

## Unsuccessful Challenge to Close Election Defeats in New Rochelle

*McLaughlin v. Allen*  
(*Charles L. Brieant, S.D.N.Y. 7:03-cv-9886*)

Two candidates for different seats on New Rochelle's city council and ten voters supporting the candidates filed a federal complaint in the Southern District of New York on December 12, 2003, seeking federal relief from the candidates' close defeats in the November 4 election.<sup>1</sup> The federal action followed unsuccessful proceedings by the candidates in state court.<sup>2</sup>

The court assigned the case to Judge Charles L. Brieant, who had issued an opinion two days before in litigation over the council's district lines.<sup>3</sup> Following a hearing on the day the candidates' complaint was filed, Judge Brieant denied the plaintiffs immediate relief.<sup>4</sup> Following a hearing on October 8, 2004, Judge Brieant granted the defendants summary judgment.<sup>5</sup>

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1. [Complaint](#), *McLaughlin v. Allen*, No. 7:03-cv-9886 (S.D.N.Y. Dec. 12, 2003), D.E. 1; [see Defendant's Summary Judgment Brief](#) at 9, *id.* (July 17, 2004), D.E. 20 (reporting that ultimately one plaintiff lost by 18 votes and another lost by eight votes); *see also* Len Maniace, *Democrats Repel GOP Challenge of 2nd, 4th District Wins*, *Westchester Cnty. J. News*, Oct. 9, 2004, at 3B.

2. *See Defendant's Summary Judgment Brief*, *supra* note 1, at 14–15; Elizabeth Ganga, *Republicans Challenge Council Election Results*, *Westchester Cnty. J. News*, Nov. 27, 2003, at 3B.

3. [Order](#), *McLaughlin*, No. 7:03-cv-9886 (S.D.N.Y. Dec. 12, 2003), D.E. 2; [see New Rochelle Voter Defense Fund v. City of New Rochelle](#), 308 F. Supp. 2d 152 (S.D.N.Y. 2003) (ordering redistricting); [Docket Sheet](#), *New Rochelle Republican Comm. v. City of New Rochelle*, No. 7:03-cv-3965 (S.D.N.Y. May 30, 2003); [Docket Sheet](#), *New Rochelle Voter Rights Defense Fund v. City of New Rochelle*, No. 7:03-cv-3764 (S.D.N.Y. May 27, 2003).

Judge Brieant died on July 20, 2008. Federal Judicial Center Biographical Directory of Federal Judges, [www.fjc.gov/history/home.nsf/page/judges.html](http://www.fjc.gov/history/home.nsf/page/judges.html).

4. [Order](#), *McLaughlin*, No. 7:03-cv-9886 (S.D.N.Y. Dec. 15, 2003), D.E. 4; [Docket Sheet](#), *id.* (Dec. 12, 2003) [hereinafter *McLaughlin* Docket Sheet].

5. [Judgment](#), *id.* (Oct. 14, 2004), D.E. 32; [McLaughlin Docket Sheet](#), *supra* note 4; *see* Maniace, *supra* note 1.