

Supreme Court, Appellate Division, First Department, New York.
SEWARD PARK HOUSING CORPORATION, et al., Plaintiffs-Appellants,
v.
HONEST BALLOT ASSOCIATION, et al., Defendants-Respondents.
Oct. 4, 2001.

Shareholders in housing cooperative sought preliminary injunction, contesting proxy ballots which had been filed in election. The Supreme Court, New York County, Marilyn Shafer, J., denied motion, and dismissed complaint. Shareholders appealed. The Supreme Court, Appellate Division, held that fact that ballots were notarized by their proxy holder, who while not a candidate himself was an active backer of one of the competing slates, was not a reason, per se, to void such ballots.

Affirmed.

West Headnotes

KeyCite Notes

233 Landlord and Tenant
233XI Cooperative Apartments
233k355 k. Membership Associations. Most Cited Cases

Fact that ballots of housing cooperative shareholders were notarized by their proxy holder, who was not a candidate himself, but was an active backer of one of the competing slates, was not a reason, per se, to void such ballots.

**510 Elliott S. Martin, for Plaintiffs-Appellants.

Steven S. Anderson, for Defendants-Respondents.

WILLIAMS, J.P., MAZZARELLI, ANDRIAS, ELLERIN and SAXE, JJ.

*266 Order, Supreme Court, New York County (Marilyn Shafer, J.), entered December 8, 2000, which denied plaintiffs' motion for a preliminary injunction, vacated the temporary restraining order granted in their favor, dismissed the complaint and directed defendant Honest Ballot Association to count the contested proxy ballots and certify the results of the election, unanimously affirmed, without costs.

*267 The motion court correctly held that the notarization of ballots of cooperative shareholders **511 by their proxy holder, not a candidate himself but an active backer of one of the competing slates, is not a reason, per se, to void such ballots (see, McKenna v. Double G Dev. Corp., 251 A.D.2d 202, 674 N.Y.S.2d 356).

N.Y.A.D. 1 Dept., 2001.

Seward Park Housing Corp. v. Honest Ballot Ass'n
287 A.D.2d 266, 730 N.Y.S.2d 510

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