



George Latimer
County Executive

Office of the County Attorney

October 30, 2024

John M. Nonna
County Attorney

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: *Winter, et al. v. Luft, et al.*
Supreme Court, Westchester County Index No.: 65112/2024


Dear Honorable Members of the Board:

With respect to the above-referenced matter, which was returnable in the Westchester County Supreme Court on July 26, 2024, communications were received from Commissioner Douglas A. Colety and Commissioner Tajian M. Nelson together with a copy of the Order to Show Cause and Petition. After an initial appearance before Judge Linda Jamieson in Supreme Court, Westchester County on July 11, 2024, the Commissioners advised that they were not in agreement regarding a position to take in the case and requested separate counsel to represent each of them in this matter.

Based upon my review of the facts and circumstances of this case, and after this office having consulted with the Commissioners, on July 17, 2024, I determined pursuant to the Laws of Westchester County § 297.31(2)(b)(i), that representation by the County Attorney would not be appropriate due to a conflict of positions taken by the Commissioner of the Board of Elections and certified that Commissioner Douglas A. Colety and Commissioner Tajian M. Nelson were each entitled to representation by separate private counsel in accordance with the provisions of said section 297.31(2)(b).

I am in receipt of the legal bills for services rendered in the above-referenced matter to Commissioner Douglas A. Colety and Commissioner Tajian M. Nelson and attach them here for your review and consideration. Accordingly, I respectfully request that this Honorable Board adopt the attached Act.

Sincerely,


John M. Nonna
County Attorney



HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed the proposed Act which, if adopted, would authorize the designation and retention of separate private counsel to represent Republican Election Commissioner Douglas A. Colety and Democratic Election Commissioner Tajian M. Nelson, respectively, and to take such other legal action as may be deemed necessary with respect to the lawsuit entitled *Winter, et al v. Luft, et al*, under Index No: 65112/2024.

Your Committee noted that the County Attorney determined, based upon a review of the facts and circumstances of this matter, that representation by the County Attorney's Office would not be appropriate due to a conflict of positions taken by the Commissioner of the Board of Elections. The County Attorney has certified to the County Board that therefore each Commissioner is entitled to separate private counsel in accordance with the Laws of Westchester County § 297.31(2)(b).

In light of the aforementioned, your Committee believes it is necessary and appropriate for the County Board of Legislators to authorize the retention of Timothy Hill, Esq. of Perillo Hill LLP to represent Commissioner Douglas A. Colety in the aforesaid proceeding at a cost not to exceed \$15,995.03 for legal services rendered and expenses; and the retention of David A. Koenigsberg of Menz Bonner Komar & Koenigsberg LLP to represent Commissioner Tajian M. Nelson in the aforesaid proceeding at a cost not to exceed \$21,461.36 for legal services rendered and expenses. The proposed Act shall authorize the actions of outside counsel in defending the action.

Your Committee recommends approval of the attached Act. An affirmative vote of a majority of the Board is required to pass this Act.

Dated: _____, 2024

White Plains, New York

COMMITTEE ON ACT NO. – 2024

AN ACT authorizing the designation and retention of private counsel pursuant to the Laws of Westchester County §297.31(2)(b) relating to the lawsuit entitled *Winter, et al. v. Luft, et al.*, Supreme Court, Westchester County Index No: 65112/2024.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

§ 1. Based upon the determination of the Westchester County Attorney pursuant to the Laws of Westchester County § 297.31(2)(b)(i) that representation by the County Attorney would not be appropriate due to a conflict of positions taken by the Commissioners of the Board of Elections in the lawsuit entitled *Winter, et al. v. Luft, et al.*, Supreme Court, Westchester County Index No: 65112/2024, and certification that therefore Tajian M. Nelson and Douglas A. Colety are entitled to representation by separate private counsel in accordance with the provisions of the Laws of Westchester County §297.31(2)(b), the County Board of Legislators hereby authorizes the retention of Timothy Hill, Esq. of Perillo Hill LLP to represent Commissioner Douglas A. Colety in the aforesaid proceeding at a cost not to exceed \$15,995.03 for legal services rendered and expenses; and the retention of David A. Koenigsberg of Menz Bonner Komar & Koenigsberg LLP to represent Commissioner Tajian M. Nelson in the aforesaid proceeding at a cost not to exceed \$21,461.36 for legal services rendered and expenses. Said attorneys actions in defending this matter are hereby authorized. The Commissioner of Finance is directed to pay an amount not to exceed the aforesaid amounts for said legal services.

