballot Availability for Primary Election by County Clerks**

(prior to the 55th day before election)

*N.J.S.A. 19:63-6*

# EXHIBIT B

# City of Hoboken

## Primary Petition for Members of the Hudson County DEMOCRATIC County Committee

Names and Addresses Must Be Plainly Written and Printed  
**WRITE FIRST NAME IN FULL**

WARD 2 (Two) DISTRICT 1 (One)

TO: James Farina, City Clerk

We, the undersigned, hereby declare that we are qualified legal voters of 2nd Ward 1st Election District of the City of Hoboken, in which District we all reside, that we are members of the DEMOCRATIC Party, and that we and each of us intend to affiliate with the said DEMOCRATIC Party at the ensuing election, and that we and each of us hereby endorse:

NAME IN FULL (Print)	RESIDENCE AND P.O. ADDRESS (Print)
1. <u>Peter Biancamano</u>	<u>1125 Washington St. Apt. 1F</u>
2. <u>Jos. Garcia Kelan</u>	<u>1103 Washington St. Apt. 1</u>

as candidates for nomination to the office of Members of the Hudson County DEMOCRATIC County Committee of the 2nd Ward 1st District of the City of Hoboken, and we request that you print upon the official Primary ballot of the DEMOCRATIC Party the names of the persons above herein mentioned, and we hereby certify that they are legally qualified under the laws of this State to be nominated to said office and that said persons so endorsed is a member of the political party named in this petition.

# Ciudad de Hoboken

## Peticion Primaria para los Miembros del Comité del Condado DEMÓCRATA del Condado de Hudson

Los nombres y las direcciones deben ser escritos claramente en letras de molde.  
**ESCRIBA EL NOMBRE DE PILA COMPLETO.**

DISTRITO ELECTORAL \_\_\_\_\_ DISTRITO \_\_\_\_\_

A: James Farina, City Clerk

Nosotros, los abajo firmantes, declaramos por la presente que somos votantes legalmente elegibles del \_\_\_\_\_ distrito electoral \_\_\_\_\_ distrito de la ciudad de Hoboken, en dicho distrito vivimos, que somos miembros del Partido DEMÓCRATA y que es nuestra intención afiliarnos a dicho Partido DEMÓCRATA en las elecciones subsiguientes, y que apoyamos a:

NOMBRE COMPLETO (Escriba en letras de molde)	RESIDENCIA Y DIRECCIÓN (Escriba en letras de molde)
1. _____	_____
2. _____	_____

como candidatos para la nominación al puesto de miembros del Comité del Condado DEMÓCRATA del Condado de Hudson del \_\_\_\_\_ distrito electoral \_\_\_\_\_ distrito de la ciudad de Hoboken, y solicitamos que se ordene imprimir los nombres de la antedichas personas en la balota primaria oficial del Partido DEMÓCRATA y certificamos por la presente que ellos llenan los requisitos legales según las leyes del Estado para ser nombrados para dicho puesto y además certificamos que dicha persona es miembro del partido político estipulado en esta petición.

RECEIVED  
APR -3 AM 9:17  
2007

# EXHIBIT C





+1 (201) 726-██████

Text Message  
Wed, Apr 5, 7:27 PM

Peter can you come in first thing in the morning like 9:30 you're not on the line and have opposition

At a council meeting call stick

I spoke to him about it

He can give you details

Jerry I can't, already have an all day conference that I can't get out of tomorrow

You told me I don't have competition now I do

Thu, Apr 6, 11:32 AM

Just called him, what is the deadline to challenge any petitions



Text Message



# EXHIBIT D

# City of Hoboken

## Primary Petition for Members of the Hudson County DEMOCRATIC County Committee

Names and Addresses Must Be Plainly Written and Printed  
**WRITE FIRST NAME IN FULL**

WARD Second

DISTRICT 1st

TO: James Farina, City Clerk

We, the undersigned, hereby declare that we are qualified legal voters of 1st Ward 2D Election District of the City of Hoboken, in which District we all reside, that we are members of the DEMOCRATIC Party, and that we and each of us intend to affiliate with the said DEMOCRATIC Party at the ensuing election, and that we and each of us hereby endorse:

NAME IN FULL (Print)	RESIDENCE AND P.O. ADDRESS (Print)
1. <u>Sheillah Dallara</u>	<u>1000 Hudson St Apt 201</u>
2. <u>Aaron Dallara</u>	<u>1000 Hudson St. Apt 201</u>

as candidates for nomination to the office of Members of the Hudson County DEMOCRATIC County Committee of the 2D Ward 1st District of the City of Hoboken, and we request that you print upon the official Primary ballot of the DEMOCRATIC Party the names of the persons above herein mentioned, and we hereby certify that they are legally qualified under the laws of this State to be nominated to said office and that said persons so endorsed is a member of the political party named in this petition.

