

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

D33946  
W/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - January 27, 2012

RUTH C. BALKIN, J.P.  
THOMAS A. DICKERSON  
ARIEL E. BELEN  
JEFFREY A. COHEN, JJ.

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2011-10737

DECISION & ORDER

In the Matter of Bart J. Haggerty, appellant, v  
Queens County Republican Committee, et al.,  
respondents-respondents, et al., respondent.

(Index No. 23058/11)

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In a proceeding pursuant to Election Law § 16-102, inter alia, to invalidate a certificate of election filed with the Board of Elections in the City of New York electing Philip Ragusa and certain other persons as officers and directors of the Republican Party County Committee for the County of Queens, State of New York, the petitioner appeals from a final order of the Supreme Court, Queens County (Flug, J.), dated October 27, 2011, which dismissed the proceeding as untimely.

ORDERED that the final order is affirmed, without costs or disbursements.

The petitioner failed to comply with the service provisions of the order to show cause dated October 7, 2011, as modified by a Justice of this Court on October 8, 2011, particularly with respect to the time by which service upon the respondents was to be effectuated. Accordingly, since strict compliance with the service provisions of the order to show cause is jurisdictional in nature, the proceeding was properly dismissed as untimely (*see* Election Law § 16-116; *Matter of Gorman v Board of Elections in City of N.Y.*, 76 AD3d 658, 658; *Matter of Caruso v Nassau County Bd. of Elections*, 186 AD2d 701, 701).

BALKIN, J.P., DICKERSON, BELEN and COHEN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

February 7, 2012

MATTER OF HAGGERTY v QUEENS COUNTY REPUBLICAN COMMITTEE