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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

MEMORANDUM

TO: Karen McCarthy, Clerk, Erie County Legislature
FROM: Michelle M. Parker, First Assistant County Attorney
DATE: June 30, 2016
RE: Transmittal of New Claims Against Erie County

Ms. McCarthy:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find ten (10) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Paul Czosek v. County of Erie
Kay Woodley v. County of Erie, et al.
John Kevin Daley v. Mark Poloncarz, et al.
Graham Brush, Jr. v. Erie County Clerk, et al.
April Jackson v. ECDSS, et al.
Rose Coia v. County of Erie, et al.
LAPC Lofts LLC v. County of Erie, et al.
Richard P. Buscemi, IV (Infant) v. County of Erie, et al.
Tommie K. Saunders v. Tom Diina
Zdarsky Sawicki & Agostinelli v. Sheriff Howard, et al.

MMP:dld
Attachments

Comm. 13D-13

Page 1 of 92



COUNTY OF ERIE

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JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 21, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	<i>Czosek, Paul v. County of Erie - Board of Elections</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Paul V. Czosek 139 Rutland Avenue Buffalo, New York 14212
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

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.

Comm. 13D-13
Page 3 of 92

NEW

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

PAUL V. CZOSEK,

Complainant,

v.

ERIE COUNTY, BOARD OF ELECTIONS,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10181783

Federal Charge No. 16GB602883

I, Paul V. Czosek, residing at 139 Rutland Ave., Buffalo, NY, 14212, charge the above named respondent, whose address is 134 West Eagle St., Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of sex.

Date most recent or continuing discrimination took place is 11/3/2015.

The allegations are:

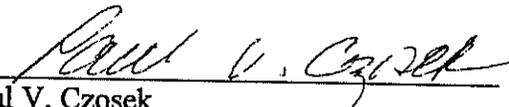
1. I am male. Because of this, I have been subject to unlawful discriminatory actions.
2. I was hired by respondent as an Elections Inspector and last worked on 11/03/2015 at the Sloan Fire Hall polling site located at 55 Gates Street, Sloan New York. As Chairperson I was in charge of supervising all Election Day activities and delegating assignments to the other three elections inspectors, Helen Derenda, Mary Ellen Prell, and Theresa Reichart.
3. On 11/03/2015, Debra Smith, Sloan Village Elections Chairperson, Sloan Village Clerk, and Board of Education Member, entered the polling site and conversed with all three of the seated inspectors, Ms. Derenda, Ms. Prell, and Ms. Reichart, which delayed the line of voters behind her. At no time did I see Ms. Smith sign the poll book or receive a ballot so she apparently had already voted. Ms. Smith also opened a poll book, pointed to a name and said, "I know her, and she's a trouble maker". The only access to a poll book she should have had on Election Day is to her own name.
4. Ms. Smith subsequently approached each of my three co-workers in turn, embraced them from behind, and then kissed them on the cheek. She then looked directly at me and said in a loud voice, "Paul doesn't get a hug or a kiss because he doesn't want one". I was shocked, embarrassed, and confused by this unprovoked, insulting, tasteless and demeaning public outburst. Several voters expressed their disapproval of Ms. Smith's conduct to me.

5. I complained about Ms. Smith's conduct to respondent but no corrective action has been taken.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of sex, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

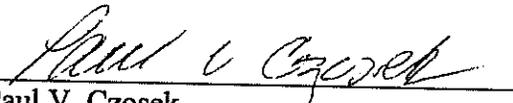
I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

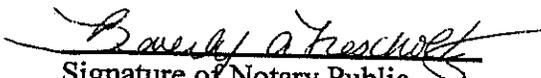

Paul V. Czosek

STATE OF NEW YORK)
COUNTY OF) SS:

Paul V. Czosek, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.


Paul V. Czosek

Subscribed and sworn to
before me this 31 day
of May, 2016


Signature of Notary Public

BEVERLY A. FRESCHOLTZ
Notary Public, State of New York
No. 01FR6187237
Qualified in Erie County
My Commission Expires May 19, 2018



COUNTY OF ERIE

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ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 21, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

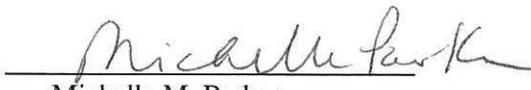
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Woodley, Kay v. Albert Tesluk and County of Erie</i>
Document Received:	Summons and Complaint
Name of Claimant:	Kay and Duane Woodley 37 Elgas Street Buffalo, New York 14207
Claimant's attorney:	Anthony J. Zitnik, Jr., Esq. Law Office of J. Michael Hayes 69 Delaware Avenue, Suite 1111 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