§ 2. The County Attorney or his designee be and hereby is authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary and desirable to accomplish the purposes hereof.

§ 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Winter, et al

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 37,456

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101 14 1000 1000 4380 AMDS

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Winter, et al v. Luft, et al Index 65112/2024

\$15,995.03 legal services (Perillo Hill) to represent Comm Colety

\$21,461.36 legal services (Menz Bonner Komar & Koenigsberg) to represent Comm Nelson

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Francesca Mountain

Title: Senior Assistant County Attorney

Department: Law

Date: October 29, 2024

10/29/24
Reviewed By: 

Budget Director

Date: 10/30/24



285 West Main Street, Ste. 203
Sayville, NY 11782
(631) 582-9422

INVOICE

Invoice # 5567
Date: 09/18/2024
Due On: 10/18/2024

Douglas A. Colety
Westchester County Board of Elections
25 Quarropas St., Unit 1
White Plains, NY 10601

01049-Colety

Winter, Erica and Frost, Allison v. Luft, Lindsey et al, Westchester Index No. 65112/2024

Client Reference Number:

Services

Date	Attorney	Notes	Type	Quantity	Rate	Total
07/19/2024	TH	Draft and file Colety answering papers. Review Nelson affirmation and memorandum.	Service	3.50	\$250.00	\$875.00
07/19/2024	TH	Review Village motion to dismiss.	Service	1.20	\$250.00	\$300.00
07/22/2024	TH	Review Petitioner reply in further support and in opposition to motions to dismiss.	Service	2.00	\$250.00	\$500.00
07/23/2024	TH	Prepare for, travel to/from and appear in court (Westchester Supreme) for oral argument on Order to Show Cause.	Service	5.50	\$250.00	\$1,375.00
07/30/2024	TH	Review and analyze decision and order.	Service	0.70	\$250.00	\$175.00
08/04/2024	TH	Draft and filed Notice of Appeal and Information statement. Telecon and email counsel for co-respondent. Research and prepare for opposition to TRO (stay) application. Review additional counsel emails.	Service	1.90	\$250.00	\$475.00
08/05/2024	TH	Review petitioner-respondent's Order to Show Cause and supporting papers. Prepare for opposing OSC/TRO (vacatur of stay) application, legal research. Email and telecon to Appellate Division. Appear via telecon for oral argument (Appellate Division, Second Department) of opposition to application to vacate automatic stay. Review emails re: conformed order signing OSC and striking requested TRO to vacate stay.	Service	2.50	\$250.00	\$625.00
08/06/2024	TH	Review correspondence from J. Gasbarro to Appellate Division.	Service	0.20	\$250.00	\$50.00
08/07/2024	TH	Review correspondence from J. Murtagh to Appellate Division.	Service	0.10	\$250.00	\$25.00
08/12/2024	TH	Review Village Opposition to OSC to vacate stay.	Service	0.50	\$250.00	\$125.00
08/12/2024	TH	Draft and file Opposition to OSC to vacate stay.	Service	3.20	\$250.00	\$800.00
08/14/2024	TH	Review Order of appellate division denying motion to dismiss appeal, denying motion to vacate stay, and setting expediting briefing schedule.	Service	0.20	\$250.00	\$50.00
08/15/2024	TH	Review re preparation of appeal.	Service	2.00	\$250.00	\$500.00
08/16/2024	TH	Review re appeal. Telecon Village counsel.	Service	0.50	\$250.00	\$125.00
08/16/2024	TH	Drafting appellate brief.	Service	2.50	\$250.00	\$625.00
08/19/2024	TH	Drafting appellate brief.	Service	3.50	\$250.00	\$875.00

