

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

CLIFTON M. DIXON; JUSTUS4US, the Poor  
People's Campaign, Inc.; LOUIS W.  
BROWN; FRANCES POOLE; and CLEO B.  
CARTER,

Plaintiffs,

-v.-

Civil Action No.  
1:08-cv-502 (GLS/DRH)

ALBANY COUNT BOARD OF ELECTIONS;  
VIRGINIA MAFFIA TOBLER; ALBANY  
COUNTY DEMOCRATIC COMMITTEE;  
COUNTY OF ALBANY; JAQUELINE F.  
JONES; WANDA F. WILLINGHAM; JAMES  
FREZZELL; STEPHANIE GALKA; MATTHEW  
GALKA; and MATTHEW CLYNE,

Defendant.

---

APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFFS:**

CLIFTON M. DIXON  
Plaintiff *Pro Se*  
Post Office Box 9053  
Albany, New York 12209

Office of Samuel N. Iroegbu  
Attorney for Plaintiff Justus4us  
Suite 206  
1531 Central Avenue  
Albany, New York 12205

SAMUEL N. IROEGBU, ESQ.

LOUIS W. BROWN  
Plaintiff, *Pro Se*  
1 Bleecker Terrace #116  
Albany, New York 12206

FRANCES POOLE  
Plaintiff *Pro Se*  
110 Second Street #107  
Albany, New York 12210

CLEO B. CARTER  
Plaintiff *Pro Se*  
621 Central Avenue  
Albany, New York 12206

**FOR THE DEFENDANTS:**

Napierski, Vandenburg & Napierski  
L.L.P.  
Attorney for Board of Elections  
defendants  
296 Washington Avenue Extension  
Albany, New York 12203

Office of William J. Conboy, II  
Attorney for Defendant Maffia Tobler  
Suite 1000  
112 State Street  
Albany, New York 12207

Crane, Parente & Cherubin  
Attorney for Defendant Democratic  
Committee  
90 State Street  
Albany, New York 12207

THOMAS J. O'CONNOR, ESQ.  
ASA S. NEFF, ESQ.

WILLIAM J. CONBOY, II, ESQ.

CLEMENTE J. PARENTE, ESQ.

Feeney, Centi & Mackey  
Attorney for Defendant Jones  
116 Great Oaks Boulevard  
Albany, New York 12203

L. MICHAEL MACKEY, ESQ.

DerOhannesian & DerOhannesian  
Attorney for Defendant Willingham  
Suite 202  
677 Broadway  
Albany, New York 12207

PAUL DEROHANNESIAN, II, ESQ.  
JENNIFER C. ZEGARELLI, ESQ.

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed February 18, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed February 18, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the motions of the Board of Elections defendants and Willingham for sanctions against plaintiffs for the failure of Brown, Poole,

and Carter to attend their depositions (Dkt. Nos. 86, 106) is:

1. **GRANTED** as to Brown, Poole, and Carter as follows:

A. Brown, Poole and Carter are **DISMISSED** with prejudice from this action as plaintiffs;

B. Brown is ordered to pay the Board of Elections defendants a total of \$493.33 and Willingham a total of \$210; and

C. Poole is ordered to pay the Board of Elections defendants a total of \$493.33 and Willingham a total of \$210; and

D. Carter is ordered to pay the Board of Elections defendants a total of \$493.00 and Willingham a total of \$210; and

2. **DENIED** as to Dixon and Justus4us in all respects; and it is further

ORDERED, that the case is referred to the Magistrate Judge to schedule a conference to establish a schedule for completion of the case, and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: March 22, 2010  
Albany, New York

Gary L. Sharpe  
Gary L. Sharpe  
U.S. District Judge