

Supreme Court, U.S.  
FILED  
MAY 13 2026  
OFFICE OF THE CLERK

No. **25A 1386**

---

In the Supreme Court of the United States

---

NICKIE KANE,  
APPLICANT,

v.

BRAD LANDER,  
RESPONDENT-CANDIDATE.

and

BOARD OF ELECTIONS IN THE CITY OF NEW YORK,  
RESPONDENT-BOARD.

---

On Emergency Application For Stay And Injunction To The Honorable Sonia  
Sotomayor, Associate Justice Of The Supreme Court Of The United States  
And Circuit Justice For The Second Circuit

---

**EMERGENCY APPLICATION FOR STAY**

---

Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219  
(786) 440-8209  
NickieKaneforNYC@gmail.com

*Applicant, Pro Se*

---

RECEIVED  
JUN - 1 2026  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
MAY 19 2026  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **PARTIES TO THIS PROCEEDING**

**Applicant in this Court is Nickie Kane, who was the Petitioner-Candidate-Aggrieved in the Supreme Court of the State of New York, New York County.**

**Respondent-Candidate is Brad Lander, who was the Respondent-Candidate below.**

**Respondent-Board is the Board of Elections in the City of New York, which was the Respondent-Board below.**

**The proceedings below were:**

- 1. Kane v. Lander, et al., Index No. 451585/2026, Supreme Court of the State of New York, New York County. The court dismissed Applicant's Election Law proceeding by Decision and Order dated April 28, 2026.**
- 2. Applicant thereafter sought renewal and reargument, arguing that the lower court misapprehended the record and imposed a service requirement not contained in the signed Order to Show Cause.**
- 3. Applicant seeks emergency relief to preserve meaningful judicial review before election deadlines render the case effectively moot.**

**TABLE OF CONTENTS**

**PARTIES TO THIS PROCEEDING ..... i**

**TABLE OF AUTHORITIES ..... iii**

**TO THE HONORABLE SONIA SOTOMAYOR ..... 1**

**DECISIONS BELOW ..... 2**

**JURISDICTION ..... 3**

**STATEMENT ..... 3**

**REASONS FOR GRANTING THE APPLICATION ..... 7**

**I. Applicant Is Likely To Succeed Because The Lower Court Imposed A Service Requirement Not Clearly Stated In The Order To Show Cause ..... 7**

**II. The Verified Petition And Affirmation Supplied The Operative Facts And Gave Respondent Full Notice ..... 8**

**III. The Lower Court’s Dismissal Violated Due Process By Denying Meaningful Review Based On An Unclear Procedural Trap ..... 9**

**IV. Applicant Will Suffer Irreparable Harm Without Emergency Relief ..... 10**

**V. The Balance Of Equities And Public Interest Favor A Stay ..... 11**

**CONCLUSION ..... 11**

**DECLARATION ..... 11**

**APPENDIX ..... 13**

## TABLE OF AUTHORITIES

### Statutes and Rules

28 U.S.C. § 1257 .....	3
28 U.S.C. § 1651 .....	3
N.Y. Election Law § 16-100 .....	3
N.Y. Election Law § 16-102 .....	3
N.Y. Election Law § 16-116 .....	3, 7
CPLR § 2221 .....	6
Supreme Court Rule 22 .....	3
Supreme Court Rule 23 .....	3

**TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE  
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR  
THE SECOND CIRCUIT:**

**Applicant Nickie Kane respectfully applies for an emergency stay and injunctive relief to preserve meaningful judicial review in a time-sensitive New York Election Law proceeding. Applicant seeks a stay of the effect of the orders entered by the Supreme Court of the State of New York, New York County, in Kane v. Lander, et al., Index No. 451585/2026, dismissing Applicant's petition to invalidate Respondent-Candidate Brad Lander's designating petition and denying further review of that dismissal.**

**This case arises from a ballot-access proceeding involving allegations of fraud in the collection and witnessing of designating petition signatures. Applicant alleged that individuals under the age of eighteen collected signatures for Respondent-Candidate, that those signatures were falsely witnessed by another person, and that Respondent-Candidate and/or his campaign had notice of the violation before the petitions were submitted.**

**The lower court did not resolve those allegations on the merits. Instead, the court dismissed the proceeding on service grounds, concluding that Applicant failed to serve all "papers upon which" the Order to Show Cause was granted. The court treated an email and other supporting materials as jurisdictionally required service documents even though the signed Order to Show Cause did not specifically identify**

those materials, did not identify the March 22, 2026 email, did not identify NYSCEF Doc. No. 4, and did not direct service of any exhibit.

Applicant respectfully requests emergency relief because the election calendar threatens to make ordinary appellate review meaningless. Without immediate intervention, Applicant's claims concerning petition fraud, ballot access, due process, and meaningful access to judicial review may become effectively moot before any court reaches the merits.

Applicant respectfully requests relief by June 12, 2026, before ballot certification, ballot printing, or other election-calendar deadlines render review ineffective.

#### DECISIONS BELOW

The decision below dismissed Applicant's Election Law proceeding on service grounds. The Supreme Court of the State of New York, New York County, held that Applicant failed to strictly comply with the Order to Show Cause because the service package allegedly did not include all "papers upon which" the Order to Show Cause was granted.

Applicant also moved to renew and reargue. In that motion, Applicant argued that the Verified Petition, supporting affirmation, and Order to Show Cause did not list, attach, incorporate, or identify the March 22, 2026 email or any exhibit as jurisdictionally required service documents. Applicant further argued that Respondent-Candidate had actual notice and filed a detailed answer addressing the claims.

Copies of the relevant decisions and orders are attached in the Appendix.

## JURISDICTION

This Court has authority to issue emergency relief in aid of its potential jurisdiction pursuant to 28 U.S.C. § 1651 and Supreme Court Rules 22 and 23. This Court may review final judgments of the highest court of a State in which a decision could be had where a federal question is properly presented. 28 U.S.C. § 1257.

Applicant recognizes that state appellate review may still be pending or ongoing. However, emergency intervention is necessary because the election calendar may render ordinary review ineffective. This Court has authority to preserve its potential jurisdiction where state-court proceedings threaten to cause irreparable harm before federal constitutional claims can be meaningfully reviewed.

## STATEMENT

Applicant commenced a proceeding under New York Election Law §§ 16-100, 16-102, and 16-116 seeking to invalidate Respondent-Candidate Brad Lander's designating petition.

Applicant's Verified Petition alleged that Respondent-Candidate's designating petition was insufficient, defective, invalid, false, fraudulent, and did not conform to the Election Law. The Verified Petition alleged that signatures were obtained by individuals under the age of eighteen who were not qualified to collect petition signatures, that signatures collected by such individuals were falsely witnessed by

another person, that witness statements falsely attested that signatures were collected in the presence of the subscribing witness, and that entire petition sheets were invalid due to improper witnessing.

Applicant also submitted an affirmation in support of the Order to Show Cause. In that affirmation, Applicant stated that she personally observed an individual collecting signatures on behalf of Respondent-Candidate, asked the individual his age, and the individual confirmed that he was under eighteen years old. Applicant further stated that she informed the individual that he was not permitted to collect signatures under New York Election Law, but the individual continued collecting signatures. Applicant also alleged that Respondent-Candidate and/or his campaign were notified of the violation and nevertheless submitted the signatures collected by the underage individual.

The Order to Show Cause stated that the application was made upon Applicant's affirmation, the annexed Verified Petition, the designating petition, the Board of Elections files, and the papers and proceedings. The service provision directed service of the Order to Show Cause and Verified Petition, together with the papers upon which it was granted.

The signed Order to Show Cause did not specifically identify the March 22, 2026 email, did not identify NYSCEF Doc. No. 4, did not identify "Exhibit A," and did not direct Applicant to serve any specific exhibit as a jurisdictional requirement.

**Applicant served the Order to Show Cause and Verified Petition. Respondent-Candidate appeared and filed a detailed Verified Answer. Respondent-Candidate argued, among other things, that service was defective because Applicant allegedly failed to include all “papers upon which” the Order to Show Cause was granted, including the March 22, 2026 email and other materials.**

**Applicant never asked the lower court to review any exhibit, attachment, or email as a necessary basis for granting the Order to Show Cause. The Verified Petition, supporting affirmation, and March 22, 2026 email contained the same operative facts and allegations. There were no missing facts or allegations that appeared only in the email. The Petition itself alleged that an individual under the age of eighteen collected petition signatures, that Applicant personally observed the conduct, confirmed the individual’s age, notified Respondent-Candidate and/or his campaign, and alleged that the signatures were submitted despite notice and falsely witnessed by another individual. The email merely restated those same allegations.**

**Because Respondents received the Verified Petition and were able to file a detailed answer addressing the claims, the alleged omission of the email could not have deprived Respondents of notice or caused prejudice. The lower court nevertheless treated the email as a jurisdictionally required service document, even though the signed Order to Show Cause did not identify the email, did not identify NYSCEF Doc. No. 4, did not identify “Exhibit A,” and did not direct service of any specific exhibit or attachment.**

The lower court accepted Respondent-Candidate's service argument and dismissed the petition. The court did not hold an evidentiary hearing on fraud. It did not decide whether the petition allegations were true. It did not determine whether underage individuals collected signatures or whether signatures were falsely witnessed. It dismissed solely on service grounds.

Applicant moved to renew and reargue under CPLR 2221(d) and (e). Applicant argued that the court misapprehended the record because the Verified Petition, Affirmation, and Order to Show Cause did not list, attach, incorporate, or require service of the March 22, 2026 email or any exhibit. Applicant further argued that the operative allegations were already contained in the Verified Petition and Affirmation, and that Respondent-Candidate had actual notice because he filed a detailed Verified Answer addressing the claims.

Applicant also submitted additional proof supporting renewal, including evidence that documents were sent by UPS Next Day Air to Respondent-Candidate's address and proof of delivery showing timely delivery.

The lower court denied renewal and reargument.

Applicant now seeks emergency relief to prevent the election calendar from extinguishing meaningful review of her claims.

#### **REASONS FOR GRANTING THE APPLICATION**

**I. Applicant Is Likely To Succeed Because The Lower Court Imposed A Service Requirement Not Clearly Stated In The Order To Show Cause**

**The lower court dismissed Applicant's Election Law proceeding because it concluded that Applicant did not serve all "papers upon which" the Order to Show Cause was granted. But the court treated materials as jurisdictionally required even though the signed Order to Show Cause did not identify them.**

**The Order to Show Cause and the court's decision did not clarify which documents the court relied upon in granting the Order to Show Cause. The signed Order did not identify the March 22, 2026 email, NYSCEF Doc. No. 4, "Exhibit A," or any other specific exhibit or attachment as a paper required for jurisdictional service. Because the court never identified those documents as required service papers, Applicant could not reasonably know that failure to serve them would later be treated as a jurisdictional defect.**

**Election Law § 16-116 provides that notice in an Election Law proceeding shall be given as the court or justice directs. Applicant does not dispute that service requirements in an Election Law proceeding must be strictly followed. But strict compliance means compliance with the directive actually issued by the court. It does not permit dismissal based on unstated service requirements.**

**The signed Order to Show Cause did not identify the March 22, 2026 email. It did not identify NYSCEF Doc. No. 4. It did not mention "Exhibit A." It did not direct**

service of all exhibits or all NYSCEF filings. It did not warn that failure to serve an email or exhibit would be treated as a jurisdictional defect.

Applicant therefore could not reasonably know that a separate email filing, not identified in the Order itself, would later be treated as a jurisdictional service document. The lower court imposed an after-the-fact service requirement.

A pro se litigant in an emergency election proceeding should not be required to guess which documents a court may later deem jurisdictional when the signed order does not identify them. The lower court's ruling deprived Applicant of a fair opportunity to comply with the service directive as written.

