MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 22, 2013

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Evans-Brown, Kathy v. Rosalyn Taylor, Erie County Board of Elections, Ralph M. Mohr and Dennis E. Ward*
Document Received:	Order to Show Cause
Name of Claimant:	Kathy Evans-Brown 234 Bakos Street Buffalo, New York 14206
Claimant's attorney:	Jerome D. Schad, Esq. 199 Meadowview Lane Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enclosure

At a Special Term of the Supreme Court held in and for the County of Erie, at the Courthouse in the City of Buffalo, New York on the 19th day of April, 2013.

HON. TRACEY A. BANNISTER, J.S.C.

for HON. JOSEPH R. GLOWACKI, J.S.C.
PRESIDING JUSTICE

PAID
CHECK CASH

APR 19 2013
ERIE COUNTY
CLERK'S OFFICE

FILED
ACTIONS & PROCEEDINGS
APR 19 2013
ERIE COUNTY
CLERK'S OFFICE

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
KATHY EVANS-BROWN
234 Bakos Street
Buffalo, NY 14206

Petitioner

vs

ROSALYN TAYLOR,
30 Courtland Avenue
Buffalo, NY 14215

Respondent-Candidate,

ERIE COUNTY BOARD OF ELECTIONS,
RALPH M. MOHR and **DENNIS E. WARD**, Commissioners of the Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

Respondents.

ORDER TO SHOW CAUSE

INDEX NO.

2013-001213

For an Order and Judgment pursuant to New York Election Law Articles 6 and 16 and Education Law Article 52, specifically, Section 2553(10) invalidating Respondent-Candidate Rosalyn Taylor's Nominating Petition Buffalo School Board filed with the Erie County Board of Elections on April 3, 2013 and removing her name from the Ballot for the May 7, 2013 Buffalo School Board election.

ERIE CO BOE APR 19 '13 AM10:22

Upon the Verified Petition of the Petitioner Kathy Evans-Brown, dated the 18th day of April 2013, and

RECEIVED
APR 19 2013
ERIE COUNTY
DEPARTMENT OF LAW

This paper received at the Erie County Board of Election's Office
From Jerome Schafer
On the 19 day of April 20 13
At 10:22 am/pm
Signature of BOE Employee

.216

AFTER DUE DELIBERATION having been had and in order to comply with Election Law Section 16-116's requirement that these proceedings be "summarily determined" and "have preference over all other cause in all courts," it is hereby,

ORDERED, that the Respondent-Candidate and Respondent Board of Elections;

SHOW CAUSE BEFORE THIS COURT, at a Special Term, of Supreme Court, to be held in and for the County of Erie, State of New York, in the Courthouse at ____ ~~25 Delaware Avenue~~, 5~~0 Delaware Avenue~~, 92 Franklin Street, Buffalo, NY in Part 6, on the 26th day of April, 2013 at 11:00 o'clock in the a.m. / ~~p.m.~~ of that day, or as soon thereafter as counsel can be heard,

WHY an ORDER should not be made and entered herein, pursuant to Election Law Articles 6 and 16, and particularly Sections 6-134, 6-154, 16-100, and16-102, and the Education Law at Section 2553(10), **granting the following relief against the Respondents:**

1. An Order, pursuant to Election Law Articles 6 and 16 and Education Law Section 2553(10), invaliding that the petition of Respondent-Candidate Rosalyn Taylor, to be a candidate for the public office of member of the Buffalo Board of Education by reason of the fact that said petition contains less than the minimum of 500 valid signatures as required by Education Law Section 2553(10)(d)(1) in order for a person's name to appear on the ballot;
2. An Order determining that the petition of Respondent-Candidate Rosalyn Taylor, is invalid (a) by reason of multiple failures to obtain a sufficient number valid signatures from registered voters in the East Subdistrict, (b) by reason of deficiencies in the witness statements on multiple pages of the petition such that entire pages of the petition, including otherwise valid signatures thereon, must be stricken and invalidated and (c) if the Court so determines, by reason of the Candidate's

participation in the fraudulent procurement of invalid signatures on petition pages sufficiently extensive that the Court determines that the entire petition is permeated with fraud; and

