



RAINONE  
COUGHLIN  
MINCHELLO  
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November 20, 2020

**VIA E-COURTS**

Clerk  
Superior Court of New Jersey  
Monmouth County Vicinage – Law Division  
71 Monument Street  
Freehold, NJ 07728

Re: **Andre De Garmeaux v. Monmouth County Board of Elections, et. al.**  
**Docket No.: MON-L-**

Dear Sir or Madam:

Please be advised that this law firm represents Plaintiff, Andre De Garmeaux, with regard to the above-referenced matter. Please find enclosed for electronic filing the following documents:

- 1) Petition for a Recount and Recheck of Ballots;
- 2) Certification of Andre De Garmeaux;
- 3) Certification of Facsimile;
- 4) Civil Case Information Statement;
- 5) Proposed Form of Order; and
- 6) Certification of Service.

In addition, I have forwarded a courtesy copy of the above documents to the Honorable Katie A. Gummer, J.S.C. for her convenience.


Please charge our Superior Court account #145848 for the associated filing fees.

RAINONE COUGHLIN MINCHELLO  
November 20, 2020  
Page 2

Thank you.

Very truly yours,

**RAINONE COUGHLIN MINCHELLO, LLC**

By:   
\_\_\_\_\_  
David L. Minchello, Esq.

DLM/ua

cc: Honorable Katie A. Gummer, J.S.C. – (Via E-Courts and Fed Ex)  
Evelyn Malsbury-O'Donnell – (Via Guaranteed Subpoena)  
Monmouth County Board of Elections – (Via Guaranteed Subpoena)

David L. Minchello, Esq. - (ID#: 041412003)  
**RAINONE COUGHLIN MINCHELLO, LLC**  
555 U.S. Highway 1 South, Suite 440  
Iselin, NJ 08830  
Tel.: 732-709-4182  
Fax: 732-791-1555  
*Attorneys for Plaintiff, Andre De Garmeaux*

ANDRE DE GARMEAUX ,  
  
Plaintiff,  
  
v.  
  
EVELYN MALSBUURY-O'DONNELL,  
MONMOUTH COUNTY BOARD OF  
ELECTIONS,  
  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.:

CIVIL ACTION

**PETITION FOR A RECOUNT AND  
RECHECK OF BALLOTS**

Plaintiff, Andre de Garmeaux, by and through his counsel, by way of petition to the Superior Court of New Jersey, Law Division for Monmouth County, does hereby request a recount and recheck of the votes cast on November 3, 2020, for the position of Councilmember on the Howell Township Council.

**FACTUAL BACKGROUND**

1. Plaintiff, Andre de Garmeaux, is an individual having an address at 1426 Maxim Southard Road, Howell, New Jersey 07731.
2. Defendant, Evelyn Malsbury-O'Donnell, is an individual having an address at 25 Casino Drive, Farmingdale, New Jersey 07727.
3. Defendant, Monmouth County Board of Elections, a public body with its main address located at 300 Halls Mill Road, Freehold, New Jersey 07728.
4. Plaintiff ran as a candidate in the election held on November 3, 2020 for the position of a Councilmember on the Howell Township Council.

5. Plaintiff's opposition in the aforementioned election consisted of Evelyn Malsbury-O'Donnell ("Malsbury-O'Donnell").

6. The voting for this election took place as scheduled November 3, 2020 and covered a total of thirty-two (32) voting districts.

7. Defendant, Monmouth County Board of Elections, is the entity responsible for the operation, procedures and compiling of the tally of votes cast for the election in question.

8. There were 30,516 total votes cast in the election for Plaintiff and Malsbury-O'Donnell. Plaintiff received 15,095 votes, and Malsbury-O'Donnell received 15,415 votes, a difference of 320 votes. Write-in candidates received a total of six (6) votes.

9. A total of 317 votes were rejected for various reasons. It is currently unknown whether additional provisional or other ballots were submitted but voided or not counted.

