

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF NEW YORK

DEC 28 2007

LAWRENCE K. BAERMAN, CLERK
 ALBANY

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

**STATEMENT OF MATERIAL FACTS AS TO WHICH
 THE PLAINTIFFS CONTEND THERE IS
 NO GENUINE ISSUE FOR TRIAL**

1. Many votes for President of the United States of America in the upcoming caucuses, primaries and general election will not be marked by hand on paper ballots and hand counted. (Common knowledge).
2. All State Defendants will utilize machines to count some or all votes cast for President of the United States in the 2008 Presidential cycle. (common knowledge).
3. When machines count votes they do so in secret; that is, when machines count votes it is not possible for the voter (or state officials) to physically observe that his vote was received or verify that his vote was accurately counted. (common knowledge).
4. All vote counting machines have been revealed by credible researchers to be far too unreliable and insecure to ensure the integrity of any election. (Schulz Declaration #1, Exh. L).
5. During the last five years there have been thousands of reports of vote counting machine failures, involving tens of thousands of machines. (Schulz Decl. #1, Exh. M).
6. The result of the vote count at each precinct, whether counted by hand or by machine, is not read aloud for public consumption at each precinct immediately following the count. (common knowledge).
7. A copy of certified vote tally sheets are not posted on a wall at each precinct for public viewing immediately following the count. (common knowledge).
8. In no State are the precinct vote totals immediately communicated to a government supervised central tabulation location in the State to be publicly tabulated, certified and announced, precinct-by-precinct or otherwise. See accompanying

declaration and affidavits by Landes, Condit and Schulz.

9. Instead, immediately following the end of the voting period in each county **uncertified** voter returns from precincts and counties are turned over by Defendants to representatives of the private, New York based National Election Pool, where the results are tabulated by their machines, in secret and out of the public view, and then immediately publicly announced via the NEP cartel comprised of all five dominant television news networks, ABC, CBS, CNN, FOX and NBC, and via wire communicated to all dominant daily newspapers and other media entities throughout the United States of America. See accompanying declaration and affidavits by Landes, Condit and Schulz.

10. The election data made available to the public as a result of vote tabulation by the National Election Pool does **not** include any precinct-by-precinct breakdown of the vote, whether counted by hand or by machine at the precincts. (common knowledge).

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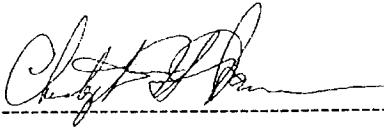
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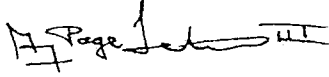
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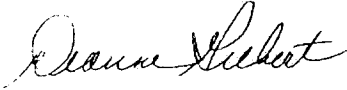
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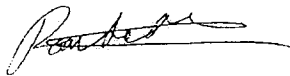
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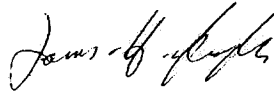
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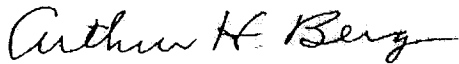
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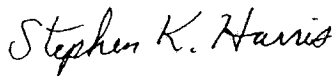
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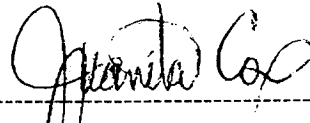
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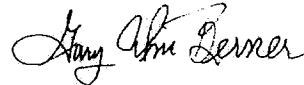
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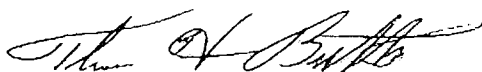
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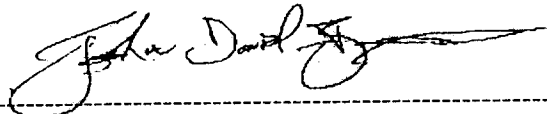
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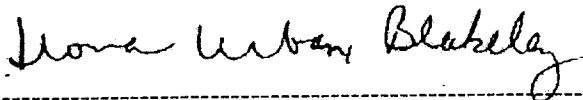
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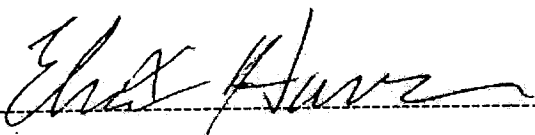
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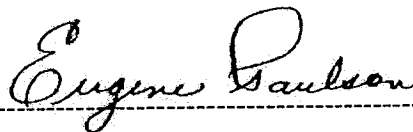
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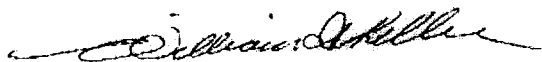
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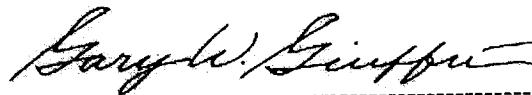
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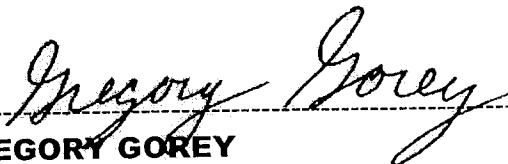


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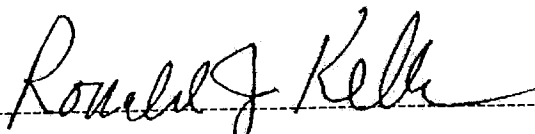
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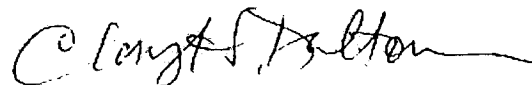
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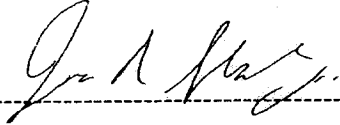
ANITA ZIBTON

e9566 smart hollow
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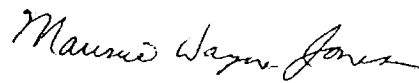
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