3. An Order directing the Board of Election to invalidate the petition of Respondent-Candidate Rosalyn Taylor to be a candidate for the public office of member of the Buffalo Board of Education, and if the ECBOE has made an administrative determination of validity prior to the conclusion of this proceeding, overruling and setting aside the decision of the ECBOE and directing the ECBOE to invalidate the Taylor petition and directing the ECBOE to print ballots for the May 7, 2013 school board election without the name of Rosalyn Taylor appearing thereon as a candidate for the Buffalo Board of Education; and
4. An Order directing the ECBOE to produce to the Court on the return date of this Petition and Order to Show Cause, and all subsequent court dates, the original petition of Respondent-Candidate Rosalyn Taylor, the original GENERAL and SPECIFIC OBJECTIONS to the petition filed by Petitioner and all documents constituting the records of proceedings by, of, and before the ECBOE in relation to the petition of Respondent-Candidate Taylor and the Board's actions with respect thereto;
5. An Order granting such other, further and different relief as the Court may deem just and appropriate, including costs and disbursements.

SERVICE OF PROCESS:

And it is further,

ORDERED, that service of a conformed copy of this Order to Show Cause and the underlying Verified Petition, upon the Respondent-Candidate Rosalyn Taylor and the Respondent Erie County Board of Elections, shall be deemed good and sufficient if accomplished no later than 5 p.m. on the 22nd day of April, 2013 as follows:

1. Respondent-Candidate **ROSALYN TAYLOR:**

   By delivery to **Rosalyn Taylor** in any manner authorized by CPLR Section 308 or by overnight express mail delivery to her at 30 Courtland Avenue, Buffalo, NY 14215, the addresses listed by her on her petition to be a candidate for the Buffalo Board of Education, with such express mail service complete by delivery to a United States Post Office by the time and date above-stated;

2. Respondent **ERIE COUNTY BOARD OF ELECTIONS**:

   By delivery to a person authorized to accept service at the offices of such Respondent ERIE COUNTY BOARD OF ELECTIONS at 134 W. Eagle Street, in the City of Buffalo;

PRODUCTION OF ORIGINAL DOCUMENTS

and it is further,

ORDERED, that the Respondent ERIE COUNTY BOARD OF ELECTIONS shall produce to the Court on the return date of this Petition and Order to Show Cause, and all subsequent court dates, the original petition of Respondent-Candidate Rosalyn Taylor, the original GENERAL and SPECIFIC OBJECTIONS to the petition filed by Petitioner, including

the original affidavits of Dawn Taylor, Willie Colbert, Dianna Greene, Sarah Trapp, Nick Calabretta, Willie Spigner, and Tony Daniels, and all documents constituting the records of proceedings by, of, and before the ECBOE in relation to the petition of Respondent-Candidate Taylor and the Board's actions with respect thereto;

RESPONSIVE PAPERS

and it is further

ORDERED, that the Respondents shall file their verified answer to the petition, and affidavits or other responding papers, including motion papers, to the Court and deliver them to Petitioner' counsel, no later than the 12:00 ~~a.m.~~ / p.m. the 25TH day of April 2013; and it is further

ORDERED, that the Respondents shall also deliver, in addition to the paper copy of the documents referred to above, an electronic copy of their verified answers and affidavits or other responding papers, including motion papers, to the Petitioner's counsel at jerome.schad91@gmail.com as early as feasibly possible prior to service and filing of the original paper originals of said documents; and it is further

ORDERED, that the Respondent-Candidate and Respondent Board of Elections, in their answering papers, shall set forth an e-mail address to which communications from the Court and each party's attorney may transmit an electronic copy of responding and/or reply papers.

Hon. Tracey A. Bannister in absence of Hon. Joseph R. Glownia, **Justice of the Supreme Court**
County of Erie

GRANTED: April 19, 2013

ERIKA TRUEHEART
Court Clerk

GRANTED

APR 19 2013

BY
ERIKA TRUEHEART
COURT CLERK

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
KATHY EVANS-BROWN
234 Bakos Street
Buffalo, NY 14206

Petitioner

vs

ROSALYN TAYLOR,
30 Courtland Avenue
Buffalo, NY 14215

Respondent-Candidate,

VERIFIED PETITION

ERIE COUNTY BOARD OF ELECTIONS,
RALPH M. MOHR and **DENNIS E. WARD,** Commissioners of the Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

Respondents.

