

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

885

CAE 15-01320

PRESENT: SCUDDER, P.J., LINDLEY, SCONIERS, VALENTINO, AND DEJOSEPH, JJ.

IN THE MATTER OF LARRY L. HELWIG,
PETITIONER-RESPONDENT,

V

ORDER

MICHAEL ASKLAR, RESPONDENT-APPELLANT,
LORA ALLEN AND JENNIFER FRONCZAK, AS
COMMISSIONERS OF NIAGARA COUNTY BOARD OF
ELECTIONS, RESPONDENTS-RESPONDENTS,
ET AL., RESPONDENTS.

JOSEPH F. TOWNSEND, LOCKPORT, JEROME D. SCHAD, WILLIAMSVILLE, FOR
RESPONDENT-APPELLANT.

LAW OFFICE OF SHAWN P. NICKERSON, NORTH TONAWANDA (SHAWN P. NICKERSON
OF COUNSEL), FOR PETITIONER-RESPONDENT.

CLAUDE A. JOERG, COUNTY ATTORNEY, LOCKPORT (JOSEPH BURNS OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered August 6, 2015 in a proceeding pursuant to Election Law article 16. The order granted the petition in part and ordered the Niagara County Board of Elections to strike respondent Michael Asklar's name from the ballot for the 2015 primary and general elections as a Democratic Party candidate for the office of Niagara County Legislator, Seventh District.

It is hereby ORDERED that the order so appealed from is affirmed without costs for reasons stated in *Matter of Angletti v Morreale* (___ AD3d ___ [Aug. 19, 2015]).

All concur except SCUDDER, P.J., and VALENTINO, J., who dissent and vote to reverse the order insofar as appealed from and dismiss the petition in its entirety for reasons stated in the dissenting memorandum in *Matter of Angletti v Morreale* (___ AD3d ___ [Aug. 19, 2015]).

Entered: August 19, 2015

Frances E. Cafarell
Clerk of the Court