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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

July 23, 2014

Mr. Scott W. Kroll, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Kroll:

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:	*Carney, Patrick M. v. Dennis Ward, Ralph Mohr, Erie County Board of Elections*
Document Received:	Order to Show Cause
Name of Claimant:	Patrick M. Carney
Claimant's attorney:	Emilio Colaiacovo, Esq. Bouvier Partnership, LLP 350 Main Street, Suite 1400 Buffalo, New York 14202

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
Enc.

At an Special Term of the Supreme Court held in and for the County of Erie, State of New York on the 22 day of July, 2014.

PRESENT: HON: Henry J. Nowak JSC

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

Patrick M. Carney,

Petitioner

ORDER TO SHOW CAUSE

Index No: I-2014-000116

vs

DENNIS WARD and RALPH MOHR,
As Commissioners of and Constituting the
ERIE COUNTY BOARD OF ELECTIONS; and

ERIE COUNTY BOARD OF ELECTIONS; and

Mara McCabe, as Candidate; and

Marisa Bartolotta, as Objector.

Respondents.

For an Order, pursuant to the Election Law, declaring invalid and striking out the petitions purporting to designate MARA MCCABE as a candidate for Buffalo City Court Judge as and for the City of Buffalo, County of Erie, State of New York and an Order restraining the Erie County Board of Elections from placing the name of MARA MCCABE upon voting machines to be used at the election to be held on September 9, 2014.

FILED
ACTIONS & PROCEEDINGS
JUL 22 2014
ERIE COUNTY
CLERK'S OFFICE

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ERIE COUNTY
DEPARTMENT OF LAW

RCPT # 14112096
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Upon the annexed verified Petition of PATRICK M. CARNEY, verified on the 21st date of July, 2014, it is ORDERED that:

(1) The Respondents above named show cause before one of the Justices of this Court at a Special Term thereof to be held at 25 Delaware Ave, Part 25, Buffalo, New York, on the 6th day of August, 2014, at 9:30 o'clock in the forenoon of that date, or soon thereafter as counsel may be heard, why an Order should not be made invalidating and declaring null and void the Designating Petitions filed on behalf of MARA MCCABE, purporting to designate her as a candidate for Buffalo City Court Judge as and for the City of Buffalo, County of Erie, State of New York and an Order restraining the Erie County Board of Elections from placing the name of MARA MCCABE upon voting machines to be used at the election to be held on September 9, 2014, and for such other and further relief as the Court deems just and proper; and

(2) The Board of Election of the County of Erie, New York, shall produce on a return date of this Order to Show Cause and on the argument thereof, the official permanent personal registration poll record signature copy for the City of Buffalo, New York; the alleged Designating Petitions of Maura McCabe; all objections and specifications thereto; certificates of declination; substitutions; and all reports and papers pertaining thereto for the examination of the Court; and

(3) Let Service of this Order and the papers upon which it was granted to be deemed due, timely and sufficient if made as follows:

(a) Upon the Board of Elections of the County of Erie, New York, on or before the 24th day of July, 2014, by delivering to and leaving a true copy of this Order and the annexed papers with one of the Commissioners, Chief Clerk, Deputy Commissioner or appropriate individual, or such other person as may be designated by the Board of to receive service, or, alternatively, at the option of the petitioners, same may be served by enclosing said papers in a post paid wrapper addressed to Respondent Board of Elections and deposited with a depository of the United States Postal Service via EXPRESS MAIL, or by such substituted service as authorized by CLPR §308 without prior attempt; and further

(b) Upon the Respondents, Mara McCabe at 81 Morris Avenue, Buffalo, New York 14214, and Marisa Bartolotta at 362 Villa Avenue, Buffalo, New York 14216, on or before the 24th day of July, 2014, by delivering to and leaving with her personally a copy of this Order and of the annexed papers or, alternatively, at the option of the petitioners, same may be served by enclosing said papers in a post paid wrapper addressed to the aforesaid Respondents and deposited with a depository of the United States Postal Service via EXPRESS

MAIL, or by such substituted service as authorized by CLPR §308 without prior attempt.

DATED: July 22, 2014
BUFFALO, NEW YORK

HON. JOHN M. CURRAN, J.S.C. for Judge Nowak
Hon. J.S.C.

ENTER:

GRANTED

JUL 22 2014
MICHELE CARTER
BY
MICHELE CARTER
COURT CLERK