This document received at
ECDSS OFFICE OF COUNSEL
from Scott Hayes on the
6 day of June, 20 16
at 12:45 pm
RECEIVED BY J. Kepler

KAY WOODLEY and
DUANE WOODLEY, her husband
37 Elgas Street
Buffalo, New York 14207

SUMMONS

Plaintiffs,

Index No:

-vs-

ALBERT TESLUK
111 Saint Gregory Court, Room 60
Williamsville, New York 14221

COUNTY OF ERIE
Rath Building
95 Franklin Street
Buffalo, New York 14202

RECEIVED
JUN 08 2016
ERIE COUNTY
DEPARTMENT OF LAW

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiffs' attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

DATED: Buffalo, New York
June 1, 2016

Yours Respectfully,



Anthony J. Zitnik, Jr., Esq.
Law Office of J. MICHAEL HAYES
Attorneys for Plaintiff
69 Delaware Avenue, Suite 1111
Buffalo, New York 14202
Telephone: (716) 852-1111

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

KAY WOODLEY and
DUANE WOODLEY, her husband

Plaintiffs,

vs.

COMPLAINT

Index No.:

ALBERT TESLUK and
COUNTY OF ERIE,

Defendants.

The Plaintiffs, KAY WOODLEY and DUANE WOODLEY, her husband, by their attorneys, J. MICHAEL HAYES, for their Complaint against the Defendants, ALBERT TESLUK and COUNTY OF ERIE herein alleges:

1. Presently and at all times hereinafter mentioned, the Plaintiffs, KAY WOODLEY and DUANE WOODLEY, were and are residents of the City of Buffalo County of Erie and State of New York.
2. Upon information and belief, presently and at all times hereinafter mentioned, the Defendant, ALBERT TUSLUK, is a resident of the City of Buffalo, County of Erie and State of New York.
3. Upon information and belief, presently and at all times hereinafter mentioned, the Defendant, ALBERT TUSLUK, is the owner of a certain property located at 39 Elgas Street, Buffalo, New York.

4. Upon information and belief, at all times hereinafter mentioned, the Defendant, ALBERT TUSLUK rented and/or leased to other individuals the aforementioned property located at 39 Elgas Street, Buffalo, New York.

5. Upon information and belief, on or about February 15, 2016, and prior thereto, Defendant, ALBERT TUSLUK, was responsible for the maintenance, upkeep, paving, leveling, side walks and driveway and controlling of the building and grounds together with snow/ice removal and maintenance of the building, roofs, gutters, drains, and/or lack thereof and controlling water runoff from roofs and inspection of the aforesaid premises generally, including but not limited to, its driveway, approaches, roofs, walkways, entrances and exits thereto and/or a part thereof located at or about 39 Elgas Street, Buffalo, New York.

6. Upon information and belief, the aforementioned premises, the structure, gutters and drains thereof were negligently, improperly or inadequately maintained, guttered, drained, inspected, plowed, shoveled and/or salted thereby causing and permitting the adjacent driveway at 37 Eglas Street to be covered with snow and ice which was inadequately and/or improperly created, removed, disposed and/or placed, thereby permitting the continuance and/or causing and created dangerous and hazardous conditions.

7. Upon information and belief, the Defendant, ALBERT TUSLUK, had actual and/or constructive notice of the aforesaid conditions and failed to remedy same within a reasonable period of time.

8. Upon information and belief, on or about the 15th day of February, 2016, Plaintiff, KAY WOODLEY, was lawfully upon the premises located at 37 Elgas Street,

Buffalo, New York adjacent to 39 Elgas Street and exiting her vehicle when she was caused to fall.

9. Upon information and belief, the aforementioned incident was caused or contributed to due to the negligence and careless conduct on the part of the Defendant, ALBERT TUSLUK.

10. Upon information and belief, Plaintiff, KAY WOODLEY, is and/or has received MEDICAID provided by the Defendant, COUNTY OF ERIE

11. Upon information and belief, the COUNTY OF ERIE claims a recovery right and/or a "lien" out of any resolution in the above matter by the virtue of medical expenses it claims to have incurred.