**PETITION FOR RECOUNT**

10. The improper rejection of individuals is sufficient to affect the outcome of the election and thus constitutes to contest the election pursuant to N.J.S.A 19:29-1(e).

11. It is Plaintiff's belief that there was a mistake in the count of the votes for the Howell Township Council election. This mistake could be the result of either a miscount or a failure to count certain provisional or other ballots that were cast.

12. Plaintiff hereby petitions this Court for a recount and recheck of the votes cast on November 3, 2020, in the election for the position of Councilmember of the Howell Township Council.

13. This petition encompasses both a manual recount and recheck of the ballots cast as well as a manual count of the absentee, provisional ballots cast and rejected ballots.

**WHEREFORE**, the plaintiff, Andre de Garmeaux, petitions this Court for a recount and

recheck of all votes cast in the November 3, 2020 for Councilmember of the Howell Township Council.


**DESIGNATION OF COUNSEL**

Pursuant to R. 4:25-4, David L. Minchello, Esq., is designated as Trial Counsel.

**CERTIFICATION UNDER RULE 4:5-1**

I hereby certify that to the best of my knowledge and belief the matter which is in controversy in this proceeding is (a) not the subject of any other action pending in any Court and (b) is not the subject of a pending arbitration proceeding. I certify that I am not aware of any party who must be joined in this proceeding. I certify that the foregoing statements which are made by me in this Certification are, to the best of my knowledge and belief, accurate and complete in all respects. I am aware that if any of such statements is willfully false I am subject to punishment.

**RAINONE COUGHLIN MINCHELLO, LLC**  
*Attorneys for Plaintiff, Andre de Garmeaux*

By:   
\_\_\_\_\_  
David L. Minchello, Esq.

Dated: November 19, 2020

David L. Minchello, Esq. - (ID#: 041412003)  
**RAINONE COUGHLIN MINCHELLO, LLC**  
555 U.S. Highway 1 South, Suite 440  
Iselin, New Jersey 08830  
Tel: (732) 709-4182  
Fax: (732) 791-1555  
*Attorneys for Plaintiff, Andre de Garmeaux*

ANDRE DE GERMEAUX,  
  
Plaintiff,

vs.

EVELYN MALSBUY-O'DONNELL and  
MONMOUTH COUNTY BOARD OF  
ELECTIONS,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MONMOUTH COUNTY

DOCKET NO.:

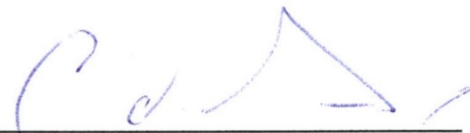
CIVIL ACTION

**CERTIFICATION**

I, **ANDRE DE GARMEAUX**, being of full age, do hereby certify as follows:

1. I am an individual having an address of 1426 Maxim Southard Road, Howell, New Jersey 07731.
2. I was a candidate in the election for Councilmember of the Howell Township Council, which took place on November 3, 2020.
3. I lost that election by a margin of 320 votes to Evelyn Malsbury-O'Donnell.
4. I have personal knowledge of the allegations set forth in the petition for recount and recheck to which this Verification is annexed and I certify that to the best of my knowledge and belief all of such allegations are accurate and complete in all respects. I am aware that in the event that the certification which I am issuing in this Verification is willfully false, I am subject to punishment.

By: \_\_\_\_\_



Andre De Garmeaux

Dated: November 19, 2020

David L. Minchello, Esq. - (ID#: 041412003)  
**RAINONE COUGHLIN MINCHELLO, LLC**  
555 U.S. Highway 1 South, Suite 440  
Iselin, New Jersey 08830  
Tel: (732) 709-4182  
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*Attorneys for Plaintiff, Andre de Garmeaux*

ANDRE DE GERMEAUX,  
  
Plaintiff,  
  
vs.  
  