INDEX NO.

2013 – 001213

For an Order and Judgment pursuant to New York Election Law Articles 6 and 16 and Education Law Article 52, specifically, Section 2553(10) invalidating Respondent-Candidate Rosalyn Taylor's Nominating Petition Buffalo School Board filed with the Erie County Board of Elections on April 3, 2013 and removing her name from the Ballot for the May 7, 2013 Buffalo School Board election.

TO THE NEW YORK STATE SUPREME COURT – ERIE COUNTY:

Petitioner KATHY EVANS-BROWN, by her attorney, Jerome D. Schad, Esq., for her Verified Petition, does allege upon information and belief:

PETITIONER

1. Petitioner, KATHY EVANS-BROWN, resides at 234 Bakos Street, Buffalo, NY 14215 within the County of Erie, State of New York.

2. Petitioner is a registered voter of the City School District of the City of Buffalo [hereinafter the "Buffalo School District"] and resides within the geographic boundaries of the East Subdistrict of the Buffalo School District.
3. Petitioner is an objector to the BUFFALO SCHOOL BOARD NOMINATING PETITION for the public office of Board Member filed by Respondent-Candidate Rosalyn Taylor as a candidate from, and to represent, the residents of the East Subdistrict, having duly filed timely general and specific objections with the Respondent ECBOE.

RESPONDENTS:

4. Respondent, ROSALYN TAYLOR, resides at 30 Cortland Avenue, Buffalo, NY 14215.
5. Respondent ERIE COUNTY BOARD OF ELECTIONS (Ralph M. Mohr and Dennis E. Ward, Commissioners) (heretofore and hereinafter, the "ECBOE") is the administrative agency charged with the legal duty to implement the requirements of the New York State Education Law Section 2553 and Election Law for conducting the election of individuals to become members of the Buffalo Board of Education, including the duty to preserve the integrity of the election process and to make determinations regarding the sufficiency of the independent nominating petitions required to be filed with the ECBOE in order for a person to be eligible to have their name appear on the ballot as a candidate for board member of the Buffalo Board of Education.

JURISDICTION

6. New York State Education Law Section 2553(10)(d)(1) provides that each candidate for election as a member of the board of education from a city subdistrict in the City of Buffalo shall be required to file "a petition containing signatures of at least five hundred registered voters of such city school subdistrict in which he is a candidate" and that statutory requirement

applies to the petition filed by Respondent-Candidate Roslyn Taylor with the ECBOE on April 3, 2013 to be a candidate for the Board of Education from the East Subdistrict.

7. New York State Education Law Section 2553 imposes certain requirements regarding the form and content of petitions to be come a candidate for the Buffalo Board of Education and specifically directs that the election of members of the Buffalo Board of Education shall be governed by the provisions of the Election Law in the same manner as candidates for office generally to be elected by the voters of the City of Buffalo.
8. This is a special proceeding arising under the New York State Education Law Article 52, specifically Section 2553, and the New York State Election Law Article 16, including but not limited to, Sections 6-134, 6-154, 16-100, and 16-102.
9. The Supreme Court has jurisdiction to grant summary relief against the Respondent-Candidate and the ECBOE.
10. The Supreme Court has jurisdiction to invalidate the Petition filed by Rosalyn Taylor and to order the Respondent ECBOE to refuse to accept or otherwise reject Respondent-Candidate Taylor's Petition and to order that the ECBOE not place the name of Rosalyn Taylor on the May 7, 2013 Ballot and to direct such other and further relief as may be required under the facts and circumstances herein.

STANDING

11. Petitioner is a resident of the City of Buffalo in the East Subdistrict of the Buffalo School District and a registered voter eligible to vote for the school board candidate from the East Subdistrict.

