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May 13, 2025

VIA NYSCEF

Hon. Anne E. Minihan  
District Administrative Judge  
Ninth Judicial District  
Richard J. Daronco Westchester County Courthouse  
111 Dr. Martin Luther King, Jr. Blvd.  
White Plains, NY 10601

Re: *Oral Clarke et al. v. Town of Newburgh et al.*, Index No. EF002460-2024

Hon. Minihan:

Plaintiffs write to briefly address defendants' false accusations of forum shopping assailed at plaintiffs in the defendants' correspondence sent to the Court earlier today and to reiterate the need for an expeditious trial and the assignment of a Westchester County judge.

Succinctly put, plaintiffs were willing to proceed with Judge Vazquez-Doles presiding over the trial in this action as long as defendants agreed not to raise an issue on appeal regarding Judge Vazquez-Doles presiding over the trial. Defendants refused. Furthermore, Defendants misapprehend the issues regarding recusal. The decision to recuse rests solely with the court and is based upon the recollection and information possessed by the judge with regard to a potential conflict or matter which may lead to the appearance of impropriety. Such decision is not based upon a party's knowledge nor a party's recollection and thus there is no obligation for a party to draw a court's attention to such matters. Indeed, as defendants acknowledge, "Judge Vazquez-Doles raised a *long-ago* connection that she had to one of the named Plaintiffs." [NYSCEF Doc. No. 184](#) (emphasis added).

Regardless of defendants' false charges, plaintiffs are entitled to an expeditious hearing of their claims and, as the docket report from today's filings indicate, before a Westchester County judge, as four (4) judges in Orange County have now declined to preside over this case to avoid the appearance of impropriety. NYSCEF Doc. Nos. [181](#), [182](#), [185](#), and [186](#).

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As stated earlier today, Election Law § 16-1011 requires a transfer as a result of defendants filing a notice of a constitutional question. Additionally, CPLR § 510 also requires such transfer because there is reason to believe that an impartial trial cannot be had in Orange County.

Respectfully,



Amy Marion