EVELYN MALSBUURY-O'DONNELL and  
MONMOUTH COUNTY BOARD OF  
ELECTIONS,  
  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MONMOUTH COUNTY

DOCKET NO.:

CIVIL ACTION

**CERTIFICATION OF FACSIMILE**


I, **DAVID L. MINCHELLO, ESQ.**, being of full age, do hereby certify as follows:

1. I am an attorney in the State of New Jersey, and a partner with the law firm of Rainone Coughlin Minchello, LLC, attorneys for Plaintiff, Andre de Garmeaux, in the above-captioned matter. I am fully familiar with the facts and circumstances of the within matter.

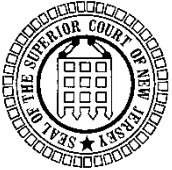

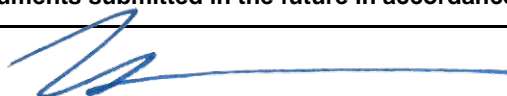
2. The enclosed **CERTIFICATION OF ANDRE DE GARMEAUX** is submitted with a facsimile signature pursuant to R. 1:4-4(c). Mr. De Garmeaux has acknowledged the genuineness of his signature. The original Certification or a copy with an original signature affixed will be filed if requested by the Court or any other party.

3. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

**RAINONE COUGHLIN MINCHELLO, LLC**  
*Attorneys for Plaintiff, Andre De Garmeaux*

By:   
David L. Minchello, Esq.

Dated: November 19, 2020

	<h2 style="margin: 0;">Civil Case Information Statement</h2> <h3 style="margin: 0;">(CIS)</h3> <p style="margin: 0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</b></p>		For Use by Clerk's Office Only
			Payment type: <input type="checkbox"/> ck <input type="checkbox"/> cg <input type="checkbox"/> ca
			Chg/Ck Number:
			Amount:
			Overpayment:
		Batch Number:	
Attorney/Pro Se Name David L. Minchello, Esq.		Telephone Number (732) 709-4182	County of Venue Monmouth
Firm Name (if applicable) Rainone Coughlin Minchello, LLC		Docket Number (when available)	
Office Address 555 U.S. Highway 1 South, Suite 440, Iselin, NJ 08830		Document Type Petition	
		Jury Demand <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Party (e.g., John Doe, Plaintiff) Andre De Germeaux, Plaintiff		Caption De Germeaux v. Monmouth County Board of Elections, et. al.	
Case Type Number (See reverse side for listing) 999	Are sexual abuse claims alleged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this a professional malpractice case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you have checked "Yes," see <i>N.J.S.A. 2A:53A-27</i> and applicable case law regarding your obligation to file an affidavit of merit.	
Related Cases Pending? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," list docket numbers	
Do you anticipate adding any parties (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name of defendant's primary insurance company (if known) <input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown	
<b>The Information Provided on This Form Cannot be Introduced into Evidence.</b>			
Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation			
Do parties have a current, past or recurrent relationship? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," is that relationship: <input type="checkbox"/> Employer/Employee <input type="checkbox"/> Friend/Neighbor <input type="checkbox"/> Other (explain) <input type="checkbox"/> Familial <input type="checkbox"/> Business	
Does the statute governing this case provide for payment of fees by the losing party? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                 </div> <div style="width: 50%;">If yes, please identify the requested accommodation:</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div style="width: 50%;">If yes, for what language?</div> </div>			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
Attorney Signature: 			



**Side 2**

# Civil Case Information Statement (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1***CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I - 150 days discovery**

151 Name Change	506 PIP Coverage
175 Forfeiture	510 UM or UIM Claim (coverage issues only)
302 Tenancy	511 Action on Negotiable Instrument
399 Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)	512 Lemon Law
502 Book Account (debt collection matters only)	801 Summary Action
505 Other Insurance Claim (including declaratory judgment actions)	802 Open Public Records Act (summary action)
	999 Other (briefly describe nature of action)