## II. The Verified Petition And Affirmation Supplied The Operative Facts And Gave Respondent Full Notice

The lower court's ruling also ignored that the Verified Petition and Affirmation contained the operative allegations directly. The email was not the pleading. It was, at most, cumulative support.

The Verified Petition alleged underage signature collection, false witnessing, improper witness statements, fraud, and invalid petition sheets. The Affirmation stated that Applicant personally observed an individual collecting signatures, asked his age, confirmed he was under eighteen, notified the campaign, and alleged that signatures collected by the underage individual were submitted and falsely witnessed.

Thus, Respondent-Candidate had full notice of the claims. Respondent-Candidate filed a detailed Verified Answer addressing service, standing, jurisdiction, timeliness, verification, and the merits of the fraud allegations.

The purpose of service is notice. Respondent-Candidate had notice and responded. There was no prejudice.

The dismissal elevated a technical dispute over cumulative supporting materials above the sworn pleadings that actually stated the claims.

### III. The Lower Court's Dismissal Violated Due Process By Denying Meaningful Review Based On An Unclear Procedural Trap

The Due Process Clause requires notice and a meaningful opportunity to be heard. Election cases are time-sensitive. A procedural ruling that prevents any review of serious ballot-access fraud allegations can operate as a complete denial of meaningful review.

Here, Applicant attempted to comply with the court's service directive. The Order did not identify the allegedly missing email or exhibit as required service papers. Yet the court dismissed the proceeding for failing to serve those materials.

This created an unfair procedural trap. Applicant was punished for failing to serve documents the Order did not clearly identify. That kind of after-the-fact procedural requirement is inconsistent with due process, especially in a proceeding where the election calendar can render the case moot before appeal.

Applicant's allegations were never heard on the merits. The lower court did not determine whether fraud occurred. It did not determine whether minors collected signatures. It did not determine whether signatures were falsely witnessed. It dismissed based on a service theory that was not clearly disclosed in the Order to Show Cause.

#### **IV. Applicant Will Suffer Irreparable Harm Without Emergency Relief**

Without emergency relief, the election calendar may render Applicant's claims impossible to remedy.

This case concerns ballot access, petition fraud, and the integrity of the electoral process. Once ballot certification, ballot printing, mailing, or election administration proceeds, Applicant's ability to obtain meaningful relief may be lost.

The harm is irreparable because the alleged injury is not merely monetary. Applicant seeks a fair judicial review of whether Respondent-Candidate's designating petition was tainted by fraud. If the election proceeds without review, that injury cannot be fully corrected after the fact.

#### **V. The Balance Of Equities And Public Interest Favor A Stay**

A stay would preserve the status quo and allow meaningful review. It would not decide the merits of Applicant's fraud allegations. It would only prevent the election calendar from extinguishing judicial review.

**Respondents will suffer no comparable harm from a brief stay or expedited review. The public, however, has a strong interest in ensuring that candidates qualify for the ballot through lawful petitions and that allegations of fraud are not avoided by unclear procedural rulings.**

**The public interest favors transparent, lawful, and fair elections. It also favors access to courts, especially where a pro se candidate alleges that petition signatures were collected by minors and falsely witnessed.**

### **CONCLUSION**

**Applicant respectfully requests that Justice Sotomayor, as Circuit Justice for the Second Circuit, or the full Court:**

- 1. Grant an immediate administrative stay;**
- 2. Stay the effect of the lower court's orders dismissing the Election Law proceeding and denying renewal and reargument;**
- 3. Preserve the status quo pending state appellate review and any petition for writ of certiorari;**
- 4. Enjoin Respondents from taking irreversible election-calendar steps that would render Applicant's claims moot, including final certification, ballot printing, or other actions that would prevent meaningful review;**
- 5. Grant such other and further relief as this Court deems just and proper.**

**Respectfully submitted,**



Nickie Kane  
Applicant Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, New York 11219  
(786) 440-8209  
[NickieKaneforNYC@gmail.com](mailto:NickieKaneforNYC@gmail.com)

Dated: May 13, 2026

### **EMERGENCY DECLARATION OF NICKIE KANE**

I, Nickie Kane, declare under penalty of perjury that the following is true and correct:

- 1. I am the Applicant in this emergency ballot-access matter.**
- 2. I commenced an Election Law proceeding challenging the designating petition of Respondent-Candidate Brad Lander for Representative in Congress from New York's 10th Congressional District.**
- 3. My proceeding was based on serious allegations of fraud and improper petitioning practices.**
- 4. I personally observed an individual collecting signatures on behalf of Respondent-Candidate Brad Lander who appeared to be under the age of eighteen.**
- 5. I asked the individual his age.**
- 6. The individual confirmed that he was under eighteen years old.**
- 7. I told the individual that he was not permitted to collect petition signatures under New York Election Law.**

8. Despite being informed of this issue, the individual continued participating in petitioning activity.
9. I observed the individual actively involved in collecting signatures, not merely standing nearby.
10. I notified Respondent-Candidate Brad Lander and/or his campaign that an underage individual was collecting signatures.
11. Despite that notice, signatures collected by the underage individual were submitted as part of Respondent-Candidate's designating petition.
12. Upon information and belief, another individual falsely signed as the subscribing witness for signatures collected by the underage individual.
13. I alleged that those witness statements were false because the person who signed as subscribing witness did not personally collect or properly witness the signatures collected by the underage individual.
14. I alleged that the submission of those signatures after notice constituted fraud and improper witnessing.
15. Respondent-Candidate did not meaningfully deny that the underage individual was involved in collecting signatures.
16. Instead, Respondent-Candidate relied on the "team method" as a justification.
17. The "team method" explanation does not answer the central issue because Respondent-Candidate did not identify the subscribing witness who allegedly observed the signatures.

18. Respondent-Candidate did not state that a qualified subscribing witness was physically present when the signatures were collected.
19. Respondent-Candidate did not state that a qualified subscribing witness actually observed each signature being made.
20. Respondent-Candidate did not identify which petition sheets contained signatures collected by the underage individual.
21. Respondent-Candidate did not state that the campaign investigated the issue after receiving notice.
22. Respondent-Candidate did not state that the campaign removed, excluded, or cured the signatures collected by the underage individual before filing the designating petition.
23. I uploaded photographic evidence to NYSCEF showing the underage individual involved in the petitioning activity.
24. In the photographs, the underage individual can be seen by himself, which undermines any claim that a qualified subscribing witness was necessarily present and observing the signatures.
25. My Verified Petition contained the operative facts regarding the underage signature collection, notice to the campaign, submission of the signatures, and false witnessing.
26. My supporting affirmation contained the same operative facts.
27. The March 22, 2026 email also contained the same operative facts.
28. There were no missing facts or allegations that appeared only in the email.

29. The email merely repeated the same allegations already contained in the Verified Petition and supporting affirmation.
30. I never asked the lower court to rely on the email, any exhibit, or any attachment as the necessary basis for granting the Order to Show Cause.
31. The lower court dismissed my proceeding on service grounds and never held a hearing on the fraud allegations.
32. The lower court never decided whether the underage individual collected signatures.
33. The lower court never decided whether signatures collected by the underage individual were falsely witnessed.
34. The lower court never decided whether Respondent-Candidate or his campaign had notice before submitting the designating petition.
35. Because the matter was dismissed before a hearing, I was denied the opportunity to present testimony, photographs, documents, and other evidence supporting my fraud allegations.
36. The dismissal prevented meaningful review of serious Election Law fraud allegations affecting ballot access and the integrity of the petitioning process.
37. If emergency relief is not granted, the election calendar may make review meaningless before any court reaches the merits of the fraud allegations.
38. If Respondent-Candidate remains on the ballot based on petition sheets affected by fraud or false witnessing, voters and candidates will be harmed.

**39. I respectfully request emergency relief preserving meaningful judicial review and directing that this matter be restored for a hearing on the merits of the fraud allegations.**

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

**Executed on May 13, 2026**

A handwritten signature in black ink, appearing to read "Nickie Kane", written over a horizontal line.

**Nickie Kane  
Applicant Pro Se**

## APPENDIX

**App. A: April 28, 2026 Decision and Order dismissing petition**

**App. B: Order denying motion to renew and reargue**

**App. C: Order to Show Cause**

**App. D: Verified Petition**

**App. E: Affirmation in Support**

**App. F: Respondent-Candidate's Verified Answer**

**App. G: Motion to Renew and Reargue**

**App. H: Memorandum of Law in Support of Renewal and Reargument**

**App. I: Proof of Service / UPS Proof of Delivery**

**App. J: Notice of Appeal and proof of filing**

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. MATTHEW V. GRIECO PART 30M**

*Justice*

-----X

NICKIE KANE,

Petitioner-Candidate-Agrieved,

- v -

BRAD LANDER,

Respondent-Candidate

-and-

BOARD OF ELECTIONS IN CITY OF NEW YORK,

Respondent-Board.

-----X

INDEX NO. 451585/2026

MOTION DATE N/A, N/A

MOTION SEQ. NO. 001 001

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 10, 12, 13, 14, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29

were read on this motion to/for ELECTION LAW - INVALIDATE PETITION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 10, 12, 13, 14, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29

were read on this motion to/for ELECTION LAW - INVALIDATE PETITION

Upon the foregoing documents and oral arguments on the record on April 24, 2026, the petition is denied and dismissed.

In this special proceeding pursuant to Election Law §§ 16-100, 16-102, and 160-16, petitioner aggrieved candidate Nickie Kane seeks to invalidate the designating petition filed by respondent candidate Brad Lander with respondent Board of Elections in the City of New York ("BOE") to appear as a candidate for the Democratic Party in the June 23, 2026 primary election for the office of Representative in Congress from the 10th Congressional District, New York State.

Election Law § 16-116 provides that a special proceeding commenced pursuant to Article 16 must be heard “upon such notice to such officers, persons or committees as the court or justice shall direct” (see *e.g. Angletti v Morreale*, 25 NY3d 794, 797 [2015]; *Matter of Stark v Williams*, 216 AD3d 859, 861 [2d Dept 2023]). Longstanding appellate precedent consequently holds that, in any proceeding pursuant to Election Law § 16-102, “[t]he method of service provided for in an order to show cause is jurisdictional in nature and must be strictly complied with” (*Matter of Stark v Williams*, 216 AD3d at 861, quoting *Matter of Hennessey v DiCarlo*, 21 AD3d 505, 505 [2d Dept 2005], *lv denied* 5 NY3d 706 [2005]; see *Sorli v Coveney*, 51 NY2d 713 [1980]; *Matter of O’Daniel v Hayduk*, 59 AD2d 706, 707 [2d Dept 1977], *affd* 42 NY2d 1062 [1977]; *Matter of Bruno v Ackerson*, 51 AD2d 1051 [2d Dept 1976], *affd* 39 NY2d 718 [1976]; *Matter of Felder v Tischler*, 208 AD3d 1288, 1289 [2d Dept 2022]; see also *Bacon v Nygard*, 232 AD3d 407 [1st Dept 2024] [same legal principle in non-Election Law setting]).

Petitioner bears the burden of establishing, by a preponderance of the evidence, that proper service was effected and that personal jurisdiction was thereby obtained over the respondent (see *Stewart v Volkswagen of America, Inc.*, 81 NY2d 203, 207 [1993]; *Siri Med. Assocs., PLLC v Paradise Court Mgt. Corp.*, 158 AD3d 516 [1st Dept 2018]; *Ragusa v Board of Elections*, 42 Misc3d 1231[A] [Sup Ct, Queens County 2014]).