08/21/2024	TH	Review Village's appellate brief.	Service	0.50	\$250.00	\$125.00
08/26/2024	TH	Review Petitioners-Respondents' Brief. Review Nelson Response Brief.	Service	2.80	\$250.00	\$700.00
08/28/2024	TH	Draft Reply Brief.	Service	5.50	\$250.00	\$1,375.00
08/28/2024	TH	Review Village's reply brief.	Service	0.50	\$250.00	\$125.00
09/04/2024	LF	Prepare for oral argument. Discuss issues for oral argument with Timothy Hill; review briefs and decision below; summarize applicable statutes and points for argument.	Service	2.70	\$250.00	\$675.00
09/05/2024	LF	Continue preparation for, travel to/from and appear at Oral Argument of the appeal at the Appellate Division, Second Department.	Service	4.50	\$250.00	\$1,125.00
09/06/2024	TH	Review decision and order of the Appellate Division, Second Department.	Service	0.30	\$250.00	\$75.00
					Quantity Subtotal	46.8
					Services Subtotal	\$11,700.00

Expenses

Date	Attorney	Notes	Type	Rate	Total
08/27/2024	TH	Counsel Press Inc.: Preparation of: Appellant's Opening Brief	Expense	\$3,360.31	\$3,360.31
08/31/2024	TH	Counsel Press Inc.: Preparation of Reply Brief	Expense	\$934.72	\$934.72
			Expenses Subtotal		\$4,295.03
			Quantity Total		46.8
			Subtotal		\$15,995.03
			Total		\$15,995.03

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
5567	10/18/2024	\$15,995.03	\$0.00	\$15,995.03
Outstanding Balance				\$15,995.03
Total Amount Outstanding				\$15,995.03

Please make all amounts payable to: Perillo Hill LLP

PH Tax ID Number 85-2440242

PH accepts secure, online credit card payments.

Invoice

Counsel Press Inc.

PO Box 65019
Baltimore, Maryland 21264-5019
Phone: (800) 427-7325

Invoice Number: 0009166298

Date: 08/27/2024

Fed. Tax ID: 47-3380949

Terms: ON RECEIPT

Sold To

Perillo Hill LLP
285 West Main Street
Suite 203
Sayville, NY 11782 USA

Attention: Timothy F. Hill, Esq.

File No.: 332311

Court: APP DIV 2ND DEP

Case Name: Erica R. Winter v. Lindsey M. Luft

				Amount
APPELLANT'S OPENING BRIEF				
1.00	Preparation of Brief	@	\$750.00	\$750.00
54.00	Page(s)	@	\$0.00	
1.00	Page(s) Table of Contents	@	\$125.00	\$125.00
2.00	Page(s) Table of Citations	@	\$165.00	\$330.00
2.00	Prep. of - 5531, Printing Spec Statement	@	\$75.00	\$150.00
3.00	Hour(s) Overtime - 2 people x 1.50 hrs	@	\$225.00	\$675.00
1.00	Electronic File Production and Review	@	\$150.00	\$150.00
15.00	Electronic - Bookmarks	@	\$2.50	\$37.50
208.00	Electronic - Link(s)	@	\$3.00	\$624.00
1.00	File Upload(s)	@	\$50.00	\$50.00
1.00	Expedited Service	@	\$150.00	\$150.00
1.00	Shipping & Handling	@	\$52.00	\$52.00

00-DR

08/30/2024 17:23 PM

This Invoice is Due Upon Receipt. Please Show Invoice
Number on Check When Submitting Payment.

Subtotal \$3,093.50

Sales Tax \$266.81

\$0.00

Payment/Credit \$0.00

Page 1 of 1

Balance \$3,360.31

NEW YORK, NY - WASHINGTON, DC - PHILADELPHIA, PA - LOS ANGELES, CA - CHICAGO, IL
BUFFALO, NY - RICHMOND, VA - BOSTON, MA - ISELIN, NJ - SYRACUSE, NY - ROCHESTER, NY - DELHI, NY

Invoice

Counsel Press Inc.
PO Box 65019
Baltimore, Maryland 21264-5019
Phone: (800) 427-7325

Invoice Number: 0009166587
Date: 08/31/2024
Fed. Tax ID: 47-3380949
Terms: ON RECEIPT

Sold To

Perillo Hill LLP
285 West Main Street
Suite 203
Sayville, NY 11782 USA

Attention: Timothy F. Hill, Esq.