12. Upon information and belief, the Defendant, COUNTY OF ERIE, is a necessary party to this action in that, for and before, complete relief may be accorded, the Defendant, COUNTY OF ERIE's claims for medical reimbursement must be considered, finalized, allocated and determined by way of compromise, settlement and/or Court determination and said Defendant has refused to join as a party plaintiff.

13. Upon information and belief, this action falls within one or more of the exceptions set forth in Article 16 of the CPLR of the State of New York and/or the aforesaid provisions of said article do not apply to the within action.

14. Upon information and belief, as a result of the foregoing, Plaintiff sustained severe and serious personal injuries all to her damage in the sum in excess of all the jurisdictional limits of the lower courts of the State of New York.

**AS AND FOR A SECOND
CAUSE OF ACTION, PLAINTIFFS' ALLEGE:**

15. The Plaintiffs repeat and reallege those allegations set forth in Paragraphs "1" through "14" of the Complaint with the same force and effect as fully set forth herein at length.

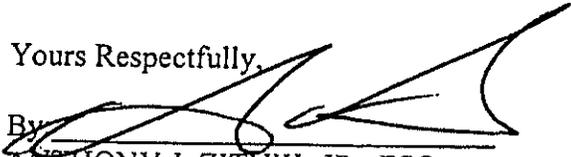
16. Presently and at all times herein mentioned, the Plaintiff, DUANE WOODLEY, was the spouse of Plaintiff, KAY WOODLEY, and as such was and is entitled to her services, society, companionship and consortium.

17. As a result of the aforesaid incident, the Plaintiff, DUANE WOODLEY, has been deprived of the services, society, and companionship and consortium of his spouse all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York.

WHEREFORE, Plaintiffs, KAY WOODLEY and DUANE WOODLEY, demands Judgment against the Defendant, ALBERT TUSLUK for an amount in excess of the jurisdictional limits of all lower courts of the State of New York together with the costs and disbursements, and further demands that an allocation of the proceeds/recovery, if any, between Plaintiffs, KAY WOODLEY and DUANE WOODLEY and COUNTY OF ERIE and for such other and further relief as to this Court may be just, proper and equitable.

DATED: Buffalo, New York
June 1, 2016

Yours Respectfully,

By 
ANTHONY J. ZITNIK, JR., ESQ.
Law Office of J. MICHAEL HAYES
Attorney for Plaintiff
Office and P.O. Address:
69 Delaware Avenue – Suite 1111
Buffalo, New York 14202
(716) 852-1111

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

KAY WOODLEY and
DUANE WOODLEY, her husband

Plaintiff/Petitioner,

- against -

Index No. 805754/2016

ALBERT TESLUK and COUNTY OF ERIE

Defendant/Respondent.

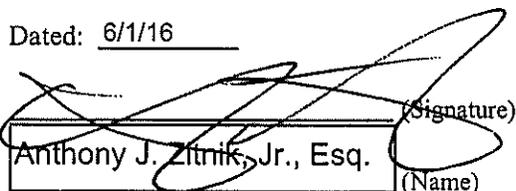
**NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Dated: 6/1/16


(Signature)
Anthony J. Zitnik, Jr., Esq.
(Name)

Law Office of J. Michael Hayes
(Firm Name)

69 Delaware Avenue, Suite 1111 (Address)
Buffalo, NY 14202

(716) 852-1111 (Phone)

ajz@jmmichaelhayes.com (E-Mail)

To: County of Erie
Rath Building
95 Franklin St.
Buffalo, NY 14202



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 21, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

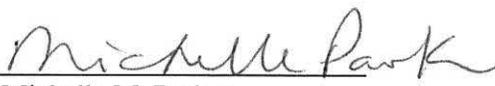
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Daley, John Kevin v. Town of Orchard Park, Mark Poloncarz, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	John Kevin Daley 91 Marjorie Drive, Upper Buffalo, New York 14223
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

UNITED STATES DISTRICT COURT

for the

Western District of New York

JOHN KEVIN DALEY)

Plaintiff)

v.)

ERIE COUNTY, NY)

Defendant)

Civil Action No.

16-CV-00325

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

ERIE COUNTY, NY EXECUTIVE
MARK C. POLONCARZ
EDWARD RATH COUNTY OFFICE BUILDING
95 FRANKLIN STREET 16TH FLOOR
BUFFALO, NY 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JOHN KEVIN DALEY - "PRO SE"
91 MARJORIE DR. UPPER
BUFFALO, NY 14223

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

[Handwritten signature]

Signature of Clerk or Deputy Clerk

MAY 26 2016

Date:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
JOHN KEVIN DALEY

(b) County of Residence of First Listed Plaintiff ERIE
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
(716) 517-1838
PRO SE - JOHN KEVIN DALEY
91 MARJORIE DR. UPPER BUFFALO, NY 14223

DEFENDANTS
SEE ATTACHED SHEET

County of Residence of First Listed Defendant ERIE
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

THIS NOT A MALICIOUS AMOUNT, IT IS WITH GREAT MERCY!!