12. Petitioner caused to be timely filed in the office of the Respondent ECBOE "GENERAL OBJECTIONS TO NOMINATING PETITION" to the petition of Respondent-Candidate Taylor, pursuant to Election Law Section 6-154, on or about April 7, 2013, and timely served a copy of said general objections upon Respondent-Candidate Taylor on that same date by certified mail at her address of 30 Courtland Avenue, Buffalo, NY 14215.
13. Petitioner caused to be timely filed in the office of the Respondent ECBOE "SPECIFIC OBJECTIONS" to the petition of Respondent-Candidate Taylor, pursuant to Election Law Section 6-154, on or about April 15, 2013, and timely served a copy of said specific objections upon Respondent-Candidate Taylor on the same date by certified mail at her address of 30 Courtland Avenue, Buffalo, NY 14215.
14. Petitioner has standing to seek to the relief sought herein and in the attached Order to Show Cause.

RESPONDENT-CANDIDATE TAYLOR'S INVALID PETITION

15. Respondent-Candidate Taylor's "NOMINATING PETITION BUFFALO SCHOOL BOARD" in its original form as filed with Respondent ECBOE purports to contain 1386 valid signatures of registered voters residing in the East Subdistrict but, in fact, contains no more than 268 possibly valid signatures and at least 1118 invalid signatures or purported signatures. Petitioner incorporates by reference Respondent-Candidate Taylor's original petition as filed with the ECBOE as if fully set forth and to be produced by the ECBOE to the Court on the return date of this proceeding.
16. Petitioner incorporates her "GENERAL OBJECTIONS TO NOMINATING PETITION" dated April 7, 2013 and her "SPECIFIC OBJECTIONS" dated April 15, 2013 filed with the ECBOE,

as if fully set forth and to be produced by the ECBOE to the Court on the return date of this proceeding.

Taylor's Invalid Signatures on a Line-by-Line Basis

17. Upon information and belief, nine hundred eighty [980] individual signatures are invalid for one or more of the 18 categories of deficiencies listed in Petitioner's SPECIFIC OBJECTIONS and, based on such individual objections, Respondent-Candidate Taylor has failed to submit a petition with the minimum-required 500 valid signatures.

18. The list below contains the separate grounds on which objections to specific individual signatures were made in Petitioner's SPECIFIC OBJECTIONS, and which are made here, requiring that the Court determine the objected-to signatures are invalid:

Identifier on Specific Objections Filed By Petitioner against Taylor Petition	Description
1A	Signature without proper date of signing
2A	Signature dated prior to the first day for signing
3A	Signature date prior to preceding date(s) listed on petition
4A	Signature dated after date set forth in affidavit of Subscribing Witness
5A	Signature of person whose signatures are not identifiable
6A	Signature of persons with unidentifiable or missing given name
7A	Signature of persons with initials not identifiable with register
8A	Signature of persons whose names are hand printed

Identifier on Specific Objections Filed By Petitioner against Taylor Petition	Description
9A	Signature of persons with incomplete or no residence address set forth
10A	Signature of persons not registered at address set forth in petition on date of signing
11A	Signature of person with mailing address rather than residence address set forth
12A	Signature of persons who do not reside in political unit of East Subdistrict
13A	Signature of person with no town or city set forth
14A	Signature of person not registered in town or city as set forth on date of signing
15A	Signature of person who witnessed own signature
16A	Signature of person who signed petition for office on same date or earlier date
18A	Signature of person written in lead pencil

Invalid Signatures due to Witness Statement Error and/or Fraud

19. Upon information and belief, defects, deficiencies and/or fraud by the "subscribing witness" on twenty-two [22] pages of the Taylor petition [pages 19, 36, 38, 41, 47, 48, 49, 50, 51, 54, 55, 57, 63, 68, 69, 70, 72, 74, 81, 82, 82, & 83] by reason of one or more of the 11 categories of deficiencies listed in Petitioner's SPECIFIC OBJECTIONS require this Court to invalidate all

six hundred seventeen [617] signatures on those petition pages, including one hundred twenty-eight [128] of which might otherwise be valid for lack of an individual signature deficiency.