File No.: 332347

Court: APP DIV 2ND DEP

Case Name: Erica R. Winter v. Lindsey M. Luft

				Amount
REPLY BRIEF				
1.00	Preparation of Brief	@	\$550.00	\$550.00
12.00	Page(s)	@	\$0.00	
1.00	Electronic File Production and Review	@	\$150.00	\$150.00
3.00	Electronic - Bookmarks	@	\$2.50	\$7.50
17.00	Electronic - Link(s)	@	\$3.00	\$51.00
1.00	File Upload(s)	@	\$50.00	\$50.00
1.00	Shipping & Handling	@	\$52.00	\$52.00

00-DR

09/05/2024 10:24 AM

This Invoice is Due Upon Receipt. Please Show Invoice
Number on Check When Submitting Payment.

Subtotal \$860.50
Sales Tax \$74.22
\$0.00

Payment/Credit \$0.00

Page 1 of 1

Balance \$934.72

NEW YORK, NY - WASHINGTON, DC - PHILADELPHIA, PA - LOS ANGELES, CA - CHICAGO, IL
BUFFALO, NY - RICHMOND, VA - BOSTON, MA - ISLIN, NJ - SYRACUSE, NY - ROCHESTER, NY - DELHI, NY

MENZ BONNER KOMAR & KOENIGSBERG LLP

ATTORNEYS AT LAW

800 WESTCHESTER AVENUE, SUITE 641-N

RYE BROOK, NEW YORK 10573

www.mbkklaw.com

TEL: (914) 949-0222

FAX: (914) 997-4117

INVOICE # 15507

August 15, 2024

FOR PROFESSIONAL SERVICES rendered from July 18, 2024 to August 14, 2024 in connection with *Winter v. Luft, et al.*, Index No. 65112/2024 (Supreme Court Westchester County):

<u>Fees:</u>	<u>D. Koenigsberg</u>	<u>22.0 hrs. @ \$400/hr.</u>	<u>\$ 10,780.00</u>
	Total Fees	22.0 hrs.	\$ 10,780.00

Disbursements and Other Charges: \$ 33.00

Total Amount Due: \$ 10,813.00

PLEASE SEND REMITTANCE TO: MENZ BONNER KOMAR & KOENIGSBERG LLP
800 WESTCHESTER AVENUE, SUITE 641-N
RYE BROOK, NEW YORK 10573

OR WIRE REMITTANCE TO: JP MORGAN CHASE MANHATTAN BANK
FOR THE ACCOUNT OF
MENZ BONNER KOMAR & KOENIGSBERG LLP # 134114006265
ABA# 021000021
PLEASE CONFIRM WIRE INSTRUCTIONS BY CALLING (914) 949-0222

Menz Bonner Komar & Koenigsberg LLP
800 Westchester Avenue
Suite 641-N
Rye Brook, NY 10573

Invoice submitted to:
Tajian M. Nelson
Commissioner
Westchester County Board of Elections
25 Quarropas Street
White Plains, NY 10601
Westchester

August 15, 2024

Invoice #15507

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
7/18/2024	DAK Communications w. T. Nelson re Pelham lawsuit issues.	0.50 675.00/hr	337.50
	DAK Tel. call w. F. Mountain, WC attorney re lawsuit issues.	0.10 675.00/hr	67.50
	DAK Reviewed Petition and case filings.	1.20 675.00/hr	810.00
	DAK Comm. w. T. Nelson re case status and strategy.	0.20 675.00/hr	135.00
	DAK Comm. w. J. Gasbarro re case filings by Pelham Manor.	0.20 675.00/hr	135.00
	DAK Prepared email to court clerk re conflict issues, retention and extension of time to answer.	0.20 675.00/hr	135.00
	DAK Drafted answer.	1.30 675.00/hr	877.50
	DAK Reviewed Pelham motion to dismiss and exhibits.	1.00 675.00/hr	675.00
	DAK Legal research re case law and prior referendums in November.	1.00 675.00/hr	675.00
	DAK Drafted Nelson affirmation.	0.50 675.00/hr	337.50