Here, the order to show cause that the Court signed on April 20, 2026 provided, in relevant part, that:

service of a copy of this Order to Show Cause and Verified Petition, *together with the papers upon which it is granted*, shall be made by Petitioner upon: respondent Board of Elections ... by personal delivery upon the person designated by the Board to receive such service at 32 Broadway, New York, New York, on or before April 21, 2026, and ... upon Respondent-Candidate Brad Lander by ...

- (a) enclosing the same in a securely sealed and duly postpaid wrapper addressed to such Respondent-Candidate at the address set forth in the designating petition and by mailing/sending the same by overnight USPS delivery, UPS, FedEx or any other recognized overnight, next business day courier with no receiving signature required on or before Tuesday, April 21, 2026; or
- (b) by affixing the same to the inside or outside of the door of the address set forth in said designating petition and by enclosing the same in a securely sealed and duly postpaid wrapper addressed to such Respondent-Candidate at the address set forth in said designating petition and by mailing/sending the same by overnight USPS delivery, UPS, FedEx or any other recognized overnight, next business day courier on or before Tuesday, April 21, 2026, with no receiving signature required;
- (c) by personal delivery of same to such Respondent-Candidate on or before Tuesday, April 21, 2026 [NYSCEF Doc. No. 10 (emphasis added)].

The fourth affirmative defense raised in Lander's verified answer asserts lack of personal jurisdiction due to improper service, in that "[t]he purported service in this matter did not comply with this Court's Order to Show Cause because it did not include all the 'papers upon which it was granted'" (NYSCEF Doc. No. 20, ¶¶ 11-12). Specifically, the answer stated that: "[t]he documents purportedly served via 'Nail and Mail' on Respondent-Candidate BRAD LANDER contained *only* the Order to Show Cause, Petition, and Notice of Electronic filing. The purported service *did not contain* the Exhibits to the Petition, RJI, Emergency Affirmation, Proposed OSC, Application for Waiver of Court Costs/Fees/Expenses, or any other of the 'papers upon which [the OSC] was granted' as required by this Court's Order to Show Cause at Page 4" (*id.* ¶ 15 [emphasis in original]). The answer continued: "Given that Petitioner's sole purported claim here is that she emailed Respondent-Candidate-BRAD LANDER about purported issues with his petitioning team, Exhibit A 'E-Mail to Brad Lander' (NYSCEF Doc. No. 4)

is indisputably among the ‘papers upon which [the OSC] was granted’” (NYSCEF Doc. No. 20, ¶ 17).

At the return date hearing of the order to show cause, counsel for Lander produced the documents that purportedly had been served on the co-respondents and noted that copies of the supporting exhibits were not included with copies of the petition and order to show cause that the Court had signed on April 20, 2026. Kane admitted that she had not, in fact, included copies of the exhibits with copies of the petition and order that she had prepared for service. That omission contradicts the Court’s instruction that Kane serve the co-respondents with copies of the order to show cause “together with the papers upon which it is granted” (NYSCEF Doc. No. 10). As previously noted, a petitioner’s failure to strictly comply with the method of service specified in an order to show cause constitutes a jurisdictional defect that mandates the dismissal of a petition to invalidate (*see Stark*, 216 AD3d at 861; *Ruine v Hines*, 57 AD3d 369, 370 [1<sup>st</sup> Dept 2008] [the petitioner’s service did not comply with the order to show cause where incomplete papers were served]).

Accordingly, it is


ORDERED and ADJUDGED that the petition is denied and dismissed; and it is further

ORDERED that, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry on the Clerk of the General Clerk’s Office, who is hereby directed to reflect the foregoing by appropriately marking the court’s records; and it is further

ORDERED that such service upon the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and*

County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page on the court's website).

This constitutes the decision, order, and judgment of the Court.

<u>4/28/2026</u>					
DATE			MATTHEW V. GRIECO, J.S.C.		
CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION	
	<input type="checkbox"/>	GRANTED	<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. MATTHEW V. GRIECO PART 30M**  
*Justice*

-----X  
NICKIE KANE, INDEX NO. 451585/2026  
MOTION DATE 04/28/2026  
Petitioner, MOTION SEQ. NO. 003  
- v -

BRAD LANDER, BOARD OF ELECTIONS IN CITY OF NEW YORK,  
Respondents.

**DECISION + ORDER ON MOTION**

-----X  
The following e-filed documents, listed by NYSCEF document number (Motion 003) 36, 37, 38 were read on this motion to/for REARGUMENT/RECONSIDERATION.

Upon the foregoing documents, petitioner’s motion for leave to reargue and renew is denied.

On April 28, 2026, this Court denied and dismissed (NYSCEF Doc. No. 35) petitioner’s petition to invalidate the designating petition filed by respondent candidate Brad Lander with respondent Board of Elections in the City of New York (“BOE”) to appear as a candidate for the Democratic Party in the June 23, 2026 primary election for the office of Representative in Congress from the 10<sup>th</sup> Congressional District, New York State. This Court held that petitioner had failed to serve respondent candidate Lander with the papers upon which the Order to Show Cause (“OSC”) was granted, as specified in the OSC (*id.*).

On April 28, 2026, petitioner moved to reargue and renew the Court’s determination pursuant to CPLR 2221(d) and (e) (NYSCEF Doc. No. 38). Petitioner has not identified matters of fact or law that were overlooked or misapprehended by the Court, nor has she offered new facts that would change this Court’s prior determination.


Accordingly, it is

ORDERED that petitioner's motion for leave to reargue and renew is denied; and it is further

ORDERED that, within 30 days from entry of this order, respondent candidate shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office, who is hereby directed to reflect the above by appropriately marking the court's records; and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page on the court's website).

This constitutes the decision and order of the Court.

<u>4/30/2026</u> DATE		 MATTHEW V. GRIECO, J.S.C.
CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> NON-FINAL DISPOSITION
APPLICATION:	<input type="checkbox"/> GRANTED	<input checked="" type="checkbox"/> DENIED
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> GRANTED IN PART
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> SUBMIT ORDER
		<input type="checkbox"/> FIDUCIARY APPOINTMENT
		<input type="checkbox"/> OTHER
		<input type="checkbox"/> REFERENCE

IAS Part 30

At the ~~Ex Parte Motion Office~~ of the Supreme Court of the State of New York, County of New York, located at ~~60 Centre Street, New York, New York,~~ this 20<sup>th</sup> day of April, 2026

Present: Hon. HON. MATTHEW V. GRIECO  
Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

111 Centre

-----X  
In the Matter of the Application of  
NICKIE KANE  
Petitioner-Candidate-Aggrieved

Index No. 451585/2026

-against-

ORDER TO SHOW CAUSE  
TO INVALIDATE  
DESIGNATING PETITION  
FOR FRAUD

BRAD LANDER,  
Respondent-Candidate,

-and-

MS# 1 Election Law -  
Invalidate Petition

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK,  
Respondent-Board.

For an Order pursuant to Sections 16-100, 16-102, and 16-116 of the Election Law, declaring invalid and striking out the petition purporting to designate the Respondent-Candidate named herein as a candidate for public office, and restraining the Board of Elections from placing the name of said Respondent-Candidate on the ballots and voting machines.

-----X  
Upon the reading and filing of the affirmation of Nickie Kane dated April 17<sup>th</sup>, 2026, and the annexed Verified Petition, duly verified on April 17<sup>th</sup>, 2026, upon the designating petition purporting to designate Respondent-Candidate BRAD LANDER ("Respondent-Candidate"), upon the original files relating thereto of THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK ("Board of Elections"), and upon all the papers and proceedings herein, it is hereby:

LET

ORDERED, that the Respondents named herein above show cause before this Court at a Term, Part 30, to be held at the Courthouse located at 111 Centre Street, New York, New York, on the 24<sup>th</sup> day of April, 2026, at 10:00 AM of that day, or as soon thereafter as counsel can be heard, why an Order should not be made and entered herein:

Page 1

- a) Declaring insufficient, defective, invalid, null and void the designating petition heretofore filed with Respondent Board of Elections purporting to designate Respondent-Candidate as candidate for public office;
- b) Directing, requiring and commanding Respondent Board of Elections not to place and/or print the name of Respondent-Candidate on the ballots and voting machines;
- c) Declaring the designating petition filed with Respondent Board of Elections to be a legal nullity, and reversing any contrary determination of the Board of Elections;
- d) Granting Petitioner such other and further relief as this Court deems just and proper;

ORDERED, that Respondent Board of Elections shall make available for inspection all records relating to the designating petition, including petitions, cover sheets, objections, specifications, determinations, and related documents;

SUFFICIENT CAUSE APPEARING THEREFOR, leave is hereby granted to Petitioner to submit additional evidence, including proof of fraud, false witnessing, and other illegality;

SUFFICIENT CAUSE APPEARING THEREFOR, IT IS FURTHER ORDERED, that Petitioner is permitted to serve initiating documents upon the Respondent-Board and/or the Respondent-Candidate; and it is further

**SERVICE PROVISIONS**

ORDERED, that service of a copy of this Order to Show Cause and Verified Petition, together with the papers upon which it is granted, shall be made by Petitioner upon:

Respondent Board of Elections and/or Respondent-Candidate by any of the following methods:

1. By personal delivery; or
2. By delivery to a person of suitable age and discretion at the residence or business address listed on the designating petition, followed by mailing; or
3. By affixing the same to the door of such residence or business address and mailing (mail and mail); or
4. By enclosing the same in a securely sealed and duly postpaid envelope and depositing same in a United States Postal Service depository by first-class mail; or
5. By certified mail and/or priority mail via the United States Postal Service; or
6. By overnight delivery service (UPS, FedEx, or USPS); or
7. By electronic mail (email) to the Respondent-Board and/or Respondent-Candidate and/or their counsel and/or campaign; or
8. By delivery to any campaign office or place of business; or
9. By service upon counsel, if known; or
10. By any combination of the foregoing methods;

**ALTERNATE SERVICE AUTHORIZATION**

To minimize the chances of physical confrontation between candidate and Petitioner or Server. There has been a pattern of harassment by Respondents Board of Elections, see.

*upon the person designated by the Board to receive such service at 32 Broadway, New York, New York, on or before April 21, 2026, and*

*W/A*

*W/A*

ORDERED, that Petitioner is specifically authorized to serve the Respondent-Board and/or Respondent-Candidate by:

- 1. Electronic mail (email); and
  - United States Postal Service (first-class, certified, priority, and/or overnight mail);
- and such service shall be deemed good and sufficient service in this proceeding;

*(Handwritten initials in a circle)*

ORDERED, that any such method or combination of methods of service shall be deemed good and sufficient service thereof;

ORDERED, that any requirement that affidavits of service be filed with the Clerk of the Court is extended to the return date of this motion; and it is further

ORDERED, that any requirement that substituted service be preceded by due diligence attempts at personal delivery is hereby waived; and it is further

ORDERED, that any statutory time limitations for completion of service are hereby waived due to the time-sensitive nature of this Election Law proceeding;

ENTER:

\_\_\_\_\_  
J.S.C.

*Page 3*

mb

upon Respondent-Candidate Brad Lander by

(a) enclosing the same in a securely sealed and duly postpaid wrapper addressed to such Respondent-Candidate at the address set forth in the designating petition and by mailing/sending the same by overnight USPS delivery, UPS, FedEx or any other recognized overnight, next business day courier with no receiving signature required on or before ~~Monday~~ <sup>Tuesday 21</sup> April 20, 2026; or

(b) by affixing the same to the inside or outside of the door of the address set forth in said designating petition and by enclosing the same in a securely sealed and duly postpaid wrapper addressed to such Respondent-Candidate at the address set forth in said designating petition and mailing/sending the same by overnight USPS delivery, UPS, FedEx or any other recognized overnight, next business day courier on or before ~~Monday~~ <sup>Tuesday</sup> April ~~20~~ <sup>21</sup>, 2026, with no receiving signature required; or

(c) by personal delivery of the same to such Respondent-Candidate on or before ~~Monday~~ <sup>Tuesday</sup> April ~~20~~ <sup>21</sup>, 2026; and it is further

**ORDERED**, that such service shall be deemed good, timely and sufficient service thereof, and such service shall constitute sufficient notice hereof; and it is further

**ORDERED**, that any requirement that affidavits of service be filed with the Clerk of the Court is extended to the return date of this motion, and such affidavits shall be filed with the Part Clerk on the return date, and the ten-day completion of service provision is hereby waived.