Invalid Pages Due to Permeation of Fraud

20. The list below contains the separate grounds on which objections to the subscribing witness statement and signatures were made in Petitioner's SPECIFIC OBJECTIONS and which are made here. The Court should review the objected-to petition pages on which such subscribing witness statements appear, and thereafter, invalidate all of the signatures on such pages:

Identifier on Specific Objections Filed against Taylor Petition	Description
1B	Subscribing witness who is not a registered voter
3B	Subscribing witness who is not otherwise qualified to circulate the petition
4B	Subscribing witness who fails to set forth correct residence address
5B	Subscribing witness who fails to set forth correct number of signatures subscribed to
6B	Subscribing witness who fails to set forth a proper date of signing
7B	Subscribing witness who is not identified by correct city or town, or county
8B	Subscribing witness of notary public or commissioner of deeds who fails to set forth official title
9B	Subscribing witness who fails to initial modifications

10B	Subscribing Statement modified by person other than subscribing witness
11B	Subscribing Statement missing second witness identifying information (name and address)
12B	Subscribing witness did not witness signatures on page as described by accompanying affidavit [i.e., one of the seven affidavits (Dawn Taylor, Willie Colbert, Dianna Greene, Sarah Trapp, Nick Calabretta, Willie Spigner, and tony Daniels) which are attached to the SPECIFIC OBJECTIONS

21. The affidavit of Dawn Taylor, date April 13, 2013, and timely filed with the ECBOE, sets forth sworn information that James Mayberry, the person who signed petition page 36 as the witness to the signatures thereon, was NOT the person who obtained Dawn Taylor's signature on Respondent-Candidate Taylor's petition at line 1 of page 36.
22. The Dawn Taylor affidavit requires that this Court make a finding of fraud with respect to page 36 of the Taylor petition.
23. The affidavit of Willie S. Colbert, dated April 13, 2013, and timely filed with the ECBOE, sets forth sworn information that James Mayberry, the person who signed petition page 36 as the witness to the signatures thereon, was NOT the person who obtained Willie Colbert's signature on Respondent-Candidate Taylor's petition at line 5 of page 36, but rather the person was one Don Allen Jr.
24. The Willie Colbert affidavit requires that this Court make a finding of fraud with respect to page 36 of the Taylor petition.
25. The affidavit of Dianna Greene, dated April 13, 2013, and timely filed with the ECBOE, sets forth sworn information that Respondent-Candidate Rosalyn Taylor, the person who signed petition page 72 as the witness to the signatures thereon, was NOT the person who obtained

Dianna Greene's signature on Respondent-Candidate Taylor's petition at line 15 of page 72, but rather the person was one Earl Smith.

26. The Dianna Green affidavit requires that this Court make a finding of fraud with respect to Taylor petition page 72 and that Candidate Taylor herself committed the fraud.

27. The affidavit of Sarah Trapp, dated April 13, 2013, and timely filed with the ECBOE, sets forth sworn information that Respondent-Candidate Rosalyn Taylor, the person who signed petition page 72, as the witness to the signatures thereon, was NOT the person who obtained Sarah Trapp's signature on Respondent-Candidate Taylor's petition at line 14 on page 72.

28. The Sarah Trapp affidavit requires that the Court make a finding of fraud with respect to Taylor petition page 72 and that Candidate Taylor herself committed the fraud.

29. The affidavit of Nick Calabretta, dated April 13, 2013, and timely filed with the ECBOE, sets forth sworn information that Respondent-Candidate Rosalyn Taylor, the person who signed petition page 74, as the witness to the signatures thereon, was NOT the person who obtained Nick Calabretta's signature on Respondent-Candidate Taylor's petition at line 22 of page 74, but rather a slim black woman approximately five feet four inches tall and approximately 50 years of age, wearing glasses, was the person who obtained the signature at line 22 of page 74.

30. The Nick Calabretta affidavit requires that the Court make a finding of fraud with respect to Taylor petition page 74 and that Candidate Taylor herself committed the fraud.

31. The affidavit of Willie Spigner, dated April 13, 2013, and timely filed with the ECBOE, sets forth sworn information that Respondent-Candidate Taylor, the person who signed petition page 74, as the witness to the signatures thereon, was NOT the person who obtained Willie Spigner's signature on Respondent-Candidate Taylor's petition at line 12 or page 74, but rather a black

male, approximately six feet tall, weighing approximately 160 pounds and between the ages of 35 and 40, was the person who obtained Willie Spigner's signature at line 12 of page 74.

