

Matter of Bruck v Thind
2026 NY Slip Op 31808(U)
April 28, 2026
Supreme Court, Albany County
Docket Number: Index No. 904468-26
Judge: Kimberly A. O'Connor
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STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

In the Matter of the Application of

TAYLOR BRUCK and AMEE PETERSON,

Petitioners-Objectors,

-against-

SHARANJIT S. THIND,

Respondent-Candidate,

-and-

JACQUELINE MARY THERESA
AURINGER,

Respondent-Substitute Candidate,

-and-

COURTNEY CANFIELD GREENE,
KENNETH RONK, and MICHAEL
TJ MCCORMACK,

DECISION AND ORDER

Index No.: 904468-26

Respondents-Committee to Fill Vacancies
for the Republican Party Petition,

-and-

GERALD KASSAR, GRACE E. WHITE,
JOHN J. HAYES, JR., and DONALD F.
MINICHINO,

Respondents-Committee to Fill Vacancies
for the Conservative Party Petition,

-and-

HENRY T. BERGER, PETER S.
KOSINSKI, ESSMA BAGNUOLA, and
ANTHONY J. CASALE, Commissioners
Constituting the NEW YORK STATE
BOARD OF ELECTIONS,

Respondents.

For an Order Pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, Declaring Invalid the respective Designating Petitions Purporting to Designate the Respondent-Candidate as Candidate of the Republican Party for election to the Public Office of Member of Congress, 18th Congressional District, State of New York, in the Republican Party Primary Election to be held on the 23rd day of June 2026, and Declaring Invalid the Designating Petition Purporting to Designate the Respondent-Candidate as Candidate of the Conservative Party for election to the Public Office of Member of Congress, 18th Congressional District, State of New York, in the Republican Party Primary Election to be held on the 23rd day of June 2026, and based on the invalidity of such designating petitions, declaring the invalidity of the purported substitution of the Respondent-Substitute Candidate, and to Restrain the said Board of Elections from Printing and Placing the Name of Said Respondent-Candidate Upon the Official Ballots of Such Primary Elections.

(Supreme Court, Albany County, All Purpose Term)

(Justice Kimberly A. O'Connor, Presiding)

APPEARANCES: TREYBICH LAW, P.C.
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DUTCHESS COUNTY
DEPARTMENT OF LAW
Attorneys for Dutchess County
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O'CONNOR, J.:

On April 22, 2026, petitioners Taylor Bruck and Ameer Peterson ("petitioners") filed a motion for so-ordered subpoenas directed to the New York State Thruway Authority, the Dutchess County Sheriff, the New York State Department of Taxation and Finance, and the New York State

Department of Motor Vehicles, FOIL Office.¹ Dutchess County opposed the motion and filed a cross-motion to quash the subpoena petitioner seeks to serve on the Dutchess County Sheriff. Petitioners opposed the motion.

Dutchess County objects to venue of the subpoena motion. The proposed subpoena on the Dutchess County Sheriff requests the following production:

[T]estimony in this action by producing the employee of the Dutchess County Sheriff with the job title Detective, of unknown name, Badge Number 146 who investigated the voting check card from the Dutchess County Board of Elections relating to the residence and voter registration of Respondent-Candidate Sharanjit S. Thind, on the part of Petitioners and that such Detective bring with him, and produce at the time and place aforesaid, testimony together with any notes, reports and all other evidences and writings which you have in your custody or power, concerning the Respondent-Candidate, Sharanjit S. Thind.

Dutchess County argues that because the investigation occurred in Dutchess County by the Dutchess County Sheriff's Office and the Board of Elections, who are both principally located in Dutchess County, the 9th Judicial District, venue of petitioners' motion for a subpoena in Albany County is improper, and must be brought by Order to Show Cause in Dutchess County Supreme Court (citing CPLR 506[b]; 2307). Dutchess County also objects to the sufficiency of the subpoena itself, and maintains that the proposed subpoena fails to sufficiently state the circumstances or reasons for the disclosure request.