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983

Brief description of cause:
PROHIBITED UNREASONABLE SEIZURE OF MY PERSON FOR 10 DAYS

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,350,000,000.00

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 04/23/2016 SIGNATURE OF ATTORNEY OF RECORD John Kevin Daley PRO SE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____

MAY 26 2016

Revised 03/06 WDNV

AMENDED
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

AMENDED 1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

JOHN KEVIN DALEY

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R. Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- 1. SEE ATTACHED SHEET
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: 42 U.S.C. 1983 ALL PARTIES INVOLVED SUBJECTED JOHN KEVIN DALEY TO DEPRIVATION OF MY RIGHTS SECURED BY THE U.S. CONSTITUTION AND LAWS, THEREFORE IT IS A MATTER FOR FEDERAL COURT.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: THE DEFENDANTS ALL RESIDE AND THE ENTITIES INVOLVED EXIST IN THE 17 WESTERNMOST COUNTIES OF NEW YORK STATE.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: THIS IS A 4TH AMENDMENT TO THE U.S. CONSTITUTION VIOLATION OF PROHIBITED UNREASONABLE SEIZURE OF MY PERSON WHILE I WAS EXERCISING MY 1ST AMENDMENT RIGHTS OF FREEDOM OF SPEECH & FREEDOM OF RELIGIOUS EXPRESSION. FALSE IMPRISONMENT INVOLVED FOR 10 DAYS.

AMENDED

1. CAPTION OF ACTION

B. LIST OF DEFENDANTS:

1) TOWN OF ORCHARD PARK

VIA: POLICE OFFICER ROBERT SIMMONS

2) POLICE OFFICER ROBERT SIMMONS

3) TWIN CITY AMBULANCE CORP.

4) TOWN OF TONAWANDA

VIA THESE POLICE OFFICERS:

FRANK BARTOLOTTA, BADGE #001

DAVE HUMPHREY, BADGE #121

DAVE GENNUSO, BADGE #086

5) FRANK BARTOLOTTA POLICE OFFICER, BADGE #001

6) ERIE COUNTY, NY

VIA: MARK C. POLONCARZ, ERIE COUNTY EXECUTIVE

7) ERIE COUNTY MEDICAL CENTER CORPORATION

VIA: IT'S MEDICAL FACILITY AND PSYCHIATRIC WARD &

PARK, WON HOON, MD

RUGGIERI, MATTHEW, MD

BROOKS, VICTORIA, MD

8) U.P.P., INC.

VIA: EMPLOYEES: RUGGIERI, MATTHEW, MD AND PARK, WON HOON, MD

9) RUGGIERI, MATTHEW, MD

10) PARK, WON HOON, MD

AMENDED
3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: JOHN KEVIN DALEY

Present Address: 91 MARJORIE DRIVE UPPER
BUFFALO, NY 14223

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: TOWN OF ORCHARD PARK

Official Position of Defendant (if relevant): POLICE OFFICER ROBERT SIMMONS

Address of Defendant: 4295 SOUTH BUFFALO STREET ORCHARD PARK, NEW YORK 14127

Name of Second Defendant: ROBERT SIMMONS

Official Position of Defendant (if relevant): POLICE OFFICER, TOWN OF ORCHARD PARK

Address of Defendant: S 4295 SOUTH BUFFALO STREET ORCHARD PARK, NEW YORK 14127

Name of Third Defendant: SEE ATTACHED SHEET

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes ___ No X SAME LAWSUIT JUST AMENDED COMPLAINT & SUMMONS

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of Third Defendant: TWIN CITY AMBULANCE CORP.

