
This opinion is uncorrected and subject to revision before
publication in the New York Reports.

No. 179
In the Matter of A. William Cass,
&c.,
 Appellant,
 v.
Stephan L. Krakower,
 Respondent,
et al.,
 Respondents.

David Sears, for appellant.
John Ciampoli, for respondent Krakower.

PER CURIAM:

Election Law §§ 6-164 and 6-166 collectively require
that an Opportunity to Ballot petition shall set forth the names
of persons constituting a "committee to receive notices" and that
"[a]ll required notices shall be served on the members of the
committee named in the petition." Here, petitioner, the

aggrieved candidate, failed to serve or provide any notice of the present proceeding to the Committee to Receive Notices. Thus, the Appellate Division properly reversed Supreme Court's denial of respondent's motion to dismiss.

Accordingly, the order of the Appellate Division should be affirmed.

* * * * *

Order affirmed. Opinion Per Curiam. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided August 26, 2009