In opposition, petitioners argue that CPLR 506 governs the commencement of a proceeding against a body or officer, whereas service of a motion for a so-ordered subpoena directed to a department, bureau or officer having custody of the book, document or other thing is governed by CPLR 2307, and may be made "to...a judge of the court in which an action for which it is required is triable" (NYSCEF Doc. No. 41). Within the proposed subpoena petitioners state that an

¹ At the hearing held on April 27, 2026, petitioner's counsel withdrew his motion for a subpoena on the New York State Department of Taxation and Finance.

investigation was conducted by a detective within the Dutchess County Sheriff's Office. Petitioners annexed a copy of the voter check card referenced in the proposed subpoena. This document states that a detective investigated the residency of respondent-candidate Sharanjit S. Thind at 3 Trinity Way, Lagrangeville, New York. Petitioners stress that the testimony and notes from the detective in this investigation are critical evidence surrounding the residence of respondent-candidate Sharanjit S. Thind.

Pursuant to CPLR 506(b):

A proceeding against a body or officer shall be commenced in any 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, or where the proceedings were brought or taken in the course of which the matter sought to be restrained originated, or where the material events otherwise took place, or where the principal office of the respondent is located.

CPLR 2307 provides that a subpoena duces tecum to be served upon a department or bureau of a municipal corporation or of the state "shall be issued by a justice of the supreme court in the district in which the book, paper or other thing is located or by a judge of the court in which an action for which it is required is triable." Upon a clear reading of CPLR 2307, the Court finds that the proposed subpoena can be issued by this Court where the proceeding for which it is required is triable. CPLR 506(b) governs the venue of a proceeding commenced against a body or officer, and does not preclude the filing of a motion within a properly venued Election Law proceeding. Moreover, the Court finds that the proposed subpoena sufficiently states the circumstances for the disclosure required by the Dutchess County Sheriff for purposes of this proceeding. Accordingly, the Court denies Dutchess County's motion to quash, the grants petitioners' motion for so-ordered subpoenas directed to the New York State Thruway Authority, the Dutchess County Sheriff, and the New York State Department of Motor Vehicles, FOIL Office.

Any remaining arguments not specifically addressed herein have been considered and found to be lacking in merit or need not be reached in light of this determination.

Accordingly, it is hereby

ORDERED, that Dutchess County's cross-motion to quash the subpoena is denied; and it is further

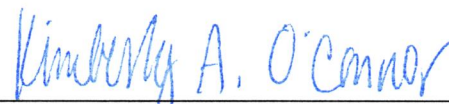
ORDERED, that petitioners' motion for a so-ordered Subpoena on the Dutchess County Sheriff's Office, the New York State Thruway Authority and the New York State Department of Motor Vehicles, FOIL Office, is granted.

This memorandum constitutes the Decision and Order of the Court. The original Decision and Order is being uploaded to the NYSCEF system for filing and entry by the Albany County Clerk. The signing of this Decision and Order and uploading to the NYSCEF system shall not constitute filing, entry, service, or notice of entry under CPLR 2220 and § 202.5-b(h)(2) of the Uniform Rules for the New York State Trial Courts. Counsel is not relieved from the applicable provisions of those Rules with respect to filing, entry, service, and notice of entry of the original Decision and Order.

SO ORDERED.

ENTER.

Dated: April 28, 2026
Albany, New York



HON. KIMBERLY A. O'CONNOR
Acting Supreme Court Justice

Papers Considered:

1. Notice of Motion for So-Ordered Subpoenas, dated April 22, 2026; Affirmation of Michael Treybich, Esq., dated April 22, 2026, with annexed Exhibit 1;
2. Notice of Cross-Motion to Quash Subpoena, dated April 24, 2026; Affirmation of Caroline E. Blackburn, Esq., dated April 24, 2026, with annexed Exhibit 1; *and*
3. Affirmation of Michael Treybich, Esq., in Opposition, dated April 26, 2026, with annexed Exhibit 1.