

At a Motion Part of the Supreme Court of the State of New York, held in and for the County of Albany at the Albany County Courthouse, 16 Eagle Street, Albany, New York, on the \_\_\_ day of February, 2010.

P R E S E N T:

Hon. \_\_\_\_\_  
J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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In the Matter of the Application of :  
 :  
Dominion Voting Systems Corporation, :  
 :  
 : **Index No.:**  
*Petitioner,* :  
 :

For Judgment and Relief Pursuant to Article 78 of the : **ORDER TO SHOW CAUSE**  
New York Civil Practice Law and Rules :  
 :

- against - :  
 :

The Board of Elections in the City of New York; New :  
York State Board of Elections; New York State Office of :  
General Services; Thomas DiNapoli, Comptroller of the :  
State of New York; and John C. Liu, New York City :  
Comptroller, :  
 :  
*Respondents.* :

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Petitioner, Dominion Voting Systems Corporation (“Dominion” or “Petitioner”), having moved this Court for a temporary restraining order and preliminary injunction pursuant to Sections 6301, 6311, and 6313 New York Civil Practice Law and Rules (“CPLR”) or, in the alternative, for a stay pursuant to Section 7805 of the CPLR;

NOW, upon reading the Verified Petition for relief under CPLR Article 78, dated February 17, 2010; the Affidavit of John Poulos sworn to on February 16, 2010, and the exhibits annexed thereto; the Affirmation of Robert M. Harding, sworn to on February 17, 2010, and the exhibits annexed thereto; the accompanying Memorandum of Law, dated February 17, 2010; upon all prior proceedings heretofore had herein; and upon due consideration:

LET THE RESPONDENTS SHOW CAUSE before this Court at the Albany County Courthouse located at 112 State Street, Albany, New York, to be held in and for the County of Albany, on \_\_\_\_\_, \_\_\_\_\_, 2010 at \_\_\_\_\_ a.m./p.m. why an Order should not be made and entered granting the following relief:

1. Granting Petitioner's motion for a preliminary injunction restraining Respondents from implementing the New York City Board of Election's award of the New York City voting machines contract to Election Systems and Software, Inc. ("ES&S") until such time as the applicable bid protest procedures are concluded or, if the Court finds exhaustion of administrative remedies inapplicable or unavailable, until the Court determines whether the award was lawful;

2. Granting Petitioner's motion for a stay, pursuant to Section 7805, staying further proceedings and the enforcement of the New York City Board of Election's award of the New York City voting machines contract to ES&S until such time as the applicable bid protest procedures are concluded or, if the Court finds exhaustion of administrative remedies inapplicable or unavailable, until the Court determines whether the award was lawful; and

3. Granting such other and further relief as the Court deems proper.

IT IS ORDERED that, pending the hearing of this motion, Respondents are restrained from implementing and/or enforcing the New York City Board of Elections' award of the New York City voting machines contract to ES&S; and it is further

ORDERED that service of this Order, and the supporting papers upon which it is granted, upon Respondents, the Attorney General of the State of New York and the New York City Law Department by overnight mail on or before \_\_\_\_\_, \_\_\_\_, 2010, be deemed good and sufficient service; and it is further

ORDERED that Respondent shall serve any papers in opposition to Petitioner's motion by overnight delivery to Petitioner's counsel, Greenberg Traurig, LLP, 54 State Street, 6<sup>th</sup> Floor, Albany, New York 12207, on or before \_\_\_\_\_, \_\_\_\_, 2010; and it is further

ORDERED that Petitioner shall serve any papers in reply by overnight delivery to Respondents' counsel on or before \_\_\_\_\_, \_\_\_\_, 2010.

Dated: Albany, New York  
February \_\_\_\_, 2010

E N T E R

\_\_\_\_\_  
Hon. \_\_\_\_\_, J.S.C.