Official Position of Defendant (if relevant): CHIEF EXECUTIVE OFFICER

Address of Defendant: 555 COMMERCE DRIVE AMHERST, NEW YORK 14228

Name of Fourth Defendant: TOWN OF TONAWANDA

Official Position of Defendant (if relevant): THREE POLICE OFFICERS:

BARTOLOTTA, FRANK BADGE #001

HUMPHREY, DAVE BADGE #121

GENNUSO, DAVE BADGE #086

Address of Defendant: 2919 DELAWARE AVENUE KENMORE, NEW YORK 14217 AND

1835 SHERIDAN DRIVE BUFFALO, NEW YORK 14223 (FOR US MARSHAL DELIVERY)

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of Fifth Defendant: FRANK BARTOLOTTA

Official Position of Defendant (if relevant): POLICE OFFICER BADGE #001

Address of Defendant: TOWN OF TONAWANDA POLICE DEPARTMENT

1835 SHERIDAN DRIVE BUFFALO, NEW YORK 14223 (FOR US MARSHAL DELIVERY)

Name of Sixth Defendant: ERIE COUNTY, NY

Official Position of Defendant (if relevant): ERIE COUNTY EXECUTIVE MARK C POLONCARZ

Address of Defendant: EDWARD A RATH COUNTY OFFICE BUILDING 95 FRANKLIN STREET

16TH FLOOR BUFFALO, NEW YORK 14202

Name of Seventh Defendant: ERIE COUNTY MEDICAL CENTER CORPORATION

Official Position of Defendant (if relevant): DRS.: PARK, WON HOON; RUGGIERI, MATTHEW; BROOKS, VICTORIA

Address of Defendant: 462 GRIDER STREET BUFFALO, NY 14215

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of Eighth Defendant: U.P.P., INC.

Official Position of Defendant (if relevant): EMPLOYEES AND PROVIDERS

Address of Defendant: P.O. BOX 2662 BUFFALO, NEW YORK 14240 AND

Name of Ninth Defendant: MATTHEW RUGGIERI, MD

Official Position of Defendant (if relevant): MEDICAL DOCTOR OF PSYCHIATRY

Address of Defendant: C/O ERIE COUNTY MEDICAL CENTER 462 GRIDER STREET BUFFALO, NY

14215 AND C/O U.P.P., INC. P.O. BOX 2662 BUFFALO, NEW YORK 14240

Name of Tenth Defendant: WON HOON PARK, MD

Official Position of Defendant (if relevant): MEDICAL DOCTOR OF PSYCHIATRY

Address of Defendant: C/O ERIE COUNTY MEDICAL CENTER 462 GRIDER STREET BUFFALO, NY

14215 AND C/O U.P.P., INC. P.O. BOX 2662 BUFFALO, NEW YORK



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 21, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	<i>Brush, Graham W., Jr. v. Erie County Clerk and E-loan</i>
Document Received:	Verified Petition
Name of Claimant:	Graham W. Brush, Jr.
Claimant's attorney:	Brian Johnston, Esq. Puleo Delisle, PLLC 444 Route 111 Smithtown, New York 11787

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
IN THE MATTER OF THE APPLICATION OF
GRAHAM W. BRUSH, JR. FOR AN ORDER
CANCELLING OF RECORD A MORTGAGE PURSUANT
TO NEW YORK REAL PROPERTY LAW §329
-----X

INDEX NUMBER:
805974/2016

NOTICE OF PETITION

PLEASE TAKE NOTICE, that upon (i) the annexed Petition of Brian M. Johnston Esq., dated 6/3/16 (ii) the Affidavit of Graham W. Brush, Jr. dated April 9, 2016, and (iii) the Affidavit Ana Bonds, Assistant Vice-President of Bank of America, N.A., dated April 29, 2016 all in support of an Order cancelling of record a mortgage pursuant to Real Property Law Section 329, the undersigned will petition this Court at the Erie County Supreme Court 25 Delaware Avenue, Buffalo, New York 14202 at an IAS part, on Wednesday, July 20, 2016 at 9:30 a.m., for an Order cancelling of record a mortgage as prayed for in the Petition, and for such other relief as may be proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 403 (b), answering papers, if any, are to be served at least seven (7) days before the return date of this Notice of Petition.

Dated: 6/3/16
Smithtown, New York



Brian M. Johnston, Esq.
Puleo Delisle, PLLC
Attorney for Petitioners
444 Route 111
Smithtown, New York 11787
Telephone (631) 370- 1178

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
IN THE MATTER OF THE APPLICATION OF
GRAHAM W. BRUSH, JR. FOR AN ORDER
CANCELLING OF RECORD A MORTGAGE
PURSUANT TO NEW YORK REAL PROPERTY
LAW §329
-----X

INDEX NO. 805974/2016

PETITION TO CANCEL
MORTGAGE OF RECORD

BRIAN JOHNSTON, ESQ., an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the truth of the following statements under the penalties of perjury:

1. I am an Associate of the law firm of Puleo Delisle, PLLC, and attorney for Graham W. Brush, Jr. (hereinafter referred to as the "Petitioners") in connection with this Petition and, as such, I am fully familiar with the facts and circumstances presented in this Petition based on a file maintained in my office.

