

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of

DIANE SARE, MARK MURPHY, ADAM
MOCIO AND SMART LEGISLATION,

Petitioners,

v.

ROCKLAND COUNTY BOARD OF
ELECTIONS,

Respondent.
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Index No.: 037390/2024

**PETITIONER'S FIRST SET OF
INTERROGATORIES TO
ROCKLAND COUNTY BOARD OF
ELECTIONS**

**PETITIONER'S FIRST SET OF INTERROGATORIES
TO RESPONDENT ROCKLAND COUNTY BOARD OF ELECTIONS**

Pursuant to the New York Civil Practice Law and Rules and the definitions and instructions that follow, Petitioner SMART Legislation directs the following interrogatories to Respondent Rockland County Board of Elections, and requests and demands that they answer the following interrogatories, separately, fully, in writing, and under oath.

DEFINITIONS

1. The terms "Respondent" and "you" and the "Board of Elections" and the "Board" shall mean and refer to the Rockland County Board of Elections, and any representative or person acting its behalf.

2. The term "Petitioner" shall refer to SMART Legislation, one of the petitioners in the above captioned and numbered cause.

3. The term "Petitioners" shall refer to Diane Sare, Mark Murphy, Adam Mocio, and SMART Legislation, either collectively or individually.

4. The term "Verified Petition" or "Petition" shall refer to collectively to the
(a) Verified Petition, which was filed in this action on December 9, 2024 (NYSCEF No. 1) and

(b) Amended Notice of Petition with Exhibits, which was filed in this action on December 16, 2024 (NYSCEF Nos 5-14).

5. The term “Answer” or “Amended Answer” shall refer to the Amended Answer filed by Respondent in this action on March 31, 2025.

6. The words “document” or “documents” are used in their broadest sense and include, but are not limited to, any tangible thing capable of storing information, including the following items, whether printed, typed or recorded or reproduced by hand or electronically, magnetically, optically or in any graphic manner of any kind or nature however produced or reproduced, whether sent or received or neither, whether within the actual or constructive possession, custody, or control of any agent, employee, consultant, or any other person acting or purporting to act on behalf of respondent, including drafts and copies bearing notations or marks not found on the original, and includes, but is not limited to:

- (a) all letters or other forms of correspondence or communication, including envelopes, notes, telefaxes, telegrams, cables, electronic mail messages, telex messages, and telephone messages (including reports, notes, notations, and memoranda of or relating to any telephone conversations or conferences or personal interviews);
- (b) all memoranda, laboratory notebooks, research reports, speeches, reports, financial statements or reports, appraisals, estimates, sales proposals, request for quotation or request for proposal responses, notes, transcripts, tabulations, ledgers, studies, analyses, evaluations, projections, work papers of any type, corporate records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, maps, diagrams, summaries, tables, indexes, extracts, statistical records, compilations, reports and/or summaries of investigations, testing or analyses, marginal notations, desk calendars, appointment books, and diaries;
- (c) all books, manuscripts (whether submitted for publication or not), press releases, magazines, newspapers, booklets, brochures, sales support materials, training materials, pamphlets, circulars, bulletins, notices, speeches, instructions, manuals, and articles;
- (d) all minutes, transcripts, notes, presentation materials, and memoranda of meetings;
- (e) all photographs, drawings, microfilm, video tapes, tapes or other recordings, punch cards, magnetic tapes, magnetic disks, optical or magneto-optical disks, print-outs, and other

data compilations from which information can be obtained, and any other information recorded in or on any medium whatsoever; and

- (f) all contracts, agreements, understandings, representations, and warranties, and any and all drafts of the foregoing.

7. The term “communication,” or any variant thereof, is used in the broadest sense possible, and includes any transmittal of information (e.g., facts, ideas, inquiries or otherwise) in any form (e.g., hard copy, electronic, text message, face-to-face, or otherwise).

8. The term “person” or “persons” mean any natural person, corporation, firm, company, sole proprietorship, joint venture, partnership, association, institute, organization, group of natural persons, or any other business, legal, or governmental entity, including, but not limited to, any person who is an employee, officer, director, consultant, independent contractor, agent, attorney, or representative of respondent.

9. The term “Identify” with respect to an individual shall require that the following information be provided for each person: (a) the name of each such person; (b) the present or last known business address and business telephone number of each such person; (c) the present or last known home address and personal telephone number of each such person; (d) the present or last known business affiliation or affiliation with any party to this action; (e) the present or last known job title and a description of his or her duties and responsibilities of each such person if ever employed or affiliated with any of the parties to this action, and the dates of any related employment or affiliation.

10. The term “Identify” when used in reference to an organization or entity (e.g., a corporation, limited liability company, partnership, or association) shall require that the following information be provided for each such entity: (a) its name; (b) the type of organization or entity; (c) its present or last known address, telephone number, and principal place of business; (d) the state in which it is organized (e.g., incorporated); (e) the identity of its chief executive,

managing person, or principals. and (f) the identity of all persons affiliated with said organization or entity who are related to the subject matter of the interrogatory response and/or this action.