# Ciudad de Hoboken

## Petición Primaria para los Miembros del Comité del Condado DEMÓCRATA del Condado de Hudson

Los nombres y las direcciones deben ser escritos claramente en letras de molde.  
**ESCRIBA EL NOMBRE DE PILA COMPLETO.**

DISTRITO ELECTORAL \_\_\_\_\_

DISTRITO \_\_\_\_\_

A: James Farina, City Clerk

Nosotros, los abajo firmantes, declaramos por la presente que somos votantes legalmente elegibles del \_\_\_\_\_ distrito electoral \_\_\_\_\_ distrito de la ciudad de Hoboken, en dicho distrito vivimos, que somos miembros del Partido DEMÓCRATA y que es nuestra intención afiliarnos a dicho Partido DEMÓCRATA en las elecciones subsiguientes, y que apoyamos a:

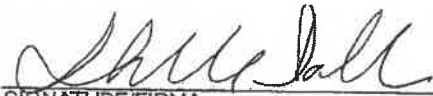
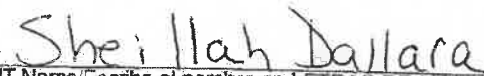
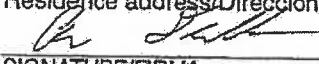

NOMBRE COMPLETO  
(Escriba en letras de molde)

RESIDENCIA Y DIRECCIÓN  
(Escriba en letras de molde)

1. \_\_\_\_\_  
2. \_\_\_\_\_

como candidatos para la nominación al puesto de miembros del Comité del Condado DEMÓCRATA del Condado de Hudson del \_\_\_\_\_ distrito electoral \_\_\_\_\_ distrito de la ciudad de Hoboken, y solicitamos que se ordene imprimir los nombres de la antedichas personas en la balota primaria oficial del Partido DEMÓCRATA y certificamos por la presente que ellos llenan los requisitos legales según las leyes del Estado para ser nombrados para dicho puesto y además certificamos que dicha persona es miembro del partido político estipulado en esta petición.

2017 APR -5 PM 6:13  
RECEIVED

- |     |  |   |
|-----|--|---|
| 1.  | <br>SIGNATURE/FIRMA<br>1000 Hudson St. Apt 201<br>Residence address/Dirección  | <br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>Hoboken<br>City/Ciudad |
| 2.  | <br>SIGNATURE/FIRMA<br>1000 Hudson St. Apt 201<br>Residence address/Dirección | <br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>Hoboken<br>City/Ciudad |
| 3.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 4.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 5.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 6.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 7.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 8.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 9.  | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 10. | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 11. | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 12. | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 13. | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 14. | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |
| 15. | _____<br>SIGNATURE/FIRMA<br>_____<br>Residence address/Dirección   | _____<br>PRINT Name/Escriba el nombre en LETRAS DE MOLDE<br>_____<br>City/Ciudad  |

STATE OF NEW JERSEY,  
COUNTY OF HUDSON,

) ss.

Sheillah Dallara

of full age, being duly sworn according to the law, on his/her oath says: That he/she is one of the signers of the foregoing petition; that said petition is signed by each of the persons whose names are subscribed thereto in their own proper handwriting; that such signers are to the best of the knowledge and belief of affiant, legal voters of the said City of Hoboken as stated in said petition and belong to the Democratic Party; that such petition is prepared and filed in absolute good faith for the sole purpose of endorsing the persons therein named in order to secure their nomination as candidates for office as stated in said petition.