ENTER:

*MB*

J.S.C. **HON. MATTHEW V. GRIECO**

page 4

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of the Application of  
NICKIE KANE  
Petitioner-Candidate-Aggrieved,

Index No. \_\_\_\_\_

VERIFIED PETITION TO  
INVALIDATE DESIGNATING  
PETITION FOR FRAUD

-against-

BRAD LANDER,  
Respondent-Candidate,

-and-

BOARD OF ELECTIONS IN THE CITY  
OF NEW YORK,

Respondent-Board,

For an order pursuant to Sections 16-100,  
16-102, and 16-116 of the Election Law,  
declaring invalid and striking out the  
petition purporting to designate the  
Respondent-Candidate named herein as a  
candidate for public office, and restraining  
the Board of Elections from placing the  
name of said Respondent-Candidate on  
the ballots and voting machines.

-----X  
TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Petitioner NICKIE KANE, respectfully alleges as follows:

1. Petitioner-Candidate-Aggrieved NICKIE KANE, a duly registered voter, resides at 696 Sackett Street, Brooklyn, NY and is a candidate and aggrieved party entitled to bring this proceeding.
2. Respondent Board of Elections in the City of New York ("Board of Elections," "Board"), is charged with the supervision of elections within the City of New York, including receiving and filing designating petitions, reviewing objections and specifications of objections, and preparing official ballots.

3. Upon information and belief, designating petitions were filed with Respondent Board of Elections purporting to designate Respondent-Candidate BRAD LANDER as a candidate for public office (“Designating Petition”).
4. This proceeding is brought pursuant to Sections 16-100, 16-102, and 16-116 of the Election Law.
5. The attention of the Court is respectfully drawn to Election Law Section 16-102 requiring timely commencement of this proceeding.
6. Upon information and belief, the aforesaid Designating Petition is insufficient, defective, invalid, false, fraudulent, and does not conform to the provisions of the Election Law and the rules and regulations of the Board of Elections, and is therefore null and void.
7. Upon information and belief, the purported Designating Petition of the Respondent-Candidate is invalid for the reasons below:
  - (a) signatures were obtained by individuals under the age of eighteen who are not qualified to serve as petition circulators;
  - (b) signatures collected by such underage individuals were falsely witnessed by another individual;
  - (c) witness statements falsely attest that signatures were collected in the presence of the subscribing witness;
  - (d) signatures were obtained by fraud;
  - (e) the petition contains forged signatures;
  - (f) signatures do not match those on file with the Board of Elections;
  - (g) signers are not registered or not properly enrolled;
  - (h) signers do not reside at the addresses listed;

- (i) signatures were not obtained in the presence of the subscribing witness;
  - (j) witness statements have been altered or falsified;
  - (k) subscribing witnesses are not qualified or properly registered;
  - (l) dates and/or addresses are missing, incomplete, or illegible;
  - (m) entire petition sheets are invalid due to improper witnessing;
  - (n) the petition does not contain the required number of valid signatures;
  - (o) the Designating Petition is permeated with fraud;
  - (p) the Designating Petition is invalid on additional grounds to be established at the hearing; and/or
  - (q) Respondent-Candidate is not entitled to placement on the ballot due to the foregoing defects.
8. Petitioner personally observed an individual collecting signatures on behalf of Respondent-Candidate who was under the age of eighteen and confirmed such age.
9. Petitioner informed said individual that such conduct was not permitted under Election Law; however, the individual continued collecting signatures.
10. The Respondent-Candidate and/or campaign were notified of this violation, yet the signatures were submitted.
11. Upon information and belief, such signatures were falsely witnessed by another individual.
12. Petitioner reserves the right to submit proof establishing invalidity of any and all signatures and petition sheets, including fraud and other illegality.
13. Petitioner requests leave to submit additional evidence upon the hearing of this matter.

14. Petitioner requests that Respondent Board of Elections produce all relevant records relating to the Designating Petition, including petitions, cover sheets, objections, specifications, determinations, and related materials.
15. Petitioner has no adequate remedy at law.
16. No prior application has been made for the relief sought herein.

WHEREFORE, Petitioner respectfully prays for a final Order and Judgment:

- a. Declaring the designating petition of Respondent-Candidate BRAD LANDER invalid, null and void;
- b. Striking all signatures obtained in violation of the Election Law;
- c. Directing the Board of Elections not to place the name of Respondent-Candidate on the ballot;
- d. Granting such other and further relief as this Court deems just and proper.

Dated: Brooklyn, New York  
April 17<sup>th</sup>, 2026

To: Board of Elections in the City of New York  
32 Broadway, 7th Floor  
New York, NY 10004

To: Brad Lander  
256 13 Street Brooklyn,  
NY 11215

Respectfully submitted,



Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219  
(786) 440-8209  
NickieKaneforNYC@gmail.com

## VERIFICATION

I affirm this 17<sup>th</sup> day of April, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

That I am the petitioner in this proceeding, that I have read the foregoing affirmation and know the contents thereof; that the same are true to my knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22

NYCRR).



Nickie Kane, Petitioner

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of the Application of  
NICKIE KANE  
Petitioner-Candidate-Aggrieved

Index No. \_\_\_\_\_

-against-

BRAD LANDER,  
Respondent-Candidate,

AFFIRMATION  
OF NICKIE KANE IN SUPPORT  
ORDER TO SHOW CAUSE TO  
INVALIDATE DESIGNATING PETITIONS  
FOR FRAUD

-and-

BOARD OF ELECTIONS IN THE CITY  
OF NEW YORK,

Respondent-Board,

For an order pursuant to Sections 16-100,  
16-102, and 16-116 of the Election Law,  
declaring invalid and striking out the  
petition purporting to designate the  
Respondent-Candidate named herein as a  
candidate for public office, and restraining  
the Board of Elections from placing the  
name of said Respondent-Candidate on  
the ballots and voting machines.

-----X  
TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Petitioner NICKIE KANE, respectfully alleges as follows:

1. The campaign for the Respondent-Candidate permitted and utilized individuals under the age of eighteen to collect petition signatures in violation of the Election Law.
2. I personally observed an individual collecting signatures on behalf of the Respondent-Candidate and asked his age, at which time he confirmed that he was under eighteen years old.
3. I informed the individual that he was not permitted to collect signatures under New York Election Law; however, he continued collecting signatures despite this notice.
4. The Respondent-Candidate and/or his campaign were notified of this violation via email.
5. Despite such notice, the campaign submitted the signatures collected by this underage individual.
6. Upon information and belief, another individual signed the petition sheets as the witness to those signatures, falsely attesting that they personally witnessed the signatures.
7. This constitutes fraud, including false witnessing and submission of invalid petition sheets.
8. I also observed another individual who appeared to be under the age of eighteen collecting signatures on behalf of the same campaign.

9. The use of underage individuals to collect signatures, combined with false witnessing, renders the affected petition sheets invalid.
10. These actions demonstrate a pattern of fraud and non-compliance with the requirements of the Election Law.

I affirm this 17<sup>th</sup> day of April, 2026 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law

Dated: Brooklyn, New York  
April 17, 2026

Respectfully submitted,



To: Board of Elections in the City of New York  
32 Broadway, 7th Floor  
New York, NY 10004

Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219  
(786) 440-8209  
NickieKaneforNYC@gmail.com

To: Brad Lander  
256 13 Street Brooklyn,  
NY 11215

## VERIFICATION

I affirm this 17<sup>th</sup> day of April, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

That I am the petitioner in this proceeding, that I have read the foregoing affirmation and know the contents thereof; that the same are true to my knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22 NYCRR).



---

Nickie Kane, Petitioner

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

----- X

**NICKIE KANE,**

**Petitioner-Candidate-Aggrieved,**

**-against-**

**BRAD LANDER,**

**Respondent-Candidate,**

**-and-**

**Index No.: 451585/2026**

**VERIFIED ANSWER**

**Hon. Matthew V. Grieco, J.S.C.**

**Date Returnable: April 24th, 2026**

**BOARD OF ELECTIONS IN THE CITY OF NEW YORK,  
Respondent-Board**

**For an Order, etc.**

----- X

1. Respondent-Candidate denies each and every allegation contained in Paragraphs 1, 4, 6, 7, 8, 9, 10, 11, 12, and 13 in the Purported Verified Petition.
2. Respondent-Candidate denies knowledge or information sufficient to form belief as to each and every allegation contained in all remaining Paragraphs in the Purportedly Verified Petition.
3. Between March 30th and April 6th, 2026 certain Designating Petitions were duly, timely and properly filed with Respondent Board of Elections in the City of New York ("Board of Elections") along with all required Cover Sheets by or on behalf of Respondent-Candidate BRAD LANDER as a candidate for Representative in Congress from the 10th Congressional District, New York State in the Democratic and Working Families Party Primary Elections to be held on the June 23rd, 2026.
4. Said Designating Petitions and Cover Sheets are and were in all respects valid and proper.

5. Respondent-Candidate BRAD LANDER's Democratic Party Designating Petitions contained well over ten thousand (10,000) valid signatures designating him for a public office that requires only 1,250 signatures to designate.
6. As such, Respondent-Candidate BRAD LANDER's Designating Petitions contain sufficient valid signatures (more than eight times the required amount) required for a Designating Petition for the public office of Representative in Congress from the 10th Congressional District in the Primary Elections to be held on the June 23rd, 2026.
7. Respondent-Candidate's candidacy for the public office of Representative in Congress from the 10th Congressional District in the Primary Elections to be held on the June 23rd, 2026 is in all respects valid and proper.

AND FOR A FIRST AFFIRMATIVE DEFENSE

8. The Court lacks personal jurisdiction over Respondent-Candidate and Respondent-Board.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. The Court lacks subject matter jurisdiction.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

10. The proceeding is untimely as it was commenced after the applicable Statute of Limitations had expired.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

11. This Court lacks jurisdiction due to improper service.
12. The purported service in this matter did not comply with this Court's Order to Show Cause because it did not include all the "papers upon which it was granted."
13. "Under Election Law § 16-116, a petitioner is required to provide notice 'as the court or justice shall direct.'" *Matter of Angletti v Morreale*, 25 NY3d 794, 797 [2015]

14. “The method of service provided for in an order to show cause is jurisdictional in nature and must be strictly complied with.” *Hennessey v DiCarlo*, 21 AD3d 505, 505 [2d Dept 2005]. See also, inter alia, *Brown v. Commissioners of the City of New York Board of Elections*, 184 A.D.3d 701 (2d Dep’t. 2020); *Jean-Louis v. Laurent*, 172 A.D.3d 1454 (2d Dep’t. 2019); *Fonvil v. Audain*, 131 A.D.3d 630 (2d Dep’t. 2015) (service must be effected pursuant to the requirements of the Order to Show Cause); *Haggerty v. Queens County Republican Committee*, 92 A.D.3d 681 (2d Dep’t. 2012) (failure to adhere to the service provisions in the Order to Show Cause requires dismissal of petition); *Del Villar v. Vekiarelis*, 59 A.D.3d 642 (2d Dep’t. 2009) (“method of service provided for in an order to show cause is jurisdictional in nature and must be strictly complied with [citation omitted]”).
15. The documents purportedly served via “Nail and Mail” on Respondent-Candidate BRAD LANDER contained *only* the Order to Show Cause, Petition, and Notice of Electronic filing. The purported service *did not contain* the Exhibits to the Petition, RJI, Emergency Affirmation, Proposed OSC, Application for Waiver of Court Costs/Fees/Expenses, or any other of the “papers upon which [the OSC] was granted” as required by this Court’s Order to Show Cause at Page 4.
16. The Exhibits, in particular, have been held to be part of the Petition itself, and therefore plainly among the “papers upon which [the OSC] was granted”.
17. Given that Petitioner’s sole purported claim here is that she emailed Respondent-Candidate-BRAD LANDER about purported issues with his petitioning team, Exhibit A “E-Mail to Brad Lander” (NYSCEF Doc. No. 4) is indisputably among the “papers upon which [the OSC] was granted”.