2. Petitioner seeks an Order of this Honorable Court declaring the following Mortgage cancelled against the premises located at 80 Aurora Avenue, West Seneca, NY 14224, known and designated on the Erie County Tax Map as Section: 124.77 Block: 2 Lot: 18 (hereinafter referred to as the "Premises").

This Mortgage dated August 22, 2003 and recorded on October 25, 2003 in the Office of the Erie County Clerk in Book 13121 at Page 0885 given by Graham W. Brush, Jr. to E-Loan, Inc. securing the sum of U.S. \$10,000.00.

3. Servicing of the loan was last transferred to Bank of America, N.A. (hereinafter referred to as "BANA"), and paid in full to BANA. However, no assignment of mortgage to BANA was recorded in the Office of the Erie County Clerk.

4. Even though Graham W. Brush, Jr. fully satisfied the loan secured by the Mortgage, BANA cannot issue a satisfaction of mortgage because according to the records of the Office of

the Erie County Clerk, BANA is not the mortgagee due to the missing assignment of mortgage.

5. BANA has been unable to procure from E-Loan, Inc. or its successors an assignment of mortgage to resolve the matter as of the present date.

6. The inability of BANA to satisfy the Mortgage due to the missing assignment has resulted in a continuing cloud on title, preventing or delaying potential transactions related to the property.

7. Pursuant to the provisions of Real Property Law §329, an owner of real property or of any undivided part thereof may maintain an action to have any recorded instrument in writing relating to such real property or interest therein declared void or invalid, or to have same canceled of record as to said real property, or his undivided part thereof or interest therein.

8. Though the provisions of Real Property Law §329 use the word "action" in order to obtain the required relief thereunder, this matter is being brought before this Court as a special proceeding on the following bases:

- a. Only the Petitioners have an interest in the Premises; and
- b. The only other party with an interest in the outcome of this proceeding is the Lender, which supports the instant Petition, illustrated by their supporting affidavit attached; and
- c. No party would be prejudiced by this matter being treated as a special proceeding, instead of as an action; and
- d. There is no other remedy in the law available to the Petitioners for the relief requested; and
- e. If the Petitioners were to proceed in this matter by "action", there would be a plaintiff (i.e., the Petitioners), but no defendant.

9. This Court has the authority to consider this matter as a special proceeding, instead of as an action, as:

“a party may sometimes make a mere motion for relief that technically requires a special proceeding, or vice versa. If no prejudice is demonstrated, it was held that a like conversion may be allowed.” *Siegel, New York Practice, Fourth Edition*, citing Empire Mutual Ins. Co. v. Palladino, 54 A.D.2d 863 (1st Dept. 1976).

10. For these reasons, and for the reason that the CPLR ‘shall be liberally construed to secure the just, speedy and inexpensive determination of every civil judicial proceeding (which includes actions and special proceedings collectively)’, *CPLR §105*, Petitioners respectfully request that this Honorable Court consider this matter as a special proceeding, notwithstanding the use of the word “action” in Real Property Law §329.

11. The Petitioner’s interest in the Premises was established by deed, and his interest is not in question or dispute. Annexed hereto and made a part hereof as “Exhibit A” is a true and correct copy of the current deed to the Premises reflecting the ownership interests of the Petitioner.

12. In support of this Petition, annexed hereto and made a part hereof as “Exhibit B” is the Affidavit of the Petitioner, the borrower on the loan secured by the Mortgage, pertinent pages of which are attached hereto and made a part hereof as “Exhibit C”.

13. This Court has jurisdiction over this matter as the Premises constitute real property located in the jurisdictional limits of State of New York, County of Erie.

14. In support hereof, annexed hereto and made a part hereof as “Exhibit D” is the Affidavit of Ana Bonds, Assistant Vice-President of BANA.

15. Petitioner desires to have this Honorable Court declare the mortgage void, invalid and cancelled of record.

16. Other than the interest of the Petitioner, and that of the Lender, no other person, firm, entity or municipal authority is affected by this Petition and the relief requested herein.

