

Robert L. Schulz
2458 Ridge Rd.
Queensbury, NY 12804

August 1, 2008

Clerk, U.S. District Court
U.S. Courthouse
445 Broadway
Albany, NY 12207

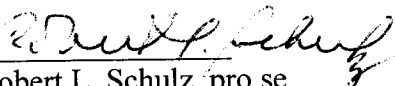
U.S. DISTRICT COURT
N.D. OF N.Y.
RECEIVED
AUG 04 2008
LAWRENCE K. BAERMAN, CLERK
ALBANY

Re: Schulz et al., v. State of New York, et al.
Case number 07-943

Dear Sir:

Attached for filing is the original of Plaintiffs' Motion for Default Judgment, together with a Certificate of Service.

Respectfully submitted,


Robert L. Schulz, pro se
518-656-3578

Cc: Bruce Boivin
Assistant Attorney General
State of New York
The Capitol
Albany, NY 12224-0341

JP Liggett, pro se
1040 1st Ave. #351
New York, NY 10022

Arthur Berg, pro se
1441 US Route 11
Tully, NY 13159

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AUG 04 2008

LAWRENCE K. BAERMAN, CLERK
ALBANY

ROBERT L. SCHULZ, et al.,)
)
Plaintiffs,)
) No. 07-cv-0943
) LEK-DRH
)
STATE OF NEW YORK, et al.,)
)
Defendants,)

PLAINTIFF'S MOTION FOR A DEFAULT JUDGMENT

On January 4, 2008 the Court directed defendants to file a response to plaintiffs' motion for summary judgment within 30 days from the date of entry of the Court's decision on the motion to dismiss.

On June 4, 2008, the Court's decision on the motion to dismiss was entered, requiring defendants to file a response to the motion for summary judgment on or before July 4, 2008.

Defendants have not filed a response to the motion for summary judgment.

Therefore, plaintiffs respectfully request a default judgment:

- a) Directing Individual Defendants Neil Kelleher, Douglas Kellner, Evelyn Aquila and Helena Moses Donahue, both individually and in their official capacities as Commissioners of the New York State Board of Elections, to provide voting procedures for the 2008 general election and all future primary and general elections that are open, verifiable and transparent, with paper ballots that are hand marked and hand counted, with continuous public viewing – a People's "Chain of Custody"— of all ballots, where:.

1. All votes are to be marked by hand on paper ballots.

2. From the time the voter votes to the time the results of the vote are publicly announced, all paper ballots or the ballot box they are deposited in by the voters shall never be out of the view of the public.
3. Each completed paper ballot is to be deposited into a numbered container that is in clear public view throughout the voting period. The numbers are to be at least 4 inches high, black on white.
4. Each candidate on the ballot shall have the Right to have a representative present for an inspection of each container ten minutes before the voting period begins.
5. A rope shall surround each vote station at a distance of 6-10 feet from the numbered container, beyond which any person can stand to quietly observe and record by video recording device the transparent containers and the number of voters.
6. As the voting period ends, the ballots from each ballot box are to be set on one of several 6-8 foot long cafeteria-style tables that have been set up at each of the voting stations. There, the ballots are to be hand-counted.
7. On one side of each table there will be three counters -- representatives of the government doing the allocating and counting. On the opposite side of the table there will be observers – up to three volunteers from non-partisan, independent, voter integrity and good government organizations observing without touching any of the ballots. Each candidate on the ballot may have a representative observe the vote counting process at a reasonably close range without disrupting the process. All counters at each table must agree on the candidate allocation of each vote and the final count. Once the Vote Counters are in agreement on the allocation and the count of the votes, the result of the count is to be read aloud for public consumption. After tallying the ballots for each candidate, the appropriate State Vote Counters will then each certify, under penalty of perjury, the vote totals for each candidate cast at their vote station. If after three counts of the ballots, all do not agree, then the written objection of those disagreeing must be noted and included with the ballots, as well as a copy given to the designated County representatives and the objectors.
8. The paper ballots at each vote station are to be placed in numbered, transparent containers immediately after the votes are counted. The containers are to be sealed pursuant to State law and transported to a central warehouse according to State law, along with the certifications of the vote station's totals. A copy of the certified tally sheets shall be posted on a wall at the vote station for public viewing. A copy of the certified tally sheets will kept at the local precinct, ward, or polling station for a period of twenty (22 months) following the election.