			<u>Hrs/Rate</u>	<u>Amount</u>
7/18/2024	DAK	Drafted memo of law.	1.00 675.00/hr	675.00
7/19/2024	DAK	Communications w. T. Nelson re case status and draft pleadings.	0.30 400.00/hr	120.00
	DAK	Reviewed and revised answer for client review.	0.70 400.00/hr	280.00
	DAK	Reviewed and revised affirmaiton for client review.	0.20 400.00/hr	80.00
	DAK	Reviewed and revised memo of law; legal research re same; prepared email to transmit draft for client review.	0.90 400.00/hr	360.00
	DAK	Communications w. T. Nelson re revisions to answer, affirmation, and memo of law; prepared revised documents for client review and approval; emails re same.	1.00 400.00/hr	400.00
	DAK	Preparation of pleadings to file via NYSCEF; emailed copies to client.	0.40 400.00/hr	160.00
	DAK	Reviewed Answer, etc. filed by Commissioner Colety; prepared email to forward to client.	0.20 400.00/hr	80.00
7/22/2024	DAK	Reviewed Petitioners' reply papers; prepared email forwarding Gasbarro affidavit to client.	0.40 400.00/hr	160.00
	DAK	Comm. w. J. Gasbarro re hearing on petition.	0.60 400.00/hr	240.00
7/23/2024	DAK	Attended hearing before Judge Jamieson; meeting with J. Gasparro and F. Corvino before and after hearing.	1.50 400.00/hr	600.00
7/30/2024	DAK	Reviewed court order granting petition; communications w. T. Nelson re same; communications w. J. Gasbarro re same.	0.80 400.00/hr	320.00
	DAK	Reviewed notices of entry served by J. Gasbarro.	0.10 400.00/hr	40.00
7/31/2024	DAK	Communications w. J. Gasbarro re Pelham Examiner news report re court decision.	0.20 400.00/hr	80.00
8/1/2024	DAK	Communications w. J. Gasbarro re Journal News report re court decision.	0.20 400.00/hr	80.00
8/2/2024	DAK	Communications w J. Gasbarro re Pelham clerk not submit referendum to Board of Elections.	0.20 400.00/hr	80.00
	DAK	Communications w J. Gasbarro re Pelham clerk not submit referendum to Board of Elections.	0.20 400.00/hr	80.00

			<u>Hrs/Rate</u>	<u>Amount</u>
8/2/2024	DAK	Communications w J. Gasbarro re Pelham filing of notice of appeal and Pelham argument re automatic stay.	0.20 400.00/hr	80.00
	DAK	Reviewed notices of appeal filed by Pelham; prepared email forwarding same to T. Nelson.	0.20 400.00/hr	80.00
	DAK	Reviewed J. Gasbarro email to counsel re appeal and proposed application for order to show cause to vacate stay; prepared email forwarding same to T. Nelson.	0.20 400.00/hr	80.00
8/3/2024	DAK	Reviewed phone message from T. Nelson; called T. Nelson and left message.	0.10 400.00/hr	40.00
8/4/2024	DAK	Tel. calls w. J. Gasbarro re issues re order to show case to vacate stay.	0.20 400.00/hr	80.00
	DAK	Tel. call w. T. Nelson re strategy re response to order to show cause.	0.10 400.00/hr	40.00
	DAK	Reviewed J. Gasbarro email and drafts of proposed order to show cause and supporting affirmation; prepared email to J. Gasbarro re same.	0.50 400.00/hr	200.00
8/5/2024	DAK	Reviewed Comm'r Colety notice of appeal; prepared email to T. Nelson transmitting same.	0.10 400.00/hr	40.00
	DAK	Reviewed J. Gasbarro email to counsel re proposed order to show cause to vacate stay with link to motion papers; reviewed App. Div. docket; downloaded documents; reviewed proposed order to show and supporting affirmation.	0.30 400.00/hr	120.00
	DAK	Drafted attorney affirmation in response to proposed order to show cause.	0.80 400.00/hr	320.00
	DAK	Prepared email to T. Nelson transmitting draft affirmation and order to show cause.	0.20 400.00/hr	80.00
	DAK	Preparation of pleadings: reviewed and revised attorney affirmation; communications w T. Nelson re same; prepared affirmation and filed with Appellate Division; prepared email to transmit filed affirmation on counsel to case and email to transmit copy to T. Nelson.	0.90 400.00/hr	360.00
	DAK	Reviewed T. Hill email to court clerk re remote participation in hearing; reviewed Supreme Court notice rejecting Colety Notice of Appeal for filing defect; emails w. T. Nelson re phone participation; prepared email to court to request phone participation.	0.20 400.00/hr	80.00
	DAK	Participated by telephone to 2d Dep't court hearing on application for OSC and TRO.	0.50 400.00/hr	200.00
	DAK	Prepared email memo to T. Nelson re hearing on application for OSC and TRO.	0.20 400.00/hr	80.00