17. Petitioner respectfully requests an Order of this Court declaring the following Mortgage cancelled against the premises located at 80 Aurora Avenue, West Seneca, NY 14224, known and designated on the Erie County Tax Map as Section: 124.77 Block: 2 Lot: 18:

This Mortgage dated August 22, 2003 and recorded on October 25, 2003 in the Office of the Erie County Clerk in Book 13121 at Page 0885 given by Graham W. Brush, Jr. to E-Loan, Inc. securing the sum of U.S. \$10,000.00.

18. Notice of this application will be served upon the Erie County Clerk and upon E-Loan, Inc.

19. No previous application for the relief sought herein has been made.

Dated: 6/3/16

Smithtown, New York



Brian Johnston, Esq.
Puleo Delisle, PLLC
Attorney for Petitioners
444 Route 111
Smithtown, New York 11787
Telephone: 631 370 1178



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 21, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	<i>Jackson, April v. Michael R. Jackson, Erie County Department of Social Services and County of Erie</i>
Document Received:	Summons and Complaint
Name of Claimant:	April Jackson 80 Reo Street Cheektowaga, New York 14211
Claimant's attorney:	Audrey Rose Herman, Esq. Pusatier, Sherman, Abbott & Sugarman, LLP 2464 Elmwood Avenue Kenmore, New York 14217-2292

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

Comm. 13D-13
Page 33 of 92

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

APRIL JACKSON
80 Reo Street
Cheektowaga, NY 14211

Plaintiff,

v.

MICHAEL R. JACKSON,
280 Stevens
Buffalo, NY 14215,
MARICA RICHARDSON,
148 Roebling Ave.
Buffalo, NY 14215;
NY COMMISSIONER OF TAXATION AND FINANCE,
ATTN: Office of Counsel
Building 9
W A Harriman Campus
Albany, NY 12227;
CHIEF CLERK OF THE CITY COURT OF BUFFALO,
50 Delaware Avenue
Buffalo, NY 14202;
WESTERN DIVISION FEDERAL CREDIT UNION
6750 Main Street
Buffalo, NY 14221-5947;
CAPITAL ONE BANK (USA), N.A.,
4851 Cox Rd.
Glen Allen, VA 23060;
CHEEKTOWAGA TOWN COURT,
ATTN: Town Attorney
3223 Union Road,
Cheektowaga, NY 14227;
ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,
ATTN: Office of Counsel
95 Franklin St., Room 746,
Buffalo, NY 14202;
ERIE COUNTY, NEW YORK,
Department of Law,
95 Franklin St., Room 1634
Buffalo, New York 14202;

SUMMONS

Plaintiff designates Erie
County as the place of trial.
Residence of the parties and
location of the subject property
is the basis for venue.

THE GROOVE LOUNGE,
1210 Broadway
Buffalo, NY 14212;
"JOHN DOE", and "JANE
DOE", names being fictitious, it
being the intent of the Plaintiff to
designate any and all occupants
of the subject premises and all
judgment creditors with an
interest in the property;

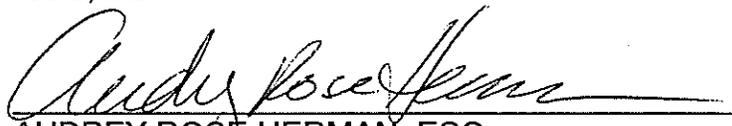
Defendants.

TO THE ABOVE NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to
serve a copy of your answer on the plaintiff's attorneys within 20 days after the service
of this Summons and Complaint, exclusive of the day of service (or within 30 days after
the service is complete if this Summons and Complaint are not personally delivered to
you within the State of New York); and in case of your failure to appear or answer,
judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: 4/21/10

Yours, etc.



AUDREY ROSE HERMAN, ESQ.
PUSATIER, SHERMAN, ABBOTT & SUGARMAN, LLP
Attorneys for Plaintiff
Office and P. O. Address
2464 Elmwood Avenue
Kenmore, NY 14217-2292
(716) 873-6765

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

APRIL JACKSON
80 Reo Street
Cheektowaga, NY 14211

VERIFIED COMPLAINT

Plaintiff,

v.