9. The certified vote totals are to be immediately communicated from each vote station to a central tabulation location where the totals from each vote station are to be publicly announced and tabulated as they are received. The central location shall be open to the public during the entire process.
10. As each certified vote total arrives at the central warehouse, the identification number of the voting station, the ballot container number and the results of the hand-counted vote will be read aloud by the County and manually entered into a paper spreadsheet by one person, then entered into a computer spreadsheet by another person for live video projection onto public viewing screens within the room. Both manual and computer spreadsheets will consist of one (1) column for each candidate or item, one (1) row for each voting station, and the signatures and addresses of the persons making entries. The manual spreadsheet rows and columns shall be totaled manually. The computer spreadsheet will contain automated total fields for each row and column that will update automatically as vote data is entered. Immediately after the entry of computer data from each voting station, a separate, individually and sequentially named copy of the master spreadsheet file will be saved to the computer's hard drive and to a separate CD-ROM disc. Additionally, a hard-copy of the computer spreadsheet will be printed out following the entry of each vote station's data, compared to the manual spreadsheet and both the manual and computer generated spreadsheets shall be signed by a County Auditor with the time/date noted after all discrepancies, if any, are lawfully recorded and resolved. Both the manual and computer spreadsheets will be preserved as part of the official election record.
11. After the results of the vote from each of the vote stations are received, entered and read aloud, and the cumulative (grand) totals from the hand-counts are agreed to by the County and candidate representatives, if any, the final totals will then be immediately certified by the County, publicly read aloud and pronounced as the final election result. Copies of the final vote spreadsheet in both manual and electronic format and hard copy will then be made immediately available to candidate representatives and those interested members of the public and/or media within the room. The manual and computer spreadsheets shall be published by the County in the newspaper of record. Following the election, the ballots, certifications, totals and manual and computer spreadsheet will be turned over to the custody of the State for secure storage, pursuant to State law for General Elections. The State will make copies of the vote certifications and spreadsheet(s) available to the public for a nominal copying fee. The State will post the manual and computer generated vote spreadsheets and appropriate certifications of the totals on its websites as soon as is practicable.

- b) Retaining jurisdiction of this action to ensure compliance with the Court's decisions and orders, and
- c) Granting any other relief that to the Court may seem just and proper.

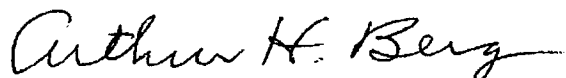
Dated: August 1, 2008



ROBERT L. SCHULZ
2458 Ridge Road
Queensbury, NY 12804
518-656-3578



ARTHUR BERG
1441 US Route 11
Tully, NY 13159
315-696-5425



JOHN LIGGETT
1040 1st Ave #351
New York, NY 10022
646-335-6088


CERTIFICATE OF SERVICE

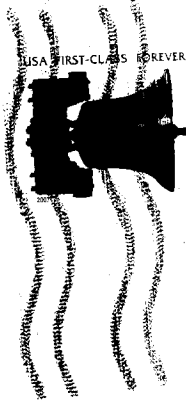
I am a Plaintiff in the matter *Robert L. Schulz, et al., v. State of New York, et al.*,
Case No 07-CV-943.

On August 1, 2008, I served the annexed MOTION FOR DEFAULT JUDGMENT and
the CERTIFICATE OF SERVICE as follows:

I deposited a true copy thereof, properly enclosed in a sealed, postpaid Priority Mail
wrapper, at the Queensbury, NY Post Office, a depository under the exclusive care and
custody of the United States Post Office Department, directed to the following:

Bruce Boivin
Assistant Attorney General
State of New York
The Capitol
Albany, NY 12224-0341


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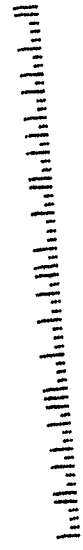


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