18. Exhibit A “E-Mail to Brad Lander” (NYSCEF Doc. No. 4) was not served.
19. Upon information and belief, the purported service on Respondent-Board of Elections similarly failed to include all the “papers upon which [the OSC] was granted”.
20. Petitioner has made a party admission to her failure to include such papers, as the Affidavits of Service on both Respondent-Candidate-BRAD LANDER and Respondent-Board of Elections claim only to have served Respondents “Notification of Electronic filing, Order to Show Cause, Petition.” *See* NYSCEF Docs. Nos. 17 & 18.
21. As such, the Court lacks jurisdiction over Respondents and the Petition must be dismissed.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

22. The Court lacks jurisdiction in that the purported “Nail and Mail” service failed to comply with the requirements of CPLR 308.
23. First, the affidavit of service makes no claim to have attempted with any “due diligence” whatsoever to personally serve Respondent-Candidate-BRAD LANDER prior to resorting the “Nail and Mail” as required by CPLR § 308 (4). NYSCEF Doc. No. 17.
24. Second, the purported “Nail” component of the “Nail and Mail” service affixed to Respondent-Candidate-BRAD LANDER’s door did not contain the legend “personal and confidential” as required by CPLR § 308 (4). See Exhibit 1, “Photograph of Purported ‘Nail’ Service.”
25. Unless the Order to Show Cause in an Election Law matter *specifically* exempts the Petitioner from the requirements of CPLR § 308, failure to comply with the statute is a jurisdictional defect requiring dismissal. *Hennessey v DiCarlo, supra*, at 506, (holding that “Further, the order to show cause did not specifically dispense with the requirements

set forth in CPLR 308, which requires, inter alia, ‘due diligence’ in attempting service pursuant to CPLR 308 (1) and (2) before utilizing ‘nail and mail’ service pursuant to CPLR 308 (4)’).

26. As such, the Court lacks jurisdiction over Respondent-Candidate-BRAD LANDER and the Petition must be dismissed.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

27. The Court lacks jurisdiction in that all necessary parties have not been named or served timely that all necessary parties have not been named or served timely.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

28. This proceeding must be dismissed in that the Petition was not verified in accordance with section 16-116 of the Election Law and CPLR 3020 and 2106.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

29. This proceeding must be dismissed in that Petitioner-Candidate-Aggrrieved lacks standing because their Designating Petition is invalid or defective.
30. “If a candidate has been disqualified by the Board of Elections, she is no longer a candidate, aggrieved or otherwise. Thus, unless and until her candidacy is restored, she cannot pursue an Aggrieved Candidate lawsuit.” Jerry H. Goldfeder, *Goldfeder’s Modern Election Law*, ch 8, note 25 at 93-94 (7th ed 2025).
31. New York Courts have consistently upheld this principle, and dismissed Candidate-Aggrrieved Petitions to Invalidate filed by unqualified candidates. *Novak v Jones*, 13 NY2d 883 [1963]; See also, inter alia, *Cipriano v. Graves*, 87 A.D.3d 636 (2d Dep’t. 2011) (invalidated petition obviates “aggrieved candidate” status), *Fetik v. Henriquez*, 2024 WL 4108984 (Sup. Ct. Queens Co. 2024) (no longer an aggrieved candidate if

- petition invalidated); *Robinson v. Butler*, Index No. 508146/21 (Sup. Ct. Kings Co. 2021) (petitioner's candidacy invalidated, depriving them of aggrieved candidate status); *Diallo v. Tucker*, Index No. 26607/20 (Sup. Ct. Bronx Co. 2020) (same).
32. On or about April 6th, 2026 Petitioner-Kane filed purported designating petitions with Respondent-Board of Elections claiming a *raw* total of 1,379 signatures (each and every one of them purportedly witnessed by Ms. Kane) for an office requiring 1,250 *valid* signatures to designate.
33. On April 9th, 2026 one Seamus Campbell, not a party to this matter, duly, timely and properly filed a General Objection against Petitioner-Kane's purported Designating Petition.
34. On April 15th, 2026, the same Seamus Campbell duly, timely and properly filed and served Specifications of Objection against Petitioner-Kane's purported Designating Petition alleging that 874 of Petitioner-Kane's claimed signatures are invalid, leaving her with only 505 signatures remaining – well below the required threshold.
35. Respondent Board plans to hold Hearings on said Objections on April 28th and 29th, 2026.
36. Upon information and belief, Respondent Board at such hearings is very likely to find Petitioner-Kane's purported designating petition below the required threshold, and invalidate her candidacy.
37. If and when Respondent Board does invalidate Petitioner-Kane's designating petition for Representative in Congress from the 10th Congressional District in the Primary Elections to be held on the June 23rd, 2026, she will no longer have standing to continue this proceeding and the Court must dismiss the matter entirely.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

38. Each and every one of the over 10,000 signatures on Respondent-Candidate-BRAD LANDER's designating petition is presumptively valid under the law. Election Law 6-154(1).

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

39. The proceeding is barred by the doctrine of estoppel.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

40. The Verified Petition does not plead fraud with any particularity, nor even plead a viable claim of fraud at all.

41. "Where a cause of action or defense is based upon misrepresentation, fraud, mistake, willful default, breach of trust or undue influence, the circumstances constituting the wrong shall be stated in detail." CPLR 3016(b)

42. New York appellate courts have consistently held that allegations of fraud in Petitions to Invalidate under the Election Law that are "insufficiently detailed to apprise the candidate of the allegations being made" must be dismissed by the Court. *Matter of Robinson v. Edwards*, 54 A.D.3d 682, 683 (2d Dept. 2008). See also *Waugh v. Nowicki*, 10 A.D.3d 437, 438 (2d Dept. 2004) *lv. denied* 3 N.Y.3d 603 (2004) (affirming the denial of a Petition to Invalidate alleging fraud because "Petitioners failed to plead the fraud claims with the requisite specificity."); *Matter of Naples v Swiatek*, 286 AD2d 567, 568, (4th Dept. 2001) *lv. denied* 96 N.Y.2d 718 (2001) (dismissing a Petition to Invalidate because, *inter alia*, "petitioners failed to plead their fraud claims with the requisite specificity."); *Matter of Murray v. Suffolk County Bd. of Elections*, 98 A.D.3d 624 (2d Dept. 2012) (

“the allegations in the petition were ‘insufficiently detailed’ ... Accordingly, the Supreme Court properly dismissed the petition.”).

43. Allegations of fraud must be proven by “clear and convincing evidence,” and the burden rests solely on the Petitioner. *See, eg. Robinson v. Edwards, supra.; Testa v. DeVaul II*, 65 A.D.3d 651 (2d Dep’t. 2009); *Matter of Galloway v. Holdsworth*, 209 A.D.3d 1321 (4th Dept. 2022).
44. Here, no Offer of Proof has been submitted and the Petition contains mere conclusory and unsubstantiated allegations without any purported basis.
45. The sole allegations of fraud made in the Petition (outside of the boiler-plate laundry list in Paragraph 7) are contained in Paragraphs 8-11 of the Petition. These allege, via hearsay, that Petitioner-Kane observed a person “under the age of eighteen” collecting petition signatures.
46. Paragraphs 8-11 of the Petition do not specify which pages or signatures among the over ten thousand signatures in Respondent-Candidate BRAD LANDER’s designating petition she claims to have observed being so collected. This failure alone requires dismissal of this claim.
47. Paragraphs 10-11 of the Petition further fail to specify with any particularity – as required by the Election Law, CPLR, and the rules of this part – the basis for her entirely unsubstantiated belief that the signatures were “falsely witnessed” (or even witnessed at all) or “submitted”.
48. Furthermore, the activities Petitioner-Kane claims to have observed in Paragraphs 8-11 of the Petition *are not fraud at all*. Indeed, they are common practice for campaigns that have more witnesses than just the candidate herself.

49. What Petitioner-Kane describes appears to be what is known as the “team method” of petitioning, wherein multiple people hold the clipboards, but only one “captain” signs the witness statements. The clipboard-holders are not required to be valid witnesses themselves. So long as the signatures are gathered where the Subscribing Witness can *see* (a/k/a “witness”) them, the Team Method has been consistently upheld as valid. See *Rodriguez v. Harris*, 51 N.Y.2d 737 (1980) (“...appellant’s so-called ‘team’ method of gathering signatures was not per se improper or irregular.”) (Fuchsberg, J., concurring); *Matter of Felder v Storobin*, 100 AD3d 11, 19 [2d Dept 2012] (“The team method [of signature gathering], however, has been judicially recognized as valid.”).
50. Furthermore, Petitioner-Kane makes no pretense of alleging that whatever handful of teen-witnessed signatures she purports to have observed come anywhere close to the threshold of permeation of Respondent-Candidate-BRAD LANDER’s over 10,000 valid signatures submitted.
51. Therefore, any allegations of fraud made in the Petition or otherwise must be precluded and cannot be considered by this Court.
52. For each or all of the reasons stated herein, including the various Affirmative Defenses, the Purported Verified Petition has no merit and must be dismissed in its entirety.

WHEREFORE, Respondent-Candidate respectfully requests (i) an Order and Judgment denying the relief requested by Petitioners' Order to Show Cause in its entirety; (ii) an Order and Judgment granting the counterclaim, declaring the Designating Petitions valid in all respects; (iv) an Order and Judgment directing that Respondent Board of Elections place the name of Respondent-Candidate-BRAD LANDER on the ballot for public office of Representative in Congress from the 10th Congressional District in the Primary Elections to be held on the June 23rd, 2026; and (v) such other and further relief as this Court deems just and proper; together with any and all costs, disbursements and attorneys' fees incurred from the defense of this proceeding.

Dated: New York, New York  
April 23rd, 2026

By: Paul D. Newell

Paul D. Newell, Esq.  
*Attorney for*  
*Respondent-Candidate-BRAD LANDER*  
65 Columbia Street, 21D  
New York, New York 10002  
Telephone: (347) 351-7285  
Email: newellnyc@gmail.com



At I.A.S. Part \_\_\_\_ of the Supreme Court  
of the State of New York, held in and for  
the County of New York, at the  
Courthouse thereof, 60 Centre Street,  
New York, N.Y., on the \_\_\_\_ day of  
\_\_\_\_\_, 2026

PRESENT: HON. \_\_\_\_\_  
Justice of the Supreme Court  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of the Application of  
NICKIE KANE,  
Petitioner-Candidate-Aggrieved,

Index No. 451585/2026  
PROPOSED ORDER  
GRANTING MOTION TO  
RENEW AND REARGUE

-against-

BRAD LANDER,  
Respondent-Candidate,

-and-

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK,  
Respondent-Board.

