

<b>Matter of Riccardi v Phillips-Staley</b>
2026 NY Slip Op 31648(U)
April 21, 2026
Supreme Court, Rockland County
Docket Number: Index No. 032794/2026
Judge: David Fried
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To commence the statutory time period for appeals as of right (CPLR §5513 [a]), you are advised to serve a copy of this Order, with notice of entry, upon all parties.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
*In the Matter of the Application of*

CIRO CHRISTOPHER RICCARDI,

Petitioner-Objector,

MICHAEL LAWLER,

Petitioner/Candidate Aggrieved,

-against-

EFFIE GUADALUPE PHILLIPS-STALEY,

Respondent-Candidate,

NEW YORK STATE BOARD OF ELECTIONS

Respondent-Board,

For an Order Pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, Declaring Invalid the Petitions purporting to designate Effie Guadalupe Phillips-Staley a Candidate of the Democratic Party for the Public Office of Representative in Congress from the 17th Congressional District, New York State at the June 23, 2026 Primary Election and to Restrain Respondent-Board from placing the name of Respondent-Candidate upon the official ballots of said Primary Election.

-----X  
*In the Matter of the Application of*

CIRO CHRISTOPHER RICCARDI,

Petitioner-Objector,

MICHAEL LAWLER,

**DECISION & ORDER**

*Action No. 1*

Index No. 032794/2026

Motion Sequence No. 2

*Action No. 2*

Index No. 032794/2026

Motion Sequence No. 2

Petitioner/Candidate Aggrieved,

-against-

EFFIE GUADALUPE PHILLIPS-STALEY,

Respondent-Candidate,

NEW YORK STATE BOARD OF ELECTIONS

Respondent-Board,

For an Order Pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, Declaring Invalid the Petitions purporting to designate Effie Guadalupe Phillips-Staley a Candidate of the Working Families Party for the Public Office of Representative in Congress from the 17th Congressional District, New York State at the June 23, 2026 Primary Election and to Restrain Respondent-Board from placing the name of Respondent-Candidate upon the official ballots of said Primary Election.

-----X  
**HON. DAVID FRIED, A.J.S.C.**

The papers filed electronically via NYSCEF numbered 16 & 19 in Action No. 1 under Index No. 032794/2026; and the papers filed electronically via NYSCEF numbered 16 & 19 in Action No. 2 under Index No. 032795/2026 (collectively hereinafter, “Motions”) were read and considered herein. Upon such reading and consideration, the Motions are disposed as follows:

## **BACKGROUND**

Petitioners *Ciro Christopher Riccardi* and *Michael Lawler* (“Petitioners”) together brought these election law proceedings by way of proposed Orders to Show Cause filed with the Rockland County Clerk’s Office to invalidate certain Democratic Party and Working Family Party designating petitions filed with the New York State Board of Elections on April 6, 2026 and April 9, 2026, respectively. The designating petitions designate Respondent-Candidate *Effie Guadalupe Phillips-Staley* as a candidate of the Democratic and Working Families Parties for the Office of Member, United States House of Representatives, New York State’s 17th Congressional District — a district covering four counties in the lower Hudson Valley. Specifically, the Petitioners challenge the validity of 2,284 of 2,900 signatures contained in the Democratic Party designating petition and 73 of 167 signatures in the Working Families Party designating petition due to alleged fraud, among other reasons set forth in this petition of this special proceeding. The Court signed the proposed Orders to Show Cause and

scheduled appearances for April 20, 2026. In the interim, Respondent-Candidate brought the within Motions to dismiss the actions for improper venue. All parties appeared by counsel on April 20, 2026 at which time the Court heard oral argument on Respondent-Candidate's Motions. Petitioners oppose the application. The Attorney General has appeared and noted that Respondent-New York State Board of Elections takes no position on the application.

## DISCUSSION

CPLR §506 governs venue in special proceedings, including the election law actions herein. Subdivision (a) thereof permits special proceedings to be venued in any county where the proceedings are triable, or, in other words, any county where venue is consistent with the other sections of Article 5, except as otherwise provided in subdivision (b) or the relevant authorizing statute.

Subdivision (b) of CPLR §506 generally requires that proceedings against a governmental body or officer be venued in either (1) the county within the judicial district where the respondent made the determination complained of or refused to perform the duty specifically enjoined upon him by law, (2) the county where the proceedings were brought or taken in the course of which the matter sought to be restrained originated, (3) the county where the material events otherwise took place, or (4) the county where the principal office of the respondent is located.

Separately, 22 NYCRR §202.64 provides that “[a]s far as practicable, the [Election Law] application shall be brought in the county in which it arose.”

Respondent-Candidate, relying principally on the holding of the Supreme Court in *Cartwright v. Kennedy*, 84 Misc3d 497 (Sup Ct, Dutchess County 2024), contends that because the New York State Board of Elections is a necessary party herein, the within actions are “proceedings against a body or officer” within the ambit of CPLR §506(b) and that Albany County, where the principal office of the New York State Board of Elections is located, is the only proper venue. Petitioners, relying on the holdings of the Supreme Court in *Smith v. Kennedy*, 83 Misc3d 1239(A) \*1 (Sup Ct, Nassau County 2024), contend that venue is governed by CPLR §506(a) and that venue in Rockland County is proper based upon the location of the parties and witnesses and the need to proceed expeditiously in Election Law proceedings.

CPLR §506(b) is not applicable herein. Although the New York State Board of Elections is a necessary party to this election law proceeding pertaining to an inter-county race, it is here in a nominal capacity, having yet to issue a determination relevant to the designating petitions in dispute (*Smith*, 83 Misc3d at \*2). Further, the filing of designating petitions and objections thereto with the Respondent-Board do not constitute material events under CPLR §506(b) or events under which the application arose pursuant to 22 NYCRR §202.64. The material events underlying these actions are acts and or omissions relevant to the signatures contained in the designating petitions, which were purportedly obtained either in Westchester, Dutchess, Putnam, or Rockland counties where Petitioners,

Respondent-Candidate, and witnesses are located. Adopting Respondent-Candidate's position would have the effect of designating Albany County the only proper venue for Election Law proceedings involving inter-county races. Even though virtual hearings now eliminate the logistical burdens of travel, it is unlikely the state legislature intended a result so impractical—namely, one that would compel litigants and witnesses to journey to the state's capital for a proceeding that must, by its very nature, be handled promptly. The availability of virtual proceedings has not evaporated the venue provisions of the CPLR. Further, the Court is concerned that such a narrow interpretation and application would have a chilling effect on the public's civic engagement in the electoral process – eligible election petition carriers and signers may be disincentivized from participating in this important part of the electoral process if they know there is a possibility that they may be summoned to Albany from the far-reaches of this state as to an election tied to their home community.

This action is governed by CPLR §506(a) and 22 NYCRR §202.64, and is properly venued in Rockland County, which has a direct nexus to the allegations complained of herein.

In light of the foregoing, it is hereby

**ORDERED**, that Respondent-Candidate's Motions filed under Motion Sequence No. 2 in both Action No. 1 and Action No. 2 are DENIED; and it is further

**ORDERED**, that all parties are to appear on April 22, 2026 at 9:15AM as previously directed.

The foregoing constitutes the Decision & Order of this Court.

Dated: New City, New York  
April 21, 2026

ENTER:



**HON. DAVID FRIED, A.J.S.C.**  
STATE OF NEW YORK  
COUNTY OF ROCKLAND