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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 28, 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:	*Zalocha, Mark D. v. Ricky T. Donovan, Sr., Ralph M. Mohr and Dennis E. Ward*
Document Received:	Order to Show Cause
Name of Petitioner:	Mark D. Zalocha 95 Kamper Avenue Buffalo, New York 14210
Petitioner's Attorney:	Connors & Vilardo, LLP 1000 Liberty Building 424 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Jeremy C. Toth
Second Assistant County Attorney
jeremy.toth@erie.gov

JCT:dld
Enc.

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 24th day of July, 2014.

PRESENT: HON. Tracey A. Bannister, J.S.C.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
MARK D. ZALOCHA,
95 Kamper Avenue
Buffalo, New York 14210, Objector,

Petitioner,

-vs-

RICKY T. DONOVAN, SR.,
Putative Candidate for Independence Party
for New York State Senate, 63rd District,
329 North Ogden Street,
Buffalo, New York 14206;
and
RALPH M. MOHR and
DENNIS E. WARD, as Commissioners
of Elections and Constituting the
Erie County Board of Elections
134 West Eagle Street
Buffalo, New York 14202,

Respondents,

FILED
ACTIONS & PROCEEDINGS
JUL 24 2014
ERIE COUNTY
CLERK'S OFFICE

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ERIE COUNTY CLERK
RCPT # 14114008
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ORDER TO SHOW CAUSE

Index No. 2014-000125

For an Order Pursuant to the Election Law Declaring Insufficient, Defective, Invalid, Null and Void, the Independence Party Designating Petition of Respondent Candidate for New York Senate, 63rd District, County of Erie, State of New York for the Party Primary Election to Be Held on September 9, 2014;

And to Enjoin, Restrain and Prohibit the Erie County Board of Elections from Printing and Placing the Name of Said Candidate Upon the Official Ballot of Such Primary Election.

216-NF.35

Upon the annexed Verified Petition of Mark D. Zalocha, Petitioner, sworn to on the 24th day of July, 2014, with exhibits, it is hereby

ORDERED, that the Respondents herein show cause before this Court, Hon. Tracey A. Bannister, J.S.C., at a Special Term, Part 31, thereof, to be held at 50 Delaware Ave in the City of Buffalo, County of Erie, State of New York, on the 31st day of ~~August~~ July, 2014, at 9:30 a.m./~~p.m.~~, or as soon thereafter as counsel can be heard, why an order should not be made entered herein:

1. Declaring insufficient, defective, invalid, null and void the Independence Party Designating Petition of Respondent, Ricky T. Donovan, Sr., Putative Candidate for Independence Party for New York State Senate, 63rd District, which purports to name the Respondent as a candidate for the Independence Party for New York State Senate, 63rd District, County of Erie, State of New York for the Independence Party Primary Election to be held on September 9, 2014;

2. Enjoining, restraining and prohibiting the Respondents, Ralph M. Mohr and Dennis E. Ward, as Commissioners of Elections and Constituting the Erie County Board of Elections, from printing and placing on the official ballot the name of Respondent, Ricky T. Donovan, Sr., as an Independence Party Candidate for New York State Senate, 63rd District, County of Erie, State of New York for the Independence Party Primary Election to be held on September 9, 2014, and why the petitioner should not have such other and further relief as to this Court may deem just and proper; and it is further

ORDERED, that the Respondent, Ralph M. Mohr and Dennis E. Ward, as Commissioners of Elections and Constituting the Erie County Board of Elections, be and they are hereby ordered and directed to produce upon the return date and hearing related to this Order to Show Cause the originals of (a) the aforesaid Independence Party Designating Petition of Respondent, Ricky T. Donovan, Sr., Putative Candidate for Independence Party for New York State Senate, 63rd District, County of Erie, State of New York for the Independence Party Primary Election to be held on September 9, 2014; (b) the General Objections filed against his Independence Party Designating Petitions; (c) the Specific Objections filed against his Independence Party Designating Petition; and (d) any written decision rendered in regard to such objections, and it is further

ORDERED, that sufficient reason appearing therefore, leave is granted to the Petitioner to submit upon the return date related to this Order to Show Cause and the argument thereof such additional proof, exhibits and other evidence as may be necessary, and it is further

ORDERED, that service of a copy of this Order to Show Cause, together with a copy of the verified petition with exhibits upon which it is granted, upon (a) the Respondents, Ralph M. Mohr and Dennis E. Ward, Commissioners of Elections and Constituting the Erie County Board of Elections, be made by leaving a copy of said papers with a person of suitable age and discretion (including but not limited to personal service upon the respondent(s)), at the Office of the Erie County Board of Elections, County of Erie, State of New York on the 24th day of July, 2014; and (b) the Respondent, Ricky T. Donovan, Sr. (1) by personally serving him on the

24th day of July, 2014; or (2) by leaving in a conspicuous place a copy of the said Order to Show Cause and a copy of the verified petition with exhibits upon which it is granted outside the outer or other door of the residence of said Respondent candidate, at the address as it appears on the Independence Party Designating Petition of said Respondent candidate on the 24th day of July, 2014; or (3) by leaving a copy of said papers with a person of suitable age and discretion at that address on the 24th day of July, 2014; and that such service as herein provided shall be and constitute due, timely and sufficient notice to the respondents herein, and it is further

ORDERED, that service of any answering papers of Respondents be received by the Court and served upon the offices of Connors & Vilardo, LLP, attorneys for Petitioner, at 1000 Liberty Building, 424 Main Street, Buffalo, New York 14202, at or before 5:00 p.m. the day before the return date related to this Order to Show Cause.

Hon. Timothy J. Walker, J.C.C.
Acting Supreme Court Justice

I/A/O Hon. Tracey A. Bannister, J.S.C.

ENTER.

GRANTED

JUL 24 2014

BY Judith M. Conners
JUDITH M. CONNERS
COURT CLERK