Subscribed and sworn to this  
2<sup>nd</sup> day of April, 2017  
at 6:37 before me

Notary Public

*PAUL H. JOHN  
ATTORNEY-AT-LAW  
STATE OF NEW JERSEY*

One of the above 15 signers makes above oath and signs name here

PRINT NAME

Sheillah Dallara

WRITE PLAIN AND FIRST NAME IN FULL

We hereby declare that we are legally qualified for the office of Members of the Hudson County Democratic County Committee mentioned in the foregoing petition, and we hereby consent to stand as candidates for said nomination at the ensuing Primary Election and if nominated we hereby agree to accept said nomination.

- | NAME                | RESIDENCE AND P.O. ADDRESS |
|---------------------|----------------------------|
| 1. Sheillah Dallara | 1000 Hudson St. Apt 201    |
| 2. Aaron Dallara    | 1000 Hudson St. Apt 201    |

ESTADO DE NUEVA JERSEY, )  
CONDADO DE HUDSON, ) ss.

siendo mayor de edad y prestando juramento según la ley, dice y declara que es uno de los firmantes de la antedicha petición; que la antedicha petición es firmada por cada uno de los firmantes de su puño y letra; que los firmantes son, al leal saber y entender del deponente, votantes legales de la ciudad de Hoboken como se declara en dicha petición y que son miembros del Partido Demócrata, y que la antedicha petición es preparada y presentada de buena fe con la única intención de apoyar a las personas nombradas allí como candidatos para dichos puestos como se declara en dicha petición.

Jurado y declarado ante mí  
este \_\_\_\_\_ día de \_\_\_\_\_  
de 20\_\_\_\_ en \_\_\_\_\_

Notario

Uno de los 15 firmantes anteriores presta juramento y firma aquí

ESCRIBA EL NOMBRE EN LETRAS DE MOLDE

ESCRIBA CLARAMENTE EL NOMBRE COMPLETO

Nosotros declaramos por la presente que llenamos los requisitos legales para los puestos de Miembros del Comité del Condado Demócrata del Condado de Hudson, como mencionado en la petición anterior, y consentimos por la presente en presentarnos como candidatos para dichas nominaciones en las elecciones primarias subsiguientes, y si seamos nominados, consentimos en aceptar dichas nominaciones.

- | NOMBRE   | RESIDENCIA Y DIRECCIÓN |
|----------|------------------------|
| 1. _____ | _____                  |
| 2. _____ | _____                  |

**WRITE PLAIN AND FIRST NAME IN FULL**

We, the above endorsed candidates for the office of Members of the Hudson County DEMOCRATIC County Committee, do hereby request you to group together and bracket our names, and to print opposite our names so bracketed, on the said Primary Ticket for the ensuing Primary Election, the following designation:

Hudson County Democratic Organization

(Not more than six words.)

*Sheillah Dallara*

SIGNATURE

Sheillah Dallara

PRINT Name

*Aaron Dallara*

SIGNATURE

Aaron Dallara

PRINT Name

**ESCRIBA CLARAMENTE EL NOMBRE COMPLETO**

Nosotros, los antedichos candidatos apoyados para los puestos de Miembros del Comité del Condado DEMÓCRATA del Condado de Hudson, pedimos por la presente que nuestros nombres sean colocados juntos entre corchetes y que se ordene imprimir la siguiente designación enfrente de nuestros nombres entre los corchetes en la balota primaria para las elecciones primarias subsiguientes:

(No más que seis palabras)

FIRMA

Escriba el nombre en LETRAS DE MOLDE

FIRMA

Escriba el nombre en LETRAS DE MOLDE

# EXHIBIT E

## City Clerk

Municipal Clerk: James J. Farina, RMC

Municipal Deputy Clerk: Jerry Lore

Hours: M - F, 9 am - 4 pm

Phone: (201) 420-2073

Fax: (201) 420-2085

[Send an email](#)

The Municipal Clerk is the secretary to the municipal council, secretary to the municipality, keeper of the city seal, chief election officer of the municipality and the individual responsible for the records management of the city. The



office is the information center of the City routinely dealing with the public on a daily basis regarding citizen assistance, direction, or requests for copies of documents in compliance with the government Open Public Records Act (OPRA). In addition, the City Clerk also maintains the Hoboken Municipal code and City Council agendas.