MICHAEL R. JACKSON,
280 Stevens
Buffalo, NY 14215,
MARICA RICHARDSON,
148 Roebling Ave.
Buffalo, NY14215;
NY COMMISSIONER OF TAXATION AND FINANCE,
ATTN: Office of Counsel
Building 9
W A Harriman Campus
Albany, NY 12227;
CHIEF CLERK OF THE CITY COURT OF BUFFALO,
50 Delaware Avenue
Buffalo, NY 14202;
WESTERN DIVISION FEDERAL CREDIT UNION
6750 Main Street
Buffalo, NY 14221-5947;
CAPITAL ONE BANK (USA), N.A.,
4851 Cox Rd.
Glen Allen, VA 23060;
CHEEKTOWAGA TOWN COURT,
ATTN: Town Attorney
3223 Union Road,
Cheektowaga, NY 14227;
ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,
ATTN: Office of Counsel
95 Franklin St., Room 746,
Buffalo, NY 14202;
ERIE COUNTY, NEW YORK,
Department of Law,
95 Franklin St., Room 1634
Buffalo, New York 14202;

THE GROOVE LOUNGE,

1210 Broadway
Buffalo, NY 14212;

**“JOHN DOE”, and “JANE
DOE”,** names being fictitious, it
being the intent of the Plaintiff to
designate any and all occupants
of the subject premises and all
judgment creditors with an
interest in the property;

Defendants.

Plaintiff, APRIL JACKSON, by her attorneys, Pusatier, Sherman, Abbott &
Sugarman, LLP for her verified complaint alleges as follows:

1. Plaintiff is a resident of the Town of Cheektowaga, County of Erie, New
York.
2. Upon information and belief, Defendant Richardson is the niece of
Defendant Jackson.
3. The following defendants are not adverse to Plaintiff or parties in action
except as judgment creditors of Defendant Jackson, Defendant Richardson, or
lienholders against the subject property:
 - **NY COMMISSIONER OF TAXATION AND FINANCE,**
 - **CHIEF CLERK OF THE CITY COURT OF BUFFALO,**
 - **WESTERN DIVISION FEDERAL CREDIT UNION**
 - **CAPITAL ONE BANK (USA), N.A.,**
 - **CHEEKTOWAGA TOWN COURT,**
 - **ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,**
 - **ERIE COUNTY, NEW YORK,**
 - **“JOHN DOE” and “JANE DOE”**
4. Plaintiff was married to Defendant Jackson on August 13, 2004.

5. On or about September 27, 2010 Defendant Jackson purchased the property located at 1210 Broadway Street, Buffalo, Erie County, NY, 14212 from the AMVETS Hank W. Nowak Post 45 for \$74,000 consideration.

6. Plaintiff and Defendant Jackson physically separated on or about February 14, 2012.

7. On or about March 15, 2012 Defendant Jackson transferred the property located at 1210 Broadway to Defendant Richardson by Quit Claim Deed for no consideration.

8. Defendant Jackson filed an Action for Divorce against Plaintiff on or about September 10, 2014.

9. Said Quit Claim Deed for the property at 1210 Broadway was filed in the Erie County Clerk's Office on or about October 3, 2014.

10. Upon information and belief, Defendant Jackson's only other significant asset at the time of the conveyance was the marital residence located at 80 Reo Ave, which was titled to him and Plaintiff as tenants by the entirety.

11. Upon information and belief, there were numerous judgments against Defendant Jackson as of the date of the conveyance of 1210 Broadway.

12. Plaintiff was the dependent spouse of Defendant at the time of the conveyance of 1210 Broadway.

13. Upon information and belief, Defendant Jackson continues to use 1210 Broadway for his business interests.

14. Defendant Jackson owes a duty of support to Plaintiff as his wife.

15. Under the Equitable Distribution Law (Domestic Relation's Law 276) Plaintiff has an interest in the property of her husband, Defendant Jackson.

16. The transfer of 1210 Broadway is a "Conveyance" pursuant to Debtor Creditor Law § 270.

17. Plaintiff is a "Creditor" of Defendant Jackson pursuant to Debtor Creditor Law §270.

18. Upon information and belief, Defendant Richardson knew the conveyance was fraudulent and had actual fraudulent intent when she accepted the conveyance.

**AS AND FOR CAUSE OF ACTION 1 AGAINST THE DEFENDANTS – Debtor
Creditor Law 273**

Plaintiff repeats, reiterates and realleges paragraphs 1 through 18 with the same force and effect as if the same were fully set forth herein.

19. Defendant Jackson was rendered insolvent by the conveyance of 1210 Broadway.

20. The conveyance of 1210 Broadway was made without fair consideration.

21. Said conveyance was fraudulent pursuant to Debtor Creditor Law §273.

**AS AND FOR CAUSE OF ACTION 2 AGAINST THE DEFENDANTS – Debtor
Creditor Law 275**

Plaintiff repeats, reiterates and realleges paragