

Matter of McDermott v Cifuni
2026 NY Slip Op 32084(U)
June 8, 2026
Supreme Court, Rockland County
Docket Number: Index No. 033955/2026
Judge: Thomas P. Zugibe
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND-----X
In the Matter of the Application of

STEPHEN MCDERMOTT and JENNIFER CABRERA,

DECISION and ORDER

Index No.: 033955/2026

Petitioners,

-against-

JUSTIN CIFUNI, MAURA DONOGHUE, MAUREEN
DONOGHUE, THOMAS EMMONS, BARBARA
FRANCIS, ANTHONY FRANSONE, SHMIEL GRUBER,
SHARON KATZ, SHIMON KOPERSHTOK, BRUCE LEOTE,
COBY LOBAUGH, DINA LUNGER, ESTHER MYERS,
ANNMARIE NINAN, MARIAMMA NINAN, RACHEL
NINAN, SALLY NINAN, GARY PARAHUS, GARY
PARAHUS, and VINCENT TRAVELIGNI,Purported Party-Member
Respondents,

-and-

THE ROCKLAND COUNTY BOARD OF ELECTIONS,

Respondent,

For an Order Pursuant to Sections 16-100, 16-110, and 16-116
of the Election Law cancelling the enrollments of Purported
Party Members-Respondents in the Working Families Party for
lack of sympathy with the principles of such party.-----X
ZUGIBE, J.

STEPHEN MCDERMOTT and JENNIFER CABRERA (hereinafter collectively referred to as “Petitioners”) make an application pursuant to N.Y. ELECTION LAW (“Election Law”) §§ 16-100, 16-110 and 16-116 by way of Order to Show Cause filed June 1, 2026 for an Order of this Court directing the ROCKLAND COUNTY BOARD OF ELECTIONS (“RCBOE”) to cancel the Working Families Party enrollments of each of the above-named Purported Party-Member Respondents. The application was not opposed by the Purported Party-Member Respondents, notwithstanding proof of service having been established.

The Court, based on its review of NYSCEF documents 1-9, and based upon the proceedings that took place on the record on June 5, 2026, hereby grants the Petitioners' application in its entirety as follows:

Petitioners are duly registered voters and enrolled members of the Working Families Party. NYSCEF Doc. 1. Purported Party-Member Respondents have all submitted their voter registration applications seeking enrollment in the Working Families Party and all purportedly reside in Rockland County. *Id.*

As per the Verified Petition, on or about February 7, 2026, the State Committee of the Working Families Party adopted a resolution appointing Petitioner JENNIFER CABRERA ("Cabrera"), as well as Peter Feigenbaum and Brian Obach, as the State Committee's Hudson Valley Enrollment Committee to hear enrollment-related complaints against purported Working Families Party members residing in certain counties including Rockland County. NYSCEF Doc. 1. By the same resolution, the State Committee appointed Cabrera as Chair of the Enrollment Committee. *Id.* It is alleged that on May 20, 2026, Cabrera received complaints filed by Petitioner STEPHEN McDERMOTT ("McDermott") alleging that the subject Purported Party-Member Respondents are not in sympathy with the principles of the Working Families Party, and as a result, seeking a determination that they should be disenrolled. The sum and substance of the complaints purporting to evidence the lack of sympathy with the Party, same having been annexed to this application, are based on the Purported Party-Member Respondents': (i) social media activity; (ii) contributions to candidates criticizing or opposing principles of the Party; (iii) actions as standard-bearers for opposing political parties; and (iv) campaign activities undermining candidates designated by the Working Families Party. NYSCEF Doc. 4. On May 20, 2026, Cabrera sent notices of a hearing to be conducted to each of the above-named Purported Party-Member Respondents via United States Postal Service, said hearing having been scheduled to take place on May 26, 2026, at 6 p.m. The hearing timely commenced at 6 p.m. on May 26, 2026. None of the Purported Party-Member Respondents appeared for the hearing. At 6:45 p.m., the Enrollment Committee determined that based upon the evidence proffered, same not having been rebutted, the Purported Party-Member Respondents were not in sympathy with the working principles of the Party, and further, authorized the commencement of the instant proceeding. The Committee waited until 7 p.m. on May 26, 2026 to adjourn, at which time no Purported Party-Member Respondents were present.

As set forth, *supra*, this proceeding was commenced on June 1, 2026 by Order to Show Cause, same having been returnable on June 5, 2026, at 2 p.m. NYSCEF Doc. 7. On the return date, the Petitioners appeared by counsel, as well as the RCBOE. The RCBOE took no position with respect to the application. None of the Purported Party-Member Respondents appeared on the return date, nor did they file any opposition papers. The Court determined that the matter was fully submitted, and granted the application in its entirety, as set forth more fully on the record on June 5, 2026.

Election Law § 16-110(2) sets forth that

[t]he chairperson of the county committee of a party with which a voter is enrolled in such county, or, in the absence of a county committee in such county, a person

elected for such purpose by a majority vote of the state committee of the party at a regular or special meeting of the party at which a quorum is present, may, upon a written complaint by an enrolled member of such party in such county and after a hearing held by such person or by a sub-committee appointed by such person upon at least two days' notice to the voter, personally or by mail, determine that the voter is not in sympathy with the principles of such party. The Supreme Court or a justice thereof within the judicial district, in a proceeding instituted by a duly enrolled voter of the party at least ten days before a primary election, shall direct the enrollment of such voter to be cancelled if it appears from the proceedings before such person or sub-committee, and other proofs, if any, presented, that such determination is just.

Election Law § 16-110(2).

The Court's role in a proceeding commenced pursuant to Election Law § 16-110(2) is rather limited. "The Court must determine whether the Chairperson reached their determination on the basis of sufficient evidence and is just[.]" *Mazzullo v. Barnett*, 2021 WL 2406835, at *3 (Sup. Ct., Monroe Cnty., 2021) (internal references omitted).

The Court determines that the Petitioner in this matter has complied with the procedural requirements of the Election Law. The Court additionally determines that, based upon the Verified Petition and upon the failure of the Purported Party-Member Respondents to appear in person or by counsel, the determination of the Enrollment Committee was based on sufficient evidence, and was just.

Now, therefore it is hereby

ORDERED, that the Petition is granted in its entirety; and it is further

ORDERED, that the enrollments of all of the defaulting Purported Party-Member Respondents named in this proceeding in the Working Families Party shall be and hereby are cancelled; and it is further

ORDERED, that Respondent RCBOE shall cause its enrollment records to reflect the cancellation of the enrollments of the defaulting Purported Party-Member Respondents as enrollees in the Working Families Party.

The above shall constitute the Decision and Order of this Court.

Dated: New City, New York
June 8, 2026


HON. THOMAS P. ZUGIBE, J.S.C.

To: *All counsel of record with NYSCEF*