11. The term “Identify” with respect to a document shall require that the following information be provided for each such document: (i) the type of document; (ii) the date of the document; (iii) the author(s) of the document; (iv) the addressee(s) and recipient(s) of the document; (v) a brief description of the document’s general subject matter; (vi) the document’s production number (if applicable); and (vii) if the document comprises or embodies an agreement, the parties to such agreement. In an answer to interrogatories requiring the identification of any document or documents, such document or documents may be produced by You for inspection and copying at the time the responses are due along with the answers to these interrogatories in lieu of such identification, if You specify the interrogatory or interrogatories to which the document is responsive.

12. The term “Identify” with respect to a communication shall require that the following information be provided for each such communication: (a) the date of the meeting or communication; (b) the type of meeting or communication, and with respect to in-person meetings, the location of the meeting; (c) all persons who were a party to the meeting or communication; and (d) the subject matters addressed in the meeting or communication.

13. The terms “related to,” “relates,” “relating to,” “referring to,” “refers to,” and “concerning” are used interchangeably to mean concerning, relating, comprising, involving, touching, directed to, created by, sent to, received by, copied to, responsible for, or in any way logically or factually connected to the subject of the request.

14. The words “and,” “and/or,” and “or” are each deemed to refer to both their conjunctive and disjunctive meanings. The words “all” and “any” means “each and every” as

well as “any one.” The masculine gender is deemed to include the feminine and the neuter where appropriate, and vice versa.

INSTRUCTIONS

1. These interrogatories are of continuing effect until, and during the course of trial, to the extent that, at any time after answering thereof, You become aware of, or acquire additional information responsive to these interrogatories, You shall provide such information promptly.

2. For each interrogatory, identify the individual within Your employ, or the relevant officer, manager, or member, who is most knowledgeable with respect to the subject matter of each interrogatory, and each person who was consulted in connection with providing answers to the foregoing.

3. References to natural persons are deemed to include, in addition to the person named, his or her agents or assigns, representatives, and attorneys, members of his or her immediate family, any partnership of which such person is a member or general partner, and any other business entity in which such person has a controlling direct or indirect interest.

4. References to entities other than natural persons are deemed to include, in addition to the entity named, its officers, directors, owners, employees, agents, representatives, accountants, and attorneys.

5. In the event that any document or tangible thing capable of storing information to be identified herein has been discarded or destroyed or is otherwise unavailable, other than in the ordinary course of business pursuant to a fully documented and in-force document retention policy, You shall identify such document or thing, and, in addition, specify: (a) the date of its destruction or commencement of its unavailability; (b) the reason for its destruction or

unavailability; (c) the person authorizing its destruction or most knowledgeable with respect to its unavailability; and (d) the custodian of the document or thing immediately preceding its destruction or unavailability.

6. In the event that you are unable to fully answer any interrogatory after the exercise of reasonable diligence, you must furnish as complete a response as you can and explain in detail the reasons why you cannot give a full answer, state whatever information, knowledge, or belief you have concerning the contents of the undisclosed communication or information, and state what must be done in order to fully answer and estimate when you will do so.

7. To the extent that you believe that any of these interrogatories are objectionable, you must answer so much of each interrogatory as is not objectionable and separately state the portion of each interrogatory to which you object and the grounds for the objection.

8. Any word written in the singular herein shall be construed as plural or vice versa as necessary in order to bring within the scope of the interrogatory all responses which otherwise might be construed outside its scope.

9. If any information responsive to these interrogatories is withheld based upon a claim of privilege, state separately for all such information the specific interrogatories to which it is responsive, the nature of the privilege claimed, and all facts relied on in support of that claim, including the following: (a) the date and medium of the information withheld; (b) the identity of the parties who heard, viewed or communicated the information; (c) the identity of the parties who were present during the communication; (d) the type and general subject matter of the information; and (e) the identity of each document referring or relating to the information.

10. No interrogatory or part thereof shall be construed as a limitation on any other interrogatory or part thereof.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the nature and extent of the aspects of any election systems (including voting machines, scanners, ballot processors, and all other systems) that are connected or have ever been connected to any type of modem, router, wireless or wired network, and include in your description (a) how any such connections are secured from endpoint to endpoint; (b) the time periods during which these systems are connected; and (c) Identify all individuals and vendors involved in the set-up, management, security, and maintenance of any such connections and systems.

INTERROGATORY NO. 2:

State whether you have ever used Starlink in any capacity, and if so, Identify and describe in detail the nature, extent, and timing of such use (and whether such use ever included Direct-to-Cell service).

INTERROGATORY NO. 3:

State whether you have ever used a program/software tool called “BallotProof” in any capacity, and if so, Identify and describe in detail the nature, extent, and timing of such use.

INTERROGATORY NO. 4:

Identify each individual or organization who made any type of complaint (written, verbal, formal, informal), or who expressed any concern, about possible inaccuracies in election results from January 1, 2020 to the present. Include in your response the date the complaint was made, or concern expressed, the contact information for the individual or organization who made the complaint, whether it was made in writing, the individual(s) to whom the complaint was made, and a description of any responses made or actions taken by the Respondent to each complaint.

INTERROGATORY NO. 5:

Identify all persons, other than outside counsel, who were contacted and who provided information and/or documents for the purpose of responding to Petitioner's discovery requests, including these interrogatories and Petitioner's requests for production of documents.

Dated: June 23, 2025
New York, NY

Respectfully submitted,

/s/ Aaron S. Foldenauer
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