The City Clerk's Office maintains all documents pertinent to the administration of municipal government, provides support to the Mayor and City Council, administers elections, coordinates research and information services for the public, responsible for the records management of the city. As the secretary to the municipality, municipal council and city seal, the City Clerk office is the hub of the municipality which routinely deals with the public on a daily basis regarding the requests for copies of documents in compliance with the Open Public Records Act (OPRA).

### Elections

The Clerk's Office is responsible for holding municipal, county, state, and federal elections. For more information, visit:

- [Division of Elections, State of New Jersey](#)
- [Elections - Hudson County](#)

#### Register to Vote

In New Jersey residents must be registered to vote 21 days prior to an election. You can pick up and return completed voter registration forms to this office or [download a voter registration application form](#).

- [Voter Registration Information, Division of Elections, State of New Jersey](#)

If you have any questions about upcoming elections or the registration process please call our office.

#### Find Your Polling Location

- [Polling Location Locator - NJ Department of State](#)
- [Polling Location List \(City of Hoboken\)](#)

#### City Ward Maps

The City of Hoboken is made up of six wards, each with several voting districts.

- [Hoboken Ward Map](#)
- [1st Ward](#)
- [2nd Ward](#)
- [3rd Ward](#)



- 4th Ward
- 5th Ward
- 6th Ward

### Access Public Information

To obtain city records, you must submit an OPRA request. Please bring the completed form to the Clerk's office, fax it, or email

[OPRA Request Form](#) | [Details](#)

### Film Permits

Click [here](#) to download the Film Permit application form. The application must be reviewed by the Police Department - Chief's office or a representative (Chief Ken Ferrante, (201)-420-2002). The Police Department will explain city rules and the requirements for filming and location of vehicles, equipment, and traffic regulations and will make a recommendation to the Film Commission. The Film Commission will review and approve or deny the application.

The completed application must be submitted at least 3 days (72 Hours) prior to the scheduled filming dates. The City will review it and contact the appropriate city officials to verify safety procedures. Please follow the instructions on the film permit application form.

Upon issuance of the film permit by the Clerk's office there will be a \$700.00 fee (as of 4/12/10) due and payable to the City of Hoboken.

# EXHIBIT F

April 7, 2017

City of Hoboken, City Clerk

94 Washington St.

Hoboken, New Jersey 07030

Pursuant to Title 19 of the New Jersey election law we most strenuously object to your office accepting nominating petitions for the office of local Democratic Party Committee for Ward 2, District 1 in the June 6, 2017 primary election of Sheillah Dallara and Aaron Dallara for the following reasons:

- 1) The deadline was 4:00pm, Monday, April 3, 2017 – this petition was stamped received at 6:13pm, Wednesday, April 5, 2017 – over 2 days late
- 2) The candidates are the only voters who signed the petition – there are only 2 signatures – this does not fulfill the requisite number of signatures necessary to be put on the ballot.

We object to these candidates being put on the ballot and we trust they will not be afforded the privilege of being placed on the ballot due to the aforementioned reasons.

Thank you very much.

Sincerely,

John Keim on behalf of the Hoboken Democratic Organization

cc: Hudson County Clerk

cc: Sheillah & Aaron Dallara

# EXHIBIT G



**MUNICIPAL CITY CLERK'S OFFICE**

**CITY OF HOBOKEN  
HOBOKEN, NEW JERSEY 07030  
(201) 420-2074**

**JAMES J. FARINA  
MUNICIPAL CITY CLERK**

April 10, 2017

Re: Sheillah Dallara and Aaron Dallara

Dear Mr. Keim:

Please accept this correspondence in response to your letter dated April 7, 2017. Notwithstanding the objections contained in your letter, the City is accepting the nominating petitions for the office of local Democratic Party Committee for Ward 2, District 1 for the June 6, 2017 primary election of Sheillah Dallara and Aaron Dallara. Significantly, the Clerk was timely provided correspondence dated April 3, 2017 and April 6, 2017 from Assemblyman Vincent Prieto and Mayor Dawn Zimmer, advising that both individuals were running as part of the Hudson County Democratic Organization. Pursuant to N.J.S.A. 19:23-20, both candidates properly amended the documentation provided to the Clerk's office so as to remedy any defect by timely submitting the appropriate forms within the deadline to amend. In addition, as to the objection that there are only two signatures on the petition, please be advised that based upon the amount of votes received within the district at the last election, that is a sufficient number of signatures. Accordingly, both candidates will be placed on the ballot for the June 6, 2017 primary election.