-----X  
Upon reading and filing the Affirmation of Nickie Kane, sworn to on the 28th day of April,  
2026,

Exhibit – None

Let the respondent(s) show cause at I.A.S. Part \_\_\_\_\_, Room \_\_\_\_\_, of this Court,  
to be held at the Courthouse, 60 Centre Street, New York, N.Y., on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon or as soon as the

parties to this proceeding may be heard why a judgment should not be issued providing the  
following relief

1. Granting Petitioner leave to reargue, pursuant to CPLR 2221(d), the Court's Decision and  
Order dated April 28, 2026;

2. Granting Petitioner leave to renew, pursuant to CPLR 2221(e), the Court's Decision and Order dated April 28, 2026;
3. Upon renewal and reargument, vacating the Court's Decision and Order dated April 28, 2026;
4. Reinstating the Verified Petition filed by Petitioner in this proceeding;
5. Restoring this matter to the Court's calendar for further proceedings on the merits;
6. Declaring that Petitioner's service complied with the service provisions of the Order to Show Cause previously issued in this matter;
7. Declaring, in the alternative, that dismissal was based upon a misapprehension of the record because the March 22, 2026 email filed as NYSCEF Doc. No. 4 was not listed, identified, attached, incorporated, or referred to as an exhibit in the Verified Petition, supporting affirmation, or Order to Show Cause, and was not specifically directed to be served by the Order to Show Cause;
8. Granting Petitioner such other and further relief as this Court deems just and proper.

and such other and further relief as may to the court seem just and proper, for the reasons that The relief requested should be granted because the Court's prior dismissal was based on a misapprehension of fact and law. The Verified Petition did not list, identify, attach, incorporate, or refer to any exhibit. The supporting affirmation did not list, identify, attach, incorporate, or refer to any exhibit. The Order to Show Cause did not identify NYSCEF Doc. No. 4, did not identify the March 22, 2026 email, did not refer to any "Exhibit A," and did not direct Petitioner to serve any exhibit. Petitioner therefore could not be required to serve a document that was not identified in the Court's service directive.

The relief requested should also be granted because the operative allegations of fraud were already contained in the Verified Petition and supporting affirmation, including allegations concerning underage petition circulators, false witnessing, and notice to Respondent-Candidate and/or his campaign. Respondents received notice of the proceeding and Respondent-Candidate filed a Verified Answer addressing the claims.

The relief requested should further be granted because additional proof demonstrates that Respondent-Candidate received timely notice of the proceeding, including proof of delivery by UPS showing delivery on April 21, 2026, and evidence of service made pursuant to the prior Order to Show Cause.

Sufficient cause appearing therefor, let personal service of a copy of this order, the Petition and all other papers upon which this order is granted, upon all parties to this proceeding, on or before the \_\_\_\_ day of \_\_\_\_\_, 2026 be deemed good and sufficient. A copy of an affidavit or acknowledgment of service shall be filed with the County Clerk (Room 141B) immediately after service and the original of such proof of service shall be presented to this court on the return date fixed above.

Dated: April \_\_\_\_, 2026  
New York, New York

ENTER:

\_\_\_\_\_  
J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of the Application of  
NICKIE KANE,  
Petitioner-Candidate-Agrieved,

Index No. 451585/2026  
AFFIRMATION OF NICKIE KANE IN  
SUPPORT OF MOTION TO RENEW AND  
REARGUE

-against-

BRAD LANDER,  
Respondent-Candidate,

-and-

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK,  
Respondent-Board.

For an Order pursuant to Sections 16-100, 16-102, and 16-116 of the Election Law declaring invalid and striking out the designating petition purporting to designate Respondent-Candidate as a candidate for public office.

-----X  
I, Nickie Kane, affirm under penalty of perjury pursuant to CPLR 2106 as follows:

PRELIMINARY STATEMENT

1. I am the Petitioner-Candidate-Agrieved in this proceeding and submit this affirmation in support of my motion pursuant to CPLR 2221(d) and CPLR 2221(e), seeking leave to reargue and renew this Court's Decision and Order dated April 28, 2026, which denied and dismissed the petition.
2. Reargument is warranted because the Court misapprehended the record and the governing law when it dismissed this proceeding on the ground that service was insufficient because Petitioner did not serve the email filed as NYSCEF Doc. No. 4.
3. Renewal is warranted because the record contains additional facts and evidence demonstrating that Respondents received notice of the proceeding, that the Order to Show

Cause did not identify any email or exhibit as a jurisdictionally required service document, and that Respondent-Candidate had actual notice of the claims.

4. The central issue is narrow: the Court treated the March 22, 2026 email as a required service document even though the Verified Petition, the supporting affirmation, and the Order to Show Cause did not list, attach, incorporate, or identify any exhibits.

#### PROCEDURAL BACKGROUND

5. This proceeding was commenced pursuant to Election Law §§ 16-100, 16-102, and 16-116 to invalidate the designating petition of Respondent-Candidate Brad Lander.
6. Petitioner filed a Verified Petition alleging, among other things, that signatures were obtained by individuals under the age of eighteen, that signatures collected by such underage individuals were falsely witnessed by another individual, and that witness statements falsely attested that signatures were collected in the presence of the subscribing witness.
7. Petitioner also filed an affirmation in support of the Order to Show Cause. That affirmation alleged that Petitioner personally observed an individual collecting signatures on behalf of Respondent-Candidate, asked his age, and he confirmed that he was under eighteen years old. Petitioner further alleged that Respondent-Candidate and/or his campaign were notified of the violation, and despite such notice, the campaign submitted the signatures collected by the underage individual.
8. The Order to Show Cause stated that the application was based upon the affirmation of Nickie Kane dated April 17, 2026, the annexed Verified Petition, the designating petition, the Board of Elections files, and the papers and proceedings herein.

9. The signed Order to Show Cause did not identify NYSCEF Doc. No. 4, did not identify the March 22, 2026 email, did not refer to any “Exhibit A,” and did not specifically direct service of any exhibit.
10. Petitioner served the Notice of Electronic Filing, Order to Show Cause, and Petition on Respondent-Candidate and Respondent-Board. The affidavits of service reflect that those documents were served.
11. Respondent-Candidate filed a Verified Answer and argued that service was defective because Petitioner did not serve all “papers upon which” the Order to Show Cause was granted, including the March 22, 2026 email filed as NYSCEF Doc. No. 4.
12. The Court dismissed the proceeding on service grounds, concluding that Petitioner failed to strictly comply with the service requirements of the Order to Show Cause.

POINT I

REARGUMENT SHOULD BE GRANTED BECAUSE THE COURT MISAPPREHENDED THE RECORD BY TREATING THE EMAIL AS A REQUIRED SERVICE DOCUMENT EVEN THOUGH THE PETITION, AFFIRMATION, AND ORDER TO SHOW CAUSE DID NOT LIST OR INCORPORATE ANY EXHIBITS

13. CPLR 2221(d) permits a motion for leave to reargue where the Court overlooked or misapprehended matters of fact or law in deciding the prior motion.
14. Here, the Court misapprehended the record by treating the March 22, 2026 email as a required service document.
15. Petitioner’s Verified Petition did not list, identify, attach, incorporate, or refer to any exhibit.
16. The Verified Petition did not contain an “Exhibit A.”
17. The Verified Petition did not refer to the March 22, 2026 email as an exhibit.

18. The Verified Petition did not request that the Court review any exhibit in order to grant the Order to Show Cause.
19. Instead, the Petition itself pleaded the operative facts, including underage petition collection, false witnessing, fraud, improper witness statements, and the claim that Respondent-Candidate was not entitled to ballot placement.
20. Likewise, Petitioner's supporting affirmation did not list, identify, attach, incorporate, or refer to any exhibit.
21. The supporting affirmation set forth the factual allegations directly, including Petitioner's personal observation of an underage individual collecting signatures, Petitioner's notice to Respondent-Candidate and/or his campaign, and the allegation that signatures collected by the underage individual were submitted and falsely witnessed.
22. The proposed Order to Show Cause also did not list, identify, attach, incorporate, or refer to any exhibits.
23. The Order to Show Cause did not mention "Exhibit A."
24. The Order to Show Cause did not mention the March 22, 2026 email.
25. The Order to Show Cause did not mention NYSCEF Doc. No. 4.
26. The signed Order to Show Cause did not direct Petitioner to serve the March 22, 2026 email or any exhibit.
27. This omission is critical because service in an Election Law proceeding is governed by Election Law § 16-116, which provides that notice shall be given as the Court directs.
28. If the Court intended the March 22, 2026 email to be treated as one of the papers required for jurisdictional service, the Order to Show Cause needed to say so clearly.

29. Petitioner could not reasonably be expected to infer that a separate NYSCEF filing, which was not listed in the Verified Petition, not listed in the affirmation, not listed in the Order to Show Cause, and not identified as an exhibit, was a required jurisdictional service document.
30. The Court's dismissal therefore effectively imposed an after-the-fact service requirement not stated in the Order to Show Cause.

## POINT II

THE VERIFIED PETITION AND AFFIRMATION CONTAINED THE OPERATIVE FACTS, SO THE EMAIL WAS NOT NECESSARY TO GIVE RESPONDENTS NOTICE OF THE CLAIMS

31. The purpose of service is to provide notice of the proceeding and the claims asserted.
32. Respondents received the Order to Show Cause and Verified Petition.
33. The Verified Petition contained the core allegations of fraud and invalidity.
34. The affirmation contained the same core factual allegations regarding the underage petition circulator, notice to the campaign, and false witnessing.
35. The March 22, 2026 email was not necessary to notify Respondents of the fraud claim because the operative allegations were already set forth in the Verified Petition and affirmation.
36. Respondent-Candidate was not prejudiced. Respondent-Candidate filed a detailed Verified Answer addressing service, jurisdiction, standing, and the merits of the fraud allegations.
37. The fact that Respondent-Candidate filed a detailed answer demonstrates that Respondent-Candidate had actual notice of the claims and the relief sought.

## POINT III

TO THE EXTENT THE COURT RELIED ON THE EMAIL WHEN SIGNING THE ORDER TO SHOW CAUSE, THE ORDER DID NOT DISCLOSE THAT RELIANCE OR DIRECT SERVICE OF THE EMAIL

38. The Decision and Order treated the March 22, 2026 email as one of the papers upon which the Order to Show Cause was granted.

39. However, the signed Order to Show Cause did not state that the email was one of the papers upon which the Order was granted.

40. The signed Order did not identify NYSCEF Doc. No. 4.

41. The signed Order did not identify the March 22, 2026 email.

42. The signed Order did not refer to any exhibits.

43. The signed Order did not warn that failure to serve the email would be treated as a jurisdictional defect.

44. A pro se petitioner in a time-sensitive Election Law proceeding cannot be expected to serve documents that the Court's own order did not identify as required for service.

45. If the Court considered the email when signing the Order to Show Cause, Petitioner respectfully submits that the Court overlooked that such reliance was not disclosed in the Order and was not made part of the service directive.

#### POINT IV

RENEWAL SHOULD BE GRANTED BECAUSE ADDITIONAL FACTS AND DOCUMENTS SHOW THAT RESPONDENT-CANDIDATE RECEIVED TIMELY NOTICE

46. CPLR 2221(e) permits renewal based upon new facts not offered on the prior motion that would change the prior determination, or upon a showing that the Court should consider additional facts in the interest of justice.

47. Petitioner submits that the proof of service and UPS documentation demonstrate that Respondent-Candidate received notice of the proceeding.
48. The shipment receipt shows that documents were sent to Brad Lander at 256 13th Street, Brooklyn, NY by UPS Next Day Air on April 20, 2026, with expected delivery on April 21, 2026.
49. The UPS proof of delivery states that the shipment was delivered on April 21, 2026 at 4:34 p.m. and the delivery location was "Met Customer."
50. This evidence supports Petitioner's position that Respondent-Candidate received timely notice of the proceeding.
51. In addition, the photograph of the affixed envelope shows that papers were physically affixed to the door.
52. Petitioner respectfully submits that this evidence confirms that the purpose of the Court's service directive was satisfied.