			<u>Hrs/Rate</u>	<u>Amount</u>
8/5/2024	DAK	Reviewed email and order to show cause issued by Appellate Division; prepared email to T. Nelson transmitting same.	0.20 400.00/hr	80.00
	DAK	Reviewed court notice to refile affirmation following service of signed OSC; reviewed J. Gasbarro email serving signed OSC and supporting papers; reviewed OSC as filed with court.	0.20 400.00/hr	80.00
	DAK	Reviewed and replied to T. Hill email re NYSCEF filing for Board of Elections.	0.20 400.00/hr	80.00
	DAK	Reviewed notices from Supreme Court and Appellate Division re re-filing of Colety Notice of Appeal.	0.10 400.00/hr	40.00
8/6/2024	DAK	Communications w. J. Gasbarro re appellate issues; reviewed news articles about case forwarded by J. Gasbarro.	0.30 400.00/hr	120.00
	DAK	Re-filed affirmation.	0.10 400.00/hr	40.00
	DAK	Reviewed J. Gasbarro letter to court re expedited briefing schedule.	0.10 400.00/hr	40.00
8/7/2024	DAK	Reviewed J. Murtuagh letter to App. Div. re briefing schedule.	0.10 400.00/hr	40.00
8/12/2024	DAK	Reviewed notice from App. Division re case number.	0.10 400.00/hr	40.00
	DAK	Reviewed court notice of filing of memo of law by Pelham; reviewed memo of law; prepared email to T. Nelson transmitting memo of law.	0.30 400.00/hr	120.00
8/13/2024	DAK	Reviewed Colety affidavit; prepared email to T. Nelson re same; reviewed T. Nelson response.	0.30 400.00/hr	120.00
8/14/2024	DAK	Reviewed emails from App, Div. re order denying OSC with expedited briefing schedule; prepared email transmitting same to T. Nelson.	0.20 400.00/hr	80.00
		For professional services rendered	22.00	\$10,780.00
		Additional Charges :		
7/23/2024		Taxi fare from White Plains to Dobbs Ferry after court hearing.		33.00
		Total additional charges		\$33.00
		Total amount of this bill		\$10,813.00

Invoice

Counsel Press Inc.

PO Box 65019
Baltimore, Maryland 21264-5019
Phone: (800) 427-7325

Invoice Number: 0009166304

Date: 08/28/2024

Fed. Tax ID: 47-3380949

Terms: ON RECEIPT

Sold To

Menz Bonner Komar & Koenigsberg LLP
800 Westchester Avenue
Suite 641-N
Rye Brook, NY 10573 USA

Attention: David A. Koenigsberg, Esq.