Thank you for your consideration in this matter.

Very truly yours,

James J. Farina  
Hoboken Municipal City Clerk

hudson  
county  
democratic  
organization

Vincent Prieto  
*Chairman*

April 3, 2017

John Minella  
*Executive Director*

Diane Coleman  
*Vice-Chair*

Hon. Barbara Netchert  
Hudson County Clerk  
257 Cornelison Avenue #400  
Jersey City, New Jersey 07302

Barbara Stamato  
*Treasurer*

Alexander Habib  
*Recording  
Secretary*

Nicholas J. Rivelli  
*Corresponding  
Secretary*

Dear Clerk Netchert:

As Chairman of the Hudson County Democratic Organization I am formally requesting that the slogan: "**Hudson County Democratic Organization**" be affixed under the names of the following candidates for County Committee submitted by Dawn Zimmer on behalf of the **Hoboken Democratic Party** in the upcoming Primary Election on Tuesday, June 6, 2017.

Headquarters  
2175 John F. Kennedy Blvd.  
Jersey City, NJ 07302

See list attached

Mailing  
PO Box 46  
Bayonne, NJ 07002

Please be advised that this list supersedes any list submitted on behalf of Democratic committee candidates in Hoboken.

I am also requesting that these candidates be bracketed with the other Democratic candidates using the slogan "**Hudson County Democratic Organization.**"

If you should have any questions, please contact HCDO Executive Director John Minella at 732.407.8114



Sincerely,

Vincent Prieto  
Chairman, Hudson County Democratic Organization

RECEIVED  
2017 APR -6 AM 11:10  
COUNTY CLERK  
BARBARA NETCHERT

Candidate?	Voter ID#	Ward	District Name	Gender	Party	Address	Comments	Required Petitions		
								2015	# of Assembly	5%
								Petition	Ballots	Cast
✓	110322381	1	2 Christina Andersen	F	D	1 Marine View Plz 24A	Complete	10	124	6.2
	110195083	1	2 Martin Andersen	M	D	1 Marine View Plz 24A		5	8	0.4
✓	110009322	1	3 Teresa Miller	F	D	235 Hudson St 611	Complete; inc. Party Aff form for	8	21	1.05
	524140699	1	3 James Pompa	M	U	221 Washington St 402	James			
✓	110298124	1	4 Ann Holtzman	F	D	80 Bloomfield St 6A	Complete; submitting 2 petitions	8	21	1.05
	152677263	1	4 Seth Abrams	M	D	116 Bloomfield St 2				
✓	524846247	1	5 Amy Bernard	F	D	117 Willow Ave 5	Complete; inc. Party Aff form for Davi	6	8	0.4
	523298991	1	5 David Orther	M	U	117 Willow Ave 4	and ones for 2 petition signers			
✓	110552312	1	6 Jimmy Ko	F	U	380 Newark St	Complete; Jimmy submitted Party Affil	3	8	0.4
	119718295	1	6 Mitchell Fagen	M	D	380 Newark St 4C	change last week			
✓	521279752	2	1 Shelliah Dallara	F	D	1000 Hudson St 201	Complete; inc. Party Aff form for	23	1.15	
	152314365	2	1 Aaron Dallara	M	U	1000 Hudson St 201	Aaron			
✓	150625420	2	2 Linda Kwok	F	D	1125 Maxwell Ln 911	Complete; John submitted a Party	3	22	1.1
	110269364	2	2 John Brandforte	M	U	1125 Maxwell Ln 1121	Affiliation form to City Hall on 2/27			
✓	110553717	2	3 Nora Martinez	F	D	1254 Garden St	Complete; includes change of address	15	25	1.25
	110253166	2	3 Damian Debenetto	M	D	1212 Park Ave	for Nora.			
✓	110403285	2	4 Allen Kratz	M	D	1245 Bloomfield St	Complete	12	39	1.95
✓	110580972	2	5 Ava Schoelhnast	F	D	1201 Hudson St 603-S	Complete	3	10	0.5
	151144438	2	5 Lon Osullivan	M	D	2 Constitution Ct 1109				
✓	150268586	2	6 Kretina Wright	F	D	1500 Washington St 2I	Complete	3	28	1.4
	110153512	2	6 Michael Henderson	M	D	1500 Hudson St 3N				
✓	120164544	3	2 Allison Strobel	F	D	420 Jefferson St, 3A	Complete; Allison submitted Change	9	110	5.5
	110152280	3	2 William Mcgarry	M	D	403 Monroe St 1L	of address on 3/11/17			
✓	150080908	3	4 Lisa Farrell	F	D	600 Jackson St 418E	Complete; Lisa Farrell Sprengle	12	56	2.8
	110513828	3	4 Avi Ohning	M	D	626 Jefferson St A	Includes married name			