**Track II - 300 days discovery**

305 Construction	603Y Auto Negligence – Personal Injury (verbal threshold)
509 Employment (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD))	605 Personal Injury
599 Contract/Commercial Transaction	610 Auto Negligence – Property Damage
603N Auto Negligence – Personal Injury (non-verbal threshold)	621 UM or UIM Claim (includes bodily injury)
	699 Tort – Other

**Track III - 450 days discovery**

005 Civil Rights	608 Toxic Tort
301 Condemnation	609 Defamation
602 Assault and Battery	616 Whistleblower / Conscientious Employee Protection Act (CEPA) Cases
604 Medical Malpractice	617 Inverse Condemnation
606 Product Liability	618 Law Against Discrimination (LAD) Cases
607 Professional Malpractice	

**Track IV - Active Case Management by Individual Judge / 450 days discovery**

156 Environmental/Environmental Coverage Litigation	514 Insurance Fraud
303 Mt. Laurel	620 False Claims Act
508 Complex Commercial	701 Actions in Lieu of Prerogative Writs
513 Complex Construction	

**Multicounty Litigation (Track IV)**

271 Accutane/Isotretinoin	601 Asbestos
274 Risperdal/Seroquel/Zyprexa	623 Propecia
281 Bristol-Myers Squibb Environmental	624 Stryker LFIT CoCr V40 Femoral Heads
282 Fosamax	625 Firefighter Hearing Loss Litigation
285 Stryker Trident Hip Implants	626 Abilify
286 Levaquin	627 Physiomesh Flexible Composite Mesh
289 Reglan	628 Taxotere/Docetaxel
291 Pelvic Mesh/Gynecare	629 Zostavax
292 Pelvic Mesh/Bard	630 Proceed Mesh/Patch
293 DePuy ASR Hip Implant Litigation	631 Proton-Pump Inhibitors
295 AlloDerm Regenerative Tissue Matrix	632 HealthPlus Surgery Center
296 Stryker Rejuvenate/ABG II Modular Hip Stem Components	633 Prolene Hernia System Mesh
297 Mirena Contraceptive Device	
299 Olmesartan Medoxomil Medications/Benicar	
300 Talc-Based Body Powders	

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category  Putative Class Action  Title 59  Consumer Fraud

David L. Minchello, Esq. - (ID#: 041412003)  
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*Attorneys for Plaintiff, Andre De Garmeaux*

ANDRE DE GARMEAUX ,  
  
Plaintiff,  
  
v.  
  
EVELYN MALSBUY-O'DONNELL,  
MONMOUTH COUNTY BOARD OF  
ELECTIONS,  
  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.:

CIVIL ACTION

**CERTIFICATION OF SERVICE**

I, **UROOJ ABBAS**, being of full age and duly sworn upon my oath, deposes and says:

On November 19, 2020, I caused a copy of the following documents to be delivered via E-courts to the Clerk of the Superior Court of New Jersey, Monmouth County Courthouse, Law Division, 71 Monument Street, Freehold, NJ 07728:

- 1) Petition for a Recount and Recheck of Ballots;
- 2) Certification of Andre De Garmeaux;
- 3) Certification of Facsimile;
- 4) Civil Case Information Statement;
- 5) Proposed Form of Order; and
- 6) Certification of Service.

In addition, I caused a copy of the above documents to be delivered via E-Courts and Lawyers Service to the following address:

Honorable Katie A. Gummer, J.S.C.  
Superior Court of New Jersey  
Hall of Records  
Monmouth County Vicinage  
1 East Main Street, 2<sup>nd</sup> Floor  
Freehold, NJ 07728

In addition, I caused a copy of the above documents to be delivered via Guaranteed


Subpoena to the following:

Evelyn Malsbury-O'Donnell  
25 Casino Drive  
Farmingdale, New Jersey 07727

Monmouth County Board of Elections  
300 Halls Mill Road  
Freehold, NJ 07728

I certify that the foregoing statements made by me are true, I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 19, 2020

By:   
Urooj Abbas