

mailed 4-21-18

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY 12207-2936 •

5

John Vidurek, Gerard Aprea, et al  
**Plaintiffs**

- Against -

Governor A. Cuomo, New York State Senate  
and New York State Assembly  
**Defendants**

Jurisdiction: Court of Record, under  
the rules of Common Law<sup>1</sup>

Magistrate: Christian F. Hummel  
Case NO: 1:18-cv-392

**EXPARTE**

**WRIT OF ERROR**

NEW YORK STATE )  
 ):SS.  
DUTCHESS COUNTY )

10

On April 2, 2018 plaintiffs filed an Action<sup>2</sup> at Law, not a Complaint<sup>3</sup>. Plaintiffs chose not to prosecute in equity, but at Law<sup>4</sup>, see "Statement of Jurisdiction lines 49-69 in Action at Law dated March 31, 2018, filed April 3, 2018 and stated above. See also, cover sheet (on file) where plaintiffs declared this is an Action concerning unalienable rights and not civil rights.

15

<sup>1</sup> "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

<sup>2</sup> An action is simply the right to enforce one's demands in a court of law. See Pollock, Expansion of C. L. 92.

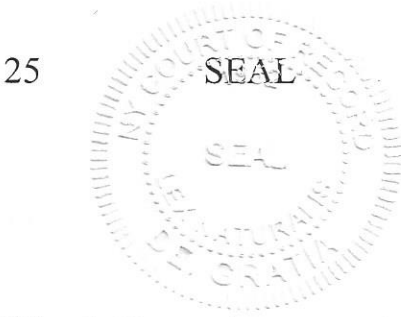
<sup>3</sup> **COMPLAINANT:** In practice: One who applies to the courts for legal redress; one who exhibits a bill of complaint. This is the proper designation of one suing in equity, though "plaintiff" is often, used in equity proceedings as well as at law. Benefit Ass'n v. Robinson, 147 Ill. 138, 35 N.E. 168.

<sup>4</sup> **AT LAW:** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

“Jurisdiction attaches upon the filing in the court of the writ of error and is not defeated by irregularity in the transcript or its certification.” Burnham v. North Chicago St. R. Co., 30 C.C.A. 594, 87 F. 168.

Therefore, this action is NOT to proceed in equity, but IS to proceed “in law”<sup>5</sup> under American Jurisprudence<sup>6</sup>, the rules<sup>7</sup> of common law<sup>8</sup>, and is not to be defeated.

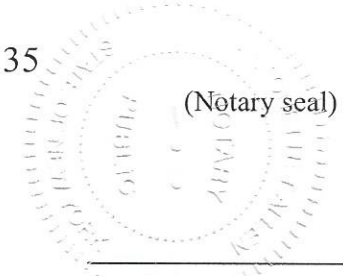
Wherefore, Magistrate Christian F. Hummel is to order Clerk to correct the records and send copy of the same to plaintiffs or show cause why such corrections should not be recorded.



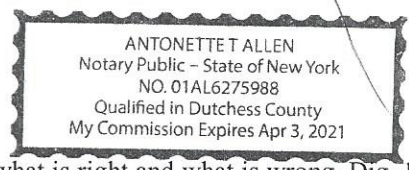
*[Handwritten signature]*  
\_\_\_\_\_  
John Vidurek, et al

NOTARY

In New York State, Dutchess County, on April 21, 2018 before me, Antonette Allen, the undersigned Notary Public, personally appeared John Vidurek, to me known to be the living man described herein, who executed the forgoing instrument, and has sworn before me that he/she executed the same as his/her free-will act and deed.



*[Handwritten signature]*  
\_\_\_\_\_  
Notary



<sup>5</sup> Article III JUDICIAL POWER Section 2.

<sup>6</sup> Jurisprudence is the knowledge of things divine and human, the science of what is right and what is wrong. Dig. 1, 1, 10, 2; Inst. 1, 1, 1. This definition is adopted by Bracton, word for word. Bract. fol. 3.

<sup>7</sup> Maxim: An established principle or proposition. A principle of law universally admitted, as being just and consonant with reason. Maxims in law are somewhat like axioms in geometry. 1 Bl. Com. 68. They are principles and authorities, and part of the general customs or common law of the land; Terms do Ley; Doct. & Stud. Dial. 1, c. 8. Maxims of the law are holden for law, and all other cases that may be applied to them shall be taken for granted. 1 Inst. 11. 67; 4 Rep. See 1 Com. c. 68; Plowd. 27, b.

<sup>8</sup> Bill of Rights Amendment VII.