32. The Willie Spigner affidavit requires that the Court make a finding of fraud with respect to Taylor petition page 74 and that the fraud was committee by Candidate Taylor herself.

33. The affidavit of Tony Daniels, dated April 13, 2013, and timely filed with the ECBOE, sets forth information that Respondent-Candidate Taylor, the person who signed petition page 48, as the witness to the signatures thereon, was NOT the person who obtained Tony Daniels' signature on Respondent-Candidate Taylor's petition at line 14 of page 48, but rather an African-American woman approximately five feet eleven inches tall and described as skinny was the person who obtained Tony Daniels' signature.

34. The Tony Daniels affidavit requires that the Court make a finding of fraud with respect to page 48 of the Taylor petition and that Candidate Taylor herself committed the fraud.

35. The signature on the statement of witness on page 51 of the Taylor petition is by a John S. White who purports to have witnessed thirteen [13] of twenty-four [24] people sign the petition by "printing" their name on the petition on March 13, 2013.

36. By mere visual examination of the purported "printed" signatures, any examiner, including this Court, must necessarily conclude that the purported signatures were NOT by separate individuals but rather some or all of those "printed" signatures were made by the same person.

37. The witness, John S. White, cannot have truthfully sworn to the "statement of witness" that each of the signatures was by the individual named and separately signed before him.

38. By reason of the information contained in the four corners of page 51 of the Taylor petition, the Court must make a finding of fraud with respect to page 51 of the Taylor petition.

39. The signature on the statement of witness on page 14 of the Taylor petition is by an Anton Hicks who purports to have witnessed six [6] of six [6] people sign the petition by "printing" their name on the petition on March 27, 2013.

40. By mere visual examination of the purported "printed" signatures, any examiner, including this Court, must necessarily conclude that the purported signatures were NOT by separate individuals but rather some or all of those "printed" signatures were made by the same person.

41. The witness, Anton Hicks, cannot have truthfully sworn to the "statement of witness" that each of the signatures was by the individual named and separately signed before him.

42. By reason of the information contained in the four corners of page 14 of the Taylor petition, the Court must make a finding of fraud with respect to page 14 of the Taylor petition.

Taint of 498 signatures procured by misconduct of four witnesses

43. By reason of the circumstances of misconduct by the above-mentioned four procuring witnesses, all pages of signatures of purported voters obtained by those four witnesses, James Mayberry [witness to Taylor petition pages 29, 36 & 37 bearing 43 total signatures], Anton Hicks [witness to Taylor petition pages 14 & 31 bearing 18 signatures], John S. White [witness to Taylor petition pages 16, 32, 44, 51, 57, 58, 71, 79, & 80 bearing 188 signatures] and Rosalyn Taylor [witness to Taylor petition pages, 2, 9, 26, 33, 47, 48, 49, 61, 68, 70, 72, 73, 74, 75, & 82 bearing 249 signatures] should be stricken as tainted by fraud and/or other misconduct.

44. The total number of signatures procured by witnesses, James Mayberry, Anton Hicks, John S. White and Rosalyn Taylor are 498 signatures and should be stricken from the Taylor petition filed with the ECBOE.

Respondent-Taylor's Extensive Involvement in Signature Statement Irregularities

45. Upon information and belief, Respondent-Candidate Taylor purports to have witnessed signatures on fifteen [15] petition pages numbered 2, 9, 26, 33, 47, 48, 49, 61, 68, 70, 72, 73, 74, 75, and 82, multiple pages of which contain irregularities as to the witness statement at the foot of each petition page.

46. Respondent-Candidate Taylor's petition pages 68 and 70 contain the purported signatures of two persons as witnesses, one of which is Respondent-Candidate Taylor.

47. Neither this Court nor the ECBOE can determine, from the four corners of the Taylor petition, whether one or both persons are a witness to some or all of the people whose names appear on the petition, and by reason thereof this Court must invalidate the 50 signatures on pages 61 and 68 for misrepresentation as to their validity.