**Dawn Zimmer**  
59 Madison Street  
Hoboken, NJ 07030

April 3, 2017

Hon. Vincent Prieto, Chairman  
Hudson County Democratic Organization  
3521 Kennedy Boulevard  
Jersey City, NJ 07306

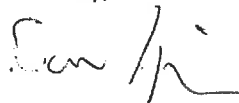
Dear Chairman Prieto:

In accordance with the provisions set forth in the N.J.S.A. 19:23-17, I am formally requesting that the slogan "Hudson County Democratic Organization" be affixed under the Hudson County Democratic Committee candidates (see attached list)

Please be advised that the attached list supersedes any list that may have been submitted on behalf of Democratic Committee Candidates from the City of Hoboken.

I am also requesting that the candidates for Hudson County Democratic Committee be bracketed in the same column of the voting machines as the other candidates bearing "Hudson County Democratic Organization".

Sincerely,



Dawn Zimmer  
Encl.

2017 APR -3 PM 3:38  
CITY OF HOBOKEN  
RECEIVED



Voter ID#	Ward	District	Name	Gender	Address
110322381	1	2	Christina Andersen	F	1 Marine View Plz 24A
110195083	1	2	Martin Andersen	M	1 Marine View Plz 24A
110009322	1	3	Teresa Miller	F	235 Hudson St 611
524140699	1	3	James Pompa	M	221 Washington St 402
110298124	1	4	Ann Holtzman	F	80 Bloomfield St 6A
152677263	1	4	Seth Abrams	M	116 Bloomfield St 2
524846247	1	5	Amy Bernard	F	117 Willow Ave 5
523298991	1	5	David Ortner	M	117 Willow Ave 4
110552312	1	6	Jinny Ko	F	380 Newark St
119718295	1	6	Mitchell Fagen	M	380 Newark St 4C
521279752	2	1	Sheillah Dallara	F	1000 Hudson St 201
152314365	2	1	Aaron Dallara	M	1000 Hudson St 201
150625420	2	2	Linda Kwok	F	1125 Maxwell Ln 911
110269364	2	2	John Branciforte	M	1125 Maxwell Ln 1121
110553717	2	3	Nora Martinez	F	1254 Garden St
110253166	2	3	Damian Debenedetto	M	1212 Park Ave
110403285	2	4	Allen Kratz	M	1245 Bloomfield St
110580972	2	5	Ava Schoellnast	F	1201 Hudson St 603-S
151144438	2	5	Lon Osullivan	M	2 Constitution Ct 1109
150268586	2	6	Kretina Wright	F	1500 Washington St 2I
110153512	2	6	Michael Henderson	M	1500 Hudson St 3N
120164544	3	2	Allison Strobel	F	420 Jefferson St, 3A
110152280	3	2	William MCGarvey	M	403 Monroe St 1L
150080908	3	4	Lisa Farrell	F	600 Jackson St 418E
110513828	3	4	Avi Ohring	M	626 Jefferson St A
114392732	3	5	Tara Mullins	F	830 Monroe St. 3G
104593921	3	5	John P. Allen	M	830 Monroe St. 3G

# EXHIBIT H

Ines Garcia-Keim  
1103 Washington St. #1  
Hoboken, NJ 07030  
(201)637-4007  
[garciakeim@msn.com](mailto:garciakeim@msn.com)

Peter Biancamano  
1125 Washington St. #1F  
Hoboken, NJ 07030  
(201)344-7007  
[pete3521@aol.com](mailto:pete3521@aol.com)

April 13, 2017

Dear Mr. Farina,

We are stunned and outraged by your recent response to our timely-filed petition challenge to the petitions filed by Sheillah Dallara and Aaron Dallara for the Hudson County Democratic County Committee in the Second Ward, First District. We urge you to follow your statutory responsibilities and reconsider this blatantly illegal action before we are forced to pursue this matter further in court and/or with the appropriate law enforcement authorities.