File No.: 332341

Court: APP DIV 2ND DEP

Case Name: Erica R. Winter v. Lindsey M. Luft

				Amount
RESPONDENT'S BRIEF				
1.00	Preparation of Brief	@	\$1,095.00	\$1,095.00
90.00	Page(s)	@	\$0.00	
1.00	Electronic File Production and Review	@	\$150.00	\$150.00
11.00	Electronic - Bookmarks	@	\$2.50	\$27.50
20.00	Electronic - Link(s)	@	\$3.00	\$60.00
1.00	File Upload(s)	@	\$50.00	\$50.00
1.00	Shipping & Handling	@	\$60.00	\$60.00

00-DR

08/30/2024 17:23 PM

This Invoice is Due Upon Receipt. Please Show Invoice
Number on Check When Submitting Payment.

Subtotal \$1,442.50

Sales Tax \$120.81

\$0.00

Payment/Credit \$0.00

Page 1 of 1

Balance \$1,563.31

NEW YORK, NY - WASHINGTON, DC - PHILADELPHIA, PA - LOS ANGELES, CA - CHICAGO, IL
BUFFALO, NY - RICHMOND, VA - BOSTON, MA - ISELIN, NJ - SYRACUSE, NY - ROCHESTER, NY - DELHI, NY

MENZ BONNER KOMAR & KOENIGSBERG LLP

ATTORNEYS AT LAW

800 WESTCHESTER AVENUE, SUITE 641-N

RYE BROOK, NEW YORK 10573

www.mbkklaw.com

TEL: (914) 949-0222

FAX: (914) 997-4117

INVOICE # 15511

SEPTEMBER 12, 2024

FOR PROFESSIONAL SERVICES rendered from August 14, 2024 to September 11, 2024 in connection with *Winter v. Luft, et al.*, Index No. 65112/2024 (Supreme Court Westchester County):

<u>Fees:</u>	M. Driscoll	.20 @ \$400/hr.	\$	80.00
	D. Koenigsberg	22.40 hrs. @ \$400/hr.	\$	8,960.00
	Total Fees	22.60 hrs.	\$	9,040.00

Disbursements and Other Charges: \$ 1,608.36

Total Amount This Invoice \$ 10,648.36

Prior Invoice Outstanding: No. 15507 (Aug. 15, 2024) \$ 10,813.00

Total Amount Due: \$ 21,461.36

PLEASE SEND REMITTANCE TO: MENZ BONNER KOMAR & KOENIGSBERG LLP
800 WESTCHESTER AVENUE, SUITE 641-N
RYE BROOK, NEW YORK 10573

OR WIRE REMITTANCE TO: JP MORGAN CHASE MANHATTAN BANK
FOR THE ACCOUNT OF
MENZ BONNER KOMAR & KOENIGSBERG LLP # 134114006265
ABA# 021000021
PLEASE CONFIRM WIRE INSTRUCTIONS BY CALLING (914) 949-0222

Menz Bonner Komar & Koenigsberg LLP
800 Westchester Avenue
Suite 641-N
Rye Brook, NY 10573

Invoice submitted to:
Tajian M. Nelson
Commissioner
Westchester County Board of Elections
25 Quarropas Street
White Plains, NY 10601
Westchester

September 12, 2024

Invoice #15511

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
8/19/2024	DAK Communications w. J. Gasbarro re issues re oral argument of Pelham appeal; prepared email to T. Nelson re same; tel. call w. T. Nelson re strategy re appeal issues.	0.40 400.00/hr	160.00
8/20/2024	DAK Reviewed App. Div. notices re briefs filed by Palham Manor and Comm'r Colety; reviewed briefs; transmitted copies to T. Nelson; contacted printer re print and file appellate brief.	0.80 400.00/hr	320.00
8/21/2024	DAK Communications w. appellate printer; communication w. T. Nelson re same.	0.30 400.00/hr	120.00
8/22/2024	DAK Communications w. printer re filing rules and brief cover.	0.20 400.00/hr	80.00
	MKD Comm. w/ D. Koenigsberg re appellate record and filings and linking of same.	0.20 400.00/hr	80.00
	DAK Drafted T. Nelson appeal brief; reviewed appellants' briefs; legal research; reviewed record below.	3.70 400.00/hr	1,480.00
8/23/2024	DAK Reviewed and revised appellate brief; prepared email to transmit draft brief to client for review.	3.10 400.00/hr	1,240.00
8/25/2024	DAK Comm. w. J. Gasbarro re appellate brief and argument issues.	0.20 400.00/hr	80.00
	DAK Reviewed AD2d calendar for 9/5/24.	0.10 400.00/hr	40.00