#### POINT V

#### THE UNDERLYING PETITION HAS MERIT AND SHOULD BE HEARD ON THE MERITS

53. Petitioner's underlying petition raises serious allegations of Election Law fraud.
54. Petitioner alleged that underage individuals collected signatures for Respondent-Candidate.
55. Petitioner alleged that signatures collected by underage individuals were falsely witnessed by other individuals.
56. Petitioner alleged that Respondent-Candidate and/or his campaign were notified of the violation before submission of the petitions.
57. The March 22, 2026 email states that Petitioner formally notified Respondent-Candidate's campaign that Petitioner had observed an individual actively collecting signatures who

appeared to be under eighteen, that the individual confirmed he was under eighteen, and that Petitioner had photographic and video evidence documenting the events.

58. Petitioner also submitted photographic evidence showing the petitioning activity at issue.

59. Because this proceeding concerns ballot access and alleged fraud in petitioning, Petitioner respectfully submits that the matter should be resolved on a full record and not dismissed based on a service requirement that was not clearly stated in the Order to Show Cause.

#### CONCLUSION

60. Reargument should be granted because the Court overlooked or misapprehended that:

- a. The Verified Petition did not list, attach, incorporate, or refer to any exhibit;
- b. The supporting affirmation did not list, attach, incorporate, or refer to any exhibit;
- c. The Order to Show Cause did not list, attach, incorporate, or refer to any exhibit;
- d. The Order to Show Cause did not specifically require service of NYSCEF Doc. No. 4;
- e. The operative allegations were already contained in the Verified Petition and affirmation; and
- f. The dismissal imposed an after-the-fact service requirement not stated in the Order to Show Cause.

61. Renewal should be granted because additional evidence demonstrates that Respondent-Candidate received timely notice and because the underlying petition raises serious Election Law fraud claims that should be heard on the merits.

WHEREFORE, Petitioner respectfully requests that this Court grant leave to renew and reargue, vacate the Decision and Order dated April 28, 2026, reinstate the petition, restore this matter to the calendar, and grant such other and further relief as this Court deems just and proper.

I affirm this 29th day of April, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Respectfully submitted,

Dated: Brooklyn, New York  
April 28, 2026



---

Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219  
(786) 440-8209  
NickieKaneforNYC@gmail.com

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

NICKIE KANE

Petitioner-Candidate-Agrieved

Index No. 451585/2026

-against-

BRAD LANDER,

Respondent-Candidate,

MEMORANDUM OF LAW IN SUPPORT  
OF PETITIONER'S MOTION TO RENEW  
AND REARGUE

-and-

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK,  
Respondent-Board.

-----X

PRELIMINARY STATEMENT

Petitioner Nickie Kane respectfully submits this Memorandum of Law in support of her motion pursuant to CPLR 2221(d) and CPLR 2221(e) for leave to reargue and renew this Court's Decision and Order dated April 28, 2026, which denied and dismissed the petition on service grounds.

Reargument is warranted because the Court misapprehended the record and the applicable law when it treated the March 22, 2026 email filed as NYSCEF Doc. No. 4 as a jurisdictionally required service document. The Verified Petition did not list, identify, attach, incorporate, or refer to any exhibit. The supporting affirmation did not list, identify, attach, incorporate, or refer to any exhibit. The Order to Show Cause did not identify NYSCEF Doc. No. 4, did not identify the March 22, 2026 email, did not refer to "Exhibit A," and did not direct Petitioner to serve any exhibit. The signed Order to Show Cause directed service of the Order to Show Cause and Verified Petition, together with the papers upon which it was granted, but did not state that the email was one of those papers.

Renewal is also warranted because additional proof confirms that Respondent-Candidate received timely notice of the proceeding. The UPS shipment receipt shows that documents were sent to Brad Lander by UPS Next Day Air on April 20, 2026, with expected delivery on April 21, 2026, and the UPS proof of delivery states that the shipment was delivered on April 21, 2026 at 4:34 p.m. with the delivery location listed as "Met Customer."

The dismissal should be vacated because Petitioner complied with the service directive set forth in the Order to Show Cause, Respondents received notice of the claims, and the Court's ruling imposed an after-the-fact service requirement that was not contained in the Order itself.

## STATEMENT OF FACTS

Petitioner commenced this Election Law proceeding to invalidate the designating petition of Respondent-Candidate Brad Lander. The Verified Petition alleged that Respondent-Candidate's designating petition was invalid due to underage petition circulators, false witnessing, fraudulent signatures, improper witness statements, and other defects.

Petitioner also submitted an affirmation in support of the Order to Show Cause. In that affirmation, Petitioner alleged that she personally observed an individual collecting signatures on behalf of Respondent-Candidate, asked his age, and the individual confirmed that he was under eighteen years old. Petitioner further alleged that Respondent-Candidate and/or his campaign were notified of the violation and that the campaign nevertheless submitted the signatures collected by the underage individual.

The Order to Show Cause stated that the application was made upon the affirmation of Nickie Kane dated April 17, 2026, the annexed Verified Petition, the designating petition, the original Board of Elections files, and the papers and proceedings herein. The signed Order to Show Cause did not identify NYSCEF Doc. No. 4, did not identify the March 22, 2026 email, did not refer to any "Exhibit A," and did not direct service of any exhibit.

Petitioner served the Notice of Electronic Filing, Order to Show Cause, and Petition on Respondent-Candidate and Respondent-Board. The affidavits of service reflect that those documents were served.

Respondent-Candidate filed a Verified Answer arguing that service was defective because Petitioner allegedly failed to serve all "papers upon which" the Order to Show Cause was granted, including the March 22, 2026 email filed as NYSCEF Doc. No. 4. The Court accepted that argument and dismissed the proceeding on service grounds.

## ARGUMENT

### POINT I

#### REARGUMENT SHOULD BE GRANTED BECAUSE THE COURT MISAPPREHENDED THE RECORD BY TREATING AN UNLISTED EMAIL AS A JURISDICTIONALLY REQUIRED SERVICE DOCUMENT

CPLR 2221(d) permits a motion for leave to reargue where the Court overlooked or misapprehended matters of fact or law in deciding the prior motion. See *Foley v. Roche*, 68 A.D.2d 558 (1st Dept. 1979).

Here, the Court misapprehended the record when it treated the March 22, 2026 email filed as NYSCEF Doc. No. 4 as a required service document. The Verified Petition did not list, identify, attach, incorporate, or refer to any exhibit. It did not contain an "Exhibit A." It did not identify the March 22, 2026 email as an exhibit. It did not request that the Court review any exhibit in order to grant the Order to Show Cause. Instead, the Verified Petition pleaded the operative

factual allegations directly, including underage petition collection, false witnessing, fraud, improper witness statements, and Respondent-Candidate's alleged lack of entitlement to ballot placement.

Likewise, Petitioner's supporting affirmation did not list, identify, attach, incorporate, or refer to any exhibit. The affirmation set forth the factual allegations directly, including Petitioner's personal observation of an underage individual collecting signatures, notice to Respondent-Candidate and/or his campaign, and the allegation that signatures collected by the underage individual were submitted and falsely witnessed.

The Order to Show Cause also did not list, identify, attach, incorporate, or refer to any exhibits. It did not mention "Exhibit A." It did not mention the March 22, 2026 email. It did not mention NYSCEF Doc. No. 4. It did not direct Petitioner to serve that email. The signed Order to Show Cause likewise did not specifically direct service of the email or any exhibit.

This is critical because Election Law § 16-116 requires notice "as the court or justice shall direct." In an Election Law proceeding, the service directive in the Order to Show Cause controls. A petitioner may be held to strict compliance with the terms of the Court's directive, but the petitioner cannot be held to a service requirement that does not appear on the face of the order.

If the Court intended NYSCEF Doc. No. 4 to be treated as a paper required for jurisdictional service, the Order to Show Cause needed to state that clearly. Petitioner could not reasonably be expected to infer that a separate NYSCEF filing, never identified as an exhibit, never incorporated into the Verified Petition, and never listed in the Order to Show Cause, was a required jurisdictional service document.

Accordingly, the Court's dismissal rested on a misapprehension of the record and should be vacated upon reargument.

## POINT II

### STRICT COMPLIANCE WITH AN ORDER TO SHOW CAUSE DOES NOT REQUIRE SERVICE OF DOCUMENTS THE ORDER DID NOT IDENTIFY OR REQUIRE

Respondent relied on the general rule that the method of service set forth in an Order to Show Cause is jurisdictional and must be strictly complied with. Petitioner does not dispute that principle. However, the principle does not support dismissal here.

Cases such as *Matter of Rotanelli v. Board of Elections* and *Angletti v. Morreale* concern compliance with the service directive actually set forth by the Court, including timing, method of delivery, and service of documents clearly required by the order. They do not stand for the proposition that a petitioner may be dismissed for failing to serve a document that was not listed in the petition, not listed in the affirmation, not described as an exhibit, and not identified in the Order to Show Cause.

The signed Order to Show Cause in this case authorized service by the methods stated in the order. Petitioner's affidavits of service state that the Notice of Electronic Filing, Order to Show Cause, and Petition were served on Respondent-Candidate and Respondent-Board. Those were the core initiating papers that provided notice of the proceeding and the relief requested.

Strict compliance cannot be converted into an after-the-fact requirement to serve an unlisted document that the Order did not identify. To hold otherwise would require pro se litigants in time-sensitive Election Law matters to guess which NYSCEF filings a court may have considered, even when the signed order itself does not disclose such reliance.

The Court therefore misapplied the strict-compliance rule by extending it beyond the actual service directive contained in the Order to Show Cause.

### POINT III

#### THE VERIFIED PETITION AND AFFIRMATION PROVIDED FULL NOTICE OF THE CLAIMS WITHOUT THE EMAIL

The purpose of service is to provide notice of the proceeding and the claims asserted. Respondents received the Order to Show Cause and Verified Petition. The Verified Petition contained the core allegations of fraud and invalidity. The affirmation contained the same core factual allegations concerning the underage petition circulator, notice to Respondent-Candidate and/or his campaign, and false witnessing.

The March 22, 2026 email was not necessary to give Respondents notice of the claims. The operative allegations were already set forth in the Verified Petition and affirmation. Respondent-Candidate demonstrated actual notice by filing a detailed Verified Answer addressing jurisdiction, service, standing, and the merits of the fraud allegations.

Because the email was cumulative of allegations already contained in the sworn initiating papers, and because the Order to Show Cause did not identify it as a required service document, dismissal based on failure to serve that email was not warranted.

### POINT IV

#### TO THE EXTENT THE COURT RELIED UPON THE EMAIL WHEN SIGNING THE ORDER TO SHOW CAUSE, THE ORDER DID NOT DISCLOSE THAT RELIANCE OR DIRECT SERVICE OF THE EMAIL

The Decision treated the March 22, 2026 email as one of the papers upon which the Order to Show Cause was granted. However, the Order itself did not disclose that reliance.

The signed Order did not identify NYSCEF Doc. No. 4. It did not identify the March 22, 2026 email. It did not refer to any exhibit. It did not state that failure to serve the email would be treated as a jurisdictional defect.

If the Court considered the email when signing the Order to Show Cause, Petitioner respectfully submits that the Court overlooked that the Order did not make the email part of the service directive. A litigant can only strictly comply with the directive as written. A service requirement not stated in the Order cannot later be treated as jurisdictional.

For that reason, reargument should be granted.