To review, the petition filing deadline, pursuant to N.J.S.A. 19:23-14, is at “4:00 p.m. of the 64th day next proceeding the day of the holding of the primary election for the general election.” This statutory deadline was 4:00 P.M. on Monday, April 3, 2017. Yet, somehow, you accepted for filing the petitions filed by Mr. and Ms. Dallara, according to your own office’s time stamp, at 6:13 P.M. on Wednesday, April 5, 2017. Putting aside why your office was somehow open after 6 P.M. on that date, when your website states you close at 4:00 P.M., that was more than ***two days beyond the statutory deadline***. This is not a situation where a candidate runs into traffic and shows up to your office to file petitions a few minutes late – this was a blatant violation of New Jersey election law. You know you never should have accepted the petition in the first place, and if and when you are placed under oath in this matter we suspect you will be forced to testify that in your decades of serving as City Clerk, you have never before accepted an untimely petition in this matter.

Nonetheless, in response to our objection to these untimely petitions, you wrote what can only be described as gibberish. You claim that you were “timely provided correspondence dated April 3, 2017 and April 6, 2017 from Assemblyman Vincent Prieto and Mayor Dawn Zimmer, advising that both individuals were running as part of the Hudson County Democratic Organization.” You then claim that that pursuant to a provision of the election law that allows for defective petitions to be amended within three days after the filing deadline, Mr. and Ms. Dallara amended the “documentation provided to the Clerk’s office so as to remedy any defect by timely submitting the appropriate forms within the deadline to amend.” You do not refute in any way our contention that Mr. and Ms. Dallara failed to file their petitions within the statutory deadline, which is all that matters.

Again, you well know that the HCDO’s consent to allow Mr. and Ms. Dallara to bracket with its candidates and run on its line ***does not supersede the obligation of a candidate to file a petition by the deadline established by law***. And the statute allowing the amendment of petitions (even though it is not clear what amendment you are talking about) to cure defects ***does not override the obligation to have filed those petitions on time in the first place!*** These are purely made-up excuses to justify the indefensible – your blatant violation of your obligations as the City Clerk to follow the law.

It is apparent to us what you are trying to do here – force us to go to court and expend hundreds or thousands of dollars to file a lawsuit involving unpaid County Committee seats, or allow you to get away with breaking the law on behalf of Mayor Zimmer’s preferred candidates while harming our own candidacies. That is a blatant abuse of your office, and on its face, seems to come close to constituting Official Misconduct. See N.J.S.A. 2C:30-2.

Additionally, as this matter is likely to proceed to litigation or be the subject of further investigation, please ensure that all letters, e-mails and other communications between your office and anyone else regarding this matter are preserved. Knowing your long history as City Clerk and your stature in the community, we strongly suspect you were ordered to accept these petitions by someone else, rather than made this decision on your own - and we intend to find out who that was. But ultimately, you are responsible for your office, and want to remind you that it is never too late to do the right thing and adhere to your obligations under the law.

Please advise us by 10:00 A.M. on Monday, April 17, 2017 as to your position in this matter. We may be reached at (201)637-4007 for Ms. Garcia-Keim and (201)344-7007 for Mr. Biancamano.

Sincerely,

Ines Garcia-Keim & Peter Biancamano

STEVEN W. KLEINMAN, ESQ. (ID # 02768-2002)  
CLEARY, GIACOBBE, ALFIERI & JACOBS LLC  
169 RAMAPO VALLEY ROAD  
UPPER LEVEL, SUITE 105  
OAKLAND, NJ 07436  
Telephone: (201) 845-6700  
Facsimile: (201) 644-7601  
Attorney for Plaintiffs

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PETER BIANCAMANO AND INES  
GARCIA-KEIM,

Plaintiffs,

v.

