

Preference for Faction Loyalists as Party Poll Workers

Espada v. Rosado

(*John S. Martin, S.D.N.Y. 1:00-cv-6469*)

On August 29, 2000, five plaintiffs filed a federal complaint in the Southern District of New York alleging that the appointment of Democratic election inspectors and poll workers for the September 12 primary election in Bronx County unconstitutionally favored members of a faction within the party.¹ “Plaintiffs sought immediate injunctive relief replacing 880 poll-workers who were scheduled to work in the upcoming primary election, and appointing [three of the plaintiffs] as election inspectors.”²

On September 7, Judge John S. Martin denied the plaintiffs immediate relief because two of the plaintiffs had been appointed poll workers four days before they filed the complaint, and a third plaintiff’s appointment was delayed pending training and became effective before the case was heard.³ Because constitutional questions remained, Judge Martin did not dismiss the action.⁴

Following the defendants’ filing a motion for sanctions, the plaintiffs dismissed the action voluntarily.⁵ Judge Martin, who had earlier denied a motion to dismiss the complaint, agreed with the plaintiffs that the action was not frivolous.⁶

1. *Espada v. Rosado*, No. 1:00-cv-6469, 2001 WL 1020549 (S.D.N.Y. Sept. 5, 2001); [Docket Sheet](#), *Espada v. Rosado*, No. 1:00-cv-6469 (S.D.N.Y. Aug. 29, 2000) (D.E. 1).

2. *Espada*, 2001 WL 1020549, at *1.

3. *Id.* at *1, *3; [Docket Sheet](#), *supra* note 1 (D.E. 17).

Judge Martin retired on September 30, 2003. Federal Judicial Center Biographical Directory of Federal Judges, www.fjc.gov/history/home.nsf/page/judges.html.

4. *Espada*, 2001 WL 1020549, at *1, *3.

5. *Id.* at *1; [Docket Sheet](#), *supra* note 1 (D.E. 18 to 21).

6. *Id.* at *3–*4.