48. Respondent-Candidate Taylor's petition pages 47 and 61contain the purported signatures of two persons as witnesses, one of which is Respondent-Candidate Taylor, but the signature of Taylor is crossed out after, apparently, she signed as the witness to 47 signatures.

49. Under the circumstances, of the witness signatures on pages 47 and 61, the ECBOE and this Court cannot determine which signatures on those pages were witnessed by which person.

50. Given the totality of the extensive involvement of Respondent-Candidate Taylor in the petitioning and existence of other witnesses who procured signatures under circumstances that constitute fraud, the Court must strike the entire Taylor petition as permeated by fraud.

Time is of the Essence:

51. May 7, 2013 is Election Day for the election of members of the Buffalo Board of Education and is fast approaching.

52. Since Respondent ECBOE is required to print the ballots and conduct the election, time is of the essence and requires immediate judicial intervention for the relief sought herein seeking the invalidation of Respondent-Candidate Taylor's petition and for such other relief as the Court may deem appropriate and necessary under the Election Law and the Education Law of the State of New York.

53. Petitioner has made no previous application to this, or any other, Court for the relief sought herein.

RELIEF REQUESTED

WHEREFORE, Petitioner requests that this Court direct entry of an Order and Judgment granting the following relief:

1. An Order to Show Cause in the form as attached hereto with provisions for court-directed service of the Order to Show Cause and Petition as set forth in the Order to Show Cause; and
2. An Order, pursuant to Election Law Articles 6 and 16 and Education Law Section 2553(10), invaliding that the petition of Respondent-Candidate Rosalyn Taylor, to be a candidate for the public office of member of the Buffalo Board of Education by reason of the fact that said petition contains less than the minimum of 500 valid signatures as required by Education Law Section 2553(10)(d)(1) in order for a person's name to appear on the ballot;
3. An Order determining that the petition of Respondent-Candidate Rosalyn Taylor, is invalid (a) by reason of multiple failures to obtain a sufficient number valid signatures from registered voters in the East Subdistrict, (b) by reason of deficiencies in the witness

statements on multiple pages of the petition such that entire pages of the petition, including otherwise valid signatures thereon, must be stricken and invalidated and (c) if the Court so determines, by reason of the Candidate's participation in the fraudulent procurement of invalid signatures on petition pages sufficiently extensive that the Court determines that the entire petition is permeated with fraud; and

4. An Order directing the Board of Election to invalidate the petition of Respondent-Candidate Rosalyn Taylor to be a candidate for the public office of member of the Buffalo Board of Education, and if the ECBOE has made an administrative determination of validity prior to the conclusion of this proceeding, overruling and setting aside the decision of the ECBOE and directing the ECBOE to invalidate the Taylor petition and directing the ECBOE to print ballots for the May 7, 2013 school board election without the name of Rosalyn Taylor appearing thereon as a candidate for the Buffalo Board of Education; and
5. An Order directing the ECBOE to produce to the Court on the return date of this Petition and Order to Show Cause, and all subsequent court dates, the original petition of Respondent-Candidate Rosalyn Taylor, the original GENERAL and SPECIFIC OBJECTIONS to the petition filed by Petitioner and all documents constituting the records of proceedings by, of, and before the ECBOE in relation to the petition of Respondent-Candidate Taylor and the Board's actions with respect thereto;
6. Granting such other, further and different relief as the Court may deem just and appropriate, including costs and disbursements.

Dated: April 18, 2013
Buffalo, New York

Kathy Evans-Brown, Petitioner

Jerome D. Schad, Esq.
Attorney for Petitioner, Kathy Evans-Brown
199 Meadowview Lane
Williamsville, NY 14221-3531
716.634.8906
716.445.0842 (cell)

VERIFICATION:

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

Kathy Evans-Brown being duly sworn deposes and says that he is the **PETITIONER** in this action; that he has read the foregoing **VERIFIED PETITION** and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

Kathy Evans-Brown

Sworn to before me this 10th
day of April 2013

Jerome D. Schad
Notary Public
Qualified in Erie County
My Commission Expires June 30, 2015