			<u>Hrs/Rate</u>	<u>Amount</u>
8/26/2024	DAK	Preparation of pleadings: communications. w. T. Nelson re draft brief; communications w. printer re brief; reviewed and revised brief; cite check cases; finalized brief for filing; transmitted final brief to printer.	1.00 400.00/hr	400.00
	DAK	Reviewed and revised brief from printer; emails w/ printer re same.	0.40 400.00/hr	160.00
	DAK	Communications w. printer re unpublished case citation.	0.20 400.00/hr	80.00
	DAK	Reviewed brief as filed; emails w. printer re same; email to T. Nelson transmitting filed brief.	0.20 400.00/hr	80.00
	DAK	Reviewed Petitioners' brief as filed; prepared email to transmit copy to T. Nelson.	0.20 400.00/hr	80.00
8/27/2024	DAK	Reviewed Petitioners-Respondents Winter and Frost appeal brief.	0.70 400.00/hr	280.00
8/28/2024	DAK	Reviewed email re order from appellate court re motions.	0.10 400.00/hr	40.00
	DAK	Reviewed reply brief filed by Pelham Manor and Commissioner Colety; prepared email transmitting briefs to T. Nelson.	0.30 400.00/hr	120.00
9/3/2024	DAK	Preparation for oral argument; reviewed briefs, case law, statutes.	1.30 400.00/hr	520.00
9/4/2024	DAK	Preparation for oral argument; reviewed briefs, case law, statutes.	3.00 400.00/hr	1,200.00
	DAK	Reviewed NYSCEF notice re attorney appearance for Commissioner Colety.	0.10 400.00/hr	40.00
9/5/2024	DAK	Appeared at 2d Department Appellate Division for oral argument of Pelham Manor appeal: travel to court (1.4); attended court; met w. Attorney J. Gasbarro before and after hearing (1.6); return from court (1.9); prepared email memo to T. Nelson re hearing (.2).	5.10 400.00/hr	2,040.00
9/6/2024	DAK	Reviewed Appellate Division Decision and Order; prepared email forwarding decision to T. Nelson.	0.30 400.00/hr	120.00
	DAK	Communications w. T. Nelson re appellate order.	0.20 400.00/hr	80.00
9/9/2024	DAK	Communication w. T. Nelson re filing of referendum papers with BOE; reviewed court notice re service of notice of entry by petitioners' attorney.	0.20 400.00/hr	80.00

		<u>Hrs/Rate</u>	<u>Amount</u>
9/10/2024	DAK Communications w. T. Nelson and J. Gasbarro re process for submission of referendum to BOE.	0.20 400.00/hr	80.00
9/11/2024	DAK Reviewed and replied to T. Nelson email transmitting Pelham Manor referendum and abstract.	0.10 400.00/hr	40.00
	For professional services rendered	22.60	\$9,040.00
	Additional Charges :		
8/21/2024	Copying cost for 7/30/24 court order.		2.30
	Copying cost for Pelham Manor appeal brief.		2.50
	Copying cost for Commissioner Coley appeal brief.		1.60
8/27/2024	Copying cost for Commissioner Nelson appeal brief.		1.20
	Copying cost for Petitioners Winter & Frost appeal brief.		5.30
8/30/2024	Counsel Press invoice to print appellate brief.		1,563.31
9/3/2024	Copying cost for Pelham Manor appeal reply brief.		1.60
	Copying cost for Commissioner Colety appeal reply brief.		1.20
9/4/2024	Copying cost of NYSCEF Doc. No. 5, 2003 court order excerpts.		3.80
9/5/2024	Metro North train fare round trip to and from Grand Central Station.		19.75
	MTA subway fare round trip to and from Brooklyn from Grand Central Station.		5.80
	Total additional charges		\$1,608.36
	Total amount of this bill		\$10,648.36