#### POINT V

#### RENEWAL SHOULD BE GRANTED BECAUSE ADDITIONAL PROOF SHOWS TIMELY NOTICE AND DELIVERY TO RESPONDENT-CANDIDATE

CPLR 2221(e) permits renewal based on new facts not offered on the prior motion that would change the prior determination, or where the Court should consider additional facts in the interest of justice.

Here, renewal is warranted because additional proof confirms that Respondent-Candidate received timely notice of the proceeding.

The UPS shipment receipt shows that documents were sent to Brad Lander at 256 13th Street, Brooklyn, New York by UPS Next Day Air on April 20, 2026, with expected delivery on April 21, 2026. The UPS proof of delivery states that the shipment was delivered on April 21, 2026 at 4:34 p.m. and that the delivery location was "Met Customer."

In addition, the record includes a photograph of the affixed envelope, showing physical affixing of the papers.

This proof supports Petitioner's position that Respondent-Candidate received actual and timely notice consistent with the Order to Show Cause. In the context of this motion, the evidence further demonstrates that the dismissal was based not on lack of notice, but on an alleged failure to serve an unlisted document that the Order never identified as required.

#### POINT VI

#### THE UNDERLYING PETITION RAISES SERIOUS ELECTION LAW CLAIMS THAT SHOULD BE HEARD ON THE MERITS

The underlying petition raises serious claims of Election Law fraud. Petitioner alleged that underage individuals collected signatures for Respondent-Candidate, that signatures collected by underage individuals were falsely witnessed by others, and that Respondent-Candidate and/or his campaign were notified before submission of the petitions.

The March 22, 2026 email confirms that Petitioner notified Respondent-Candidate's campaign that she had observed an individual actively collecting signatures who appeared to be under eighteen, that the individual confirmed he was under eighteen, and that Petitioner had photographic and video evidence documenting the events.

Petitioner also submitted photographic evidence concerning the petitioning activity at issue.

Because this matter concerns ballot access and alleged fraud in petitioning, the proceeding should be restored and determined on the merits rather than dismissed based on a service requirement not clearly stated in the Order to Show Cause.

#### CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant leave to reargue pursuant to CPLR 2221(d), grant leave to renew pursuant to CPLR 2221(e), vacate the Decision and Order dated April 28, 2026, reinstate the Verified Petition, restore this matter to the calendar, and grant such other and further relief as this Court deems just and proper.

Dated: Brooklyn, New York  
April 28, 2026

Respectfully submitted,



---

Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219  
(786) 440-8209  
NickieKaneforNYC@gmail.com

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:  
MON 20 APR 2026

SHIPMENT INFORMATION:  
UPS NEXT DAY AIR SAVER RES  
0.5 lb manual wt  
LTR Billed Weight  
CARRIER LETTER

EXPECTED DELIVERY DATE:  
TUES 21 APR 2026; EOD  
SHIP FROM:  
NICKIE KANE  
926 47 ST  
BROOKLYN NY 11219  
(786) 440-8209

TRACKING NUMBER: 1Z40B4R01356833600  
SHIPMENT ID: MMEW0044BHK  
SHIP REF 1: - -  
SHIP REF 2: - -

SHIP TO:  
BRAD LANDER  
256 13TH ST  
BROOKLYN NY 11215-4002  
RESIDENTIAL

DESCRIPTION OF GOODS:  
DOCUMENTS

SHIPMENT CHARGES:	
NEXT DAY AIR SAVER RES	40.91
SERVICE OPTIONS	0.00
FUEL SURCHARGE	12.38
CHS PROCESSING FEE	0.22

SHIPPED THROUGH:  
THE UPS STORE #359  
BROOKLYN NY 11212-2002  
(929) 298-0093

<b>TOTAL</b>	<b>\$53.51</b>
--------------	----------------

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:  
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING, ENTER SHIPMENT ID #) SHIPMENT  
QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.  
NEED PACKAGE HELP? (LOST/DAMAGED). PROVIDE DETAILS SO WE CAN HELP:  
[HTTPS://ONLINETM.UPSCAPITAL.COM/TCCP](https://onlinetm.upscapital.com/tccp)

CUSTOMER ACKNOWLEDGEMENT: I ACKNOWLEDGE AND ACCEPT TERMS & CONDITIONS IN FORCE FOR TENDERING SHIPMENTS THROUGH THIS LOCATION AND CERTIFY THAT ADDRESS, CONTENTS AND VALUES PROVIDED FOR THIS SHIPMENT ARE ACCURATE IN ALL RESPECTS.

Signature:

SHIPMENT ID: MMEW0044BHK



Powered by iShip(r)  
04/23/2026 06:03 PM Pacific Time F

The UPS Store

SEE NOTICE ON REVERSE regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodity, technology or software were exported from the US in accordance with the Export Administration Regulations. Circumstances contrary to law prohibited. 880 R 0226

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of the Application of  
NICKIE KANE,  
Petitioner-Candidate-Aggrieved,

Index No. 451585/2026

NOTICE OF APPEAL

-against-

HON. \_\_\_\_\_

BRAD LANDER,  
Respondent-Candidate,

-and-

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK,  
Respondent-Board.

-----X  
PLEASE TAKE NOTICE that the Petitioner hereby appeal(s) to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department from an order entered in this case in the office of the Clerk of the New York County on the 28<sup>th</sup> of April, 2026, which order An order of the Supreme Court of the State of New York, County of New York, entered on April 28, 2026, which dismissed Petitioner's Election Law proceeding on jurisdictional/service grounds, finding that Petitioner failed to strictly comply with the service requirements of the Order to Show Cause by not serving all papers upon which the Order to Show Cause was granted, including the March 22, 2026 email filed as NYSCEF Doc. No. 4.  
and this appeal is taken from

each and every part of that document as well as from the whole thereof; or

the portions of the document that

Dated: April 29th, 2026



\_\_\_\_\_  
Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219

**(786) 440-8209  
NickieKaneForNYC@gmail.com**

**To: Hon. Milton Tingling**

**County Clerk, New York County**

**To: Attorney for Brad Lander**

**Paul Newell**

**Law Office of Paul D. Newell**

**65 Columbia St. Apt. 21d,**

**New York, NY 10002**

**To: Attorney for Board of Elections in City of New York**

**32-42 Broadway, 7 Fl**

**New York, NY 10004**



# NYSCEF Confirmation Notice

## New York County Supreme Court



The NYSCEF website has received an electronic filing on 04/30/2026 09:45 AM. Please keep this notice as a confirmation of this filing.

**451585/2026**

**nickie Kane v. Brad Lander et al**

**Assigned Judge: Matthew Grieco**

### Documents Received on 04/30/2026 09:45 AM

Doc #	Document Type
39	NOTICE OF APPEAL, Motion #001

### Filing User

nickie Kane | kameo712@gmail.com  
95-73 114 Street, South Richmond Hill, NY 11419

### E-mail Service Notifications

An email regarding this filing has been sent to the following on 04/30/2026 09:45 AM:

**nickie Kane - kameo712@gmail.com**  
**PAUL D NEWELL - newellnyc@gmail.com**

### Email Notifications NOT Sent

Role	Party	Attorney
Defendant / Respondent	Board of Elections in City of New York	No consent on record.

\* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

---

**Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court**

Phone: 646-386-5956 Website: <https://www.nycourts.gov/courts/1st-judicial-district/new-york-county-clerks-office>

---

**NYSCEF Resource Center, [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

In the Matter of the Application of  
NICKIE KANE,  
Petitioner-Candidate-Aggrieved,

Index No. 451585/2026

NOTICE OF APPEAL

-against-

HON. \_\_\_\_\_

BRAD LANDER,  
Respondent-Candidate,

-and-

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK,  
Respondent-Board.


-----X

PLEASE TAKE NOTICE that the Petitioner hereby appeal(s) to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department from an order entered in this case in the office of the Clerk of the New York County on the 30<sup>th</sup> of April, 2026, which order An order of the Supreme Court of the State of New York, County of New York, entered on April 30, 2026, which denied Partitioners request for reargument/renewal, this appeal is taken from

each and every part of that document as well as from the whole thereof; or

the portions of the document that

Dated: May 1, 2026

  
\_\_\_\_\_  
Nickie Kane, Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, NY 11219

(786) 440-8209  
NickieKaneforNYC@gmail.com

To: Hon. Milton Tingling  
County Clerk, New York County

To: Attorney for Brad Lander

Paul Newell

Law Office of Paul D. Newell

65 Columbia St. Apt. 21d,

New York, NY 10002

To: Attorney for Board of Elections in City of New York

32-42 Broadway, 7 Fl

New York, NY 10004



# NYSCEF Confirmation Notice

## New York County Supreme Court



The NYSCEF website has received an electronic filing on 04/30/2026 11:04 AM. Please keep this notice as a confirmation of this filing.

**451585/2026**

**nickie Kane v. Brad Lander et al**

**Assigned Judge: Matthew Grieco**

### Documents Received on 04/30/2026 11:04 AM

Doc #	Document Type
41	EXHIBIT(S) NA

### Filing User

nickie Kane | kameo712@gmail.com  
95-73 114 Street, South Richmond Hill, NY 11419

### E-mail Service Notifications

An email regarding this filing has been sent to the following on 04/30/2026 11:04 AM:

**nickie Kane - kameo712@gmail.com**  
**PAUL D NEWELL - newellnyc@gmail.com**

### Email Notifications NOT Sent

Role	Party	Attorney
Defendant / Respondent	Board of Elections in City of New York	No consent on record.

\* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

---

**Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court**

Phone: 646-386-5956 Website: [http://www.nycourts.gov/courts/1jd/supctmanh/county\\_clerk\\_operations.shtml](http://www.nycourts.gov/courts/1jd/supctmanh/county_clerk_operations.shtml)

---

**NYSCEF Resource Center, [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

NICKIE KANE,  
Applicant/Petitioner,

v.

Brad Lander,  
Respondent-Candidate.

BOARD OF ELECTIONS IN THE CITY OF NEW YORK,  
Respondents-Board.

---

**PROOF OF SERVICE**

I, Nickie Kane, do swear or declare that on this date, May 13, 2026, as required by Supreme Court Rule 29, I have served the enclosed:

**EMERGENCY APPLICATION FOR STAY AND INJUNCTION PENDING  
APPEAL AND/OR PENDING PETITION FOR WRIT OF CERTIORARI;**

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS;**

**AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO  
PROCEED IN FORMA PAUPERIS;**

and any accompanying appendix, exhibits, declarations, or supporting papers,

on each party to the above proceeding, or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail, properly addressed to each person listed below, with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three calendar days.

The names and addresses of those served are as follows:

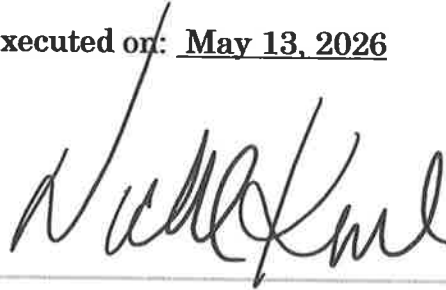
Board of Elections in the City of New York  
32 Broadway  
New York, New York 10004

Grace Pyun, General Counsel, [gpyun@boenyc.gov](mailto:gpyun@boenyc.gov)

Paul D. Newell, Esq.  
Counsel for Respondent-Objector Seamus Campbell  
65 Columbia Street #21D  
New York, New York 10002  
[newellnyc@gmail.com](mailto:newellnyc@gmail.com)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 13, 2026

A handwritten signature in black ink, appearing to read "Nickie Kane", written over a horizontal line.

Nickie Kane  
Applicant/Petitioner Pro Se  
926 47 Street, Apt. 6D  
Brooklyn, New York 11219  
(786) 440-8209  
[NickieKaneforNYC@gmail.com](mailto:NickieKaneforNYC@gmail.com)