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| <p>IN RE MUNICIPAL ELECTION OF MAY 14, 2019 FOR THE OFFICE OF TOWN COMMISSIONER OF THE TOWN OF WEST NEW YORK, HUDSON COUNTY, STATE OF NEW JERSEY.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: HUDSON COUNTY DOCKET NO.:</p> <p style="text-align: center;"><i>Civil Action</i></p> <p style="text-align: center;">ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS</p> |
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THIS MATTER being brought before the Court by Gregg F. Paster & Associates PC, attorneys for Petitioner Felix Roque, MD, seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the petition for recount and recheck filed herewith; and it appearing that Respondents E. Junior Maldonado, Hudson County Clerk, John Brzozowski, Hudson County Deputy Superintendent of Elections, the Hudson County Board of Elections, and Carmela Riccio, RMC, Town Clerk for the Town of West New York, have notice of this application and for good cause shown;

IT IS on this ____ day of _____, 2019, **ORDERED** that the parties named in the Petition appear and show cause on the ____ day of _____ 2019, before the Hudson County Superior Court, in Jersey City, New Jersey, at _____ o'clock in the _____, or as soon thereafter as counsel can be heard, why an Order should not be issued:

- A. Ordering a recounting and rechecking, and authorizing Petitioner's expert to examine and test the accuracy of the voting machines, voting authorizations, emergency ballots and irregular ballots, a hand count of the absentee, emergency, and provisional ballots, and examination of the rejected absentee, and provisional ballots for the Election in accordance with N.J.S.A. §§ 19:28-3 and 19:52-6.1;
- B. Ordering that pending such recheck and recount and until further Order of this Court, that the Hudson County Board of Elections, the Hudson County Superintendent of Elections, the Hudson County Clerk and the Municipal Clerk of the Township of West New York, be restrained and enjoined from unlocking, unsealing, opening, resetting, zeroing, stripping, disposing of, or otherwise interfering with the voting machines, voting authorities, and voting records, and that they further preserve and secure all provisional ballots, envelopes, inner envelopes, envelope flaps, emergency ballots, voting authorities, canvass sheets, absentee ballots, envelopes, inner envelopes, envelope flaps, applications, rejected absentee ballots, messenger records and other documents, records or memoranda regarding the conduct or results of the election;
- C. Ordering that the Petitioner or his representatives or expert witness(es) be empowered and permitted to examine and copy the election materials, documents, and all provisional ballots, envelopes, inner envelopes, envelope flaps, emergency ballots, voting authorities, canvass sheets, absentee ballots, envelopes, inner envelopes, envelope flaps, applications, rejected absentee ballots, messenger records and other documents, and all other records or memoranda regarding the conduct or results of the election at any time during the pendency of this action; and
- D. Granting such other relief as the Court deems equitable and just.

IT IS FURTHER ORDERED that pending the return date herein, Respondents are temporarily enjoined and restrained from unlocking, unsealing, opening, resetting, zeroing, stripping, disposing of, or otherwise interfering with the voting machines, voting authorities, and voting records, and that they further preserve and secure all voting machines, provisional ballots, envelopes, inner envelopes, envelope flaps, emergency ballots, voting authorities, canvass sheets, absentee ballots, envelopes, inner

envelopes, envelope flaps, applications, rejected absentee ballots, messenger records and other documents, records or memoranda regarding the conduct or results of the election.

IT IS FURTHER ORDERED that:

1. Any party named in the Petition may move to dissolve or modify the temporary restraints herein contained on _____ days notice to the Petitioner's attorneys.

2. A copy of this Order to Show Cause, Petition for Recount and Recheck, and all certifications submitted in support of this application be served upon the Parties named in the Petition or their registered agents within ____ days of the date hereof, by personal service, facsimile, or overnight delivery.

3. Petitioner must file with the court its proof of service of the pleadings on the Respondents no later than ____ days before the return date.

4. Respondents 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 _____, 2019. The original documents must be filed with the Clerk of the Superior Court in the county listed above and a copy of your opposition papers must be sent directly to the chambers of Judge _____. You must also send a copy of your opposition papers to Petitioner's attorney, whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief Petitioner is seeking.

5. The Petitioner must file and serve any written reply to the Respondents' Order to Show Cause opposition by _____, 2019. 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 _____.

6. If the Respondents 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 Petitioner files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the Petitioner has 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 _____ days before the return date.

8. 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.

J.S.C.