JAMES FARINA, in his official capacity as  
Hoboken City Clerk; BARBARA  
NETCHERT, in her official capacity as  
Hudson County Clerk, SHEILLAH  
DALLARA and AARON DALLARA,

Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION:  
HUDSON COUNTY  
DOCKET NO.: HUD-L-

Civil Action

**CERTIFICATION OF SERVICE**

I, STEVEN W. KLEINMAN, hereby certify as follows:

1. I am an attorney-at-law of the State of New Jersey and represent the Plaintiffs, Peter Biancamano and Ines Garcia-Keim, in the above-captioned matter.

2. On April 17, 2017, an original and two (2) copies of a Verified Complaint, Order to Show Cause Seeking Temporary Restraints, Case Information Statement, and Letter Brief were served upon Clerk, Superior Court of New Jersey, Administration Building, 595 Newark Avenue, Jersey City, NJ 07306 via hand delivery.

3. On the above date, one (1) copy of the aforementioned papers was served upon the following individuals via hand delivery:

Hon. Peter F. Bariso, Jr., A.J.S.C.  
Superior Court of New Jersey  
Administration Building  
595 Newark Avenue  
Jersey City, NJ 07306

James Farina  
Hoboken City Clerk's Office  
Hoboken City Hall  
94 Washington Street  
Hoboken, NJ 07030

Barbara Netchert  
Hudson County Clerk's Office  
257 Cornelison Avenue  
4th Floor  
Jersey City, NJ 07302

Sheillah and Aaron Dallara  
1000 Hudson Street, Apartment 201  
Hoboken, NJ 07030

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.






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STEVEN W. KLEINMAN

Dated: April 17, 2017

Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<small>FOR USE BY CLERK'S OFFICE ONLY</small>	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
			CHG/CK NO.	
			AMOUNT:	
			OVERPAYMENT:	
				BATCH NUMBER:
ATTORNEY / PRO SE NAME Steven W. Kleinman		TELEPHONE NUMBER (201) 306-0422	COUNTY OF VENUE Hudson	
FIRM NAME (if applicable) Cleary, Giacobbe, Alfieri & Jacobs LLC		DOCKET NUMBER (when available)		
OFFICE ADDRESS 169 Ramapo Valley Road Upper Level, Suite 105 Oakland, NJ 07436		DOCUMENT TYPE Verified Complaint		
		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Peter Biancamano and Ines Garcia-Keim, Plaintiffs		CAPTION Peter Biancamano and Ines Garcia-Keim v. James Farina, in his official capacity as Hoboken City Clerk, Barbara Netchert, in her official capacity as Hudson County Clerk, Aaron Dallara and Sheila Dallara		
CASE TYPE NUMBER (See reverse side for listing)  701	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS  N/A		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known)  <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION This matter is brought via Order to Show Cause seeking temporary restraints pursuant to R. 4:52 and thus will need to be handled on an expedited basis.				
 Do YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?		
<b>I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).</b>				
ATTORNEY SIGNATURE: 				



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Multicounty Litigation (Track IV)

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>271 ACCUTANE/ISOTRETINOIN</li> <li>274 RISPERDAL/SEROQUEL/ZYPREXA</li> <li>281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL</li> <li>282 FOSAMAX</li> <li>285 STRYKER TRIDENT HIP IMPLANTS</li> <li>286 LEVAQUIN</li> <li>287 YAZ/YASMIN/OCELLA</li> <li>289 REGLAN</li> <li>290 POMPTON LAKES ENVIRONMENTAL LITIGATION</li> <li>291 PELVIC MESH/GYNECARE</li> </ul> | <ul style="list-style-type: none"> <li>292 PELVIC MESH/BARD</li> <li>293 DEPUY ASR HIP IMPLANT LITIGATION</li> <li>295 ALLODERM REGENERATIVE TISSUE MATRIX</li> <li>296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS</li> <li>297 MIRENA CONTRACEPTIVE DEVICE</li> <li>299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR</li> <li>300 TALC-BASED BODY POWDERS</li> <li>601 ASBESTOS</li> <li>623 PROPECIA</li> </ul> |
|---|--|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics.

Please check off each applicable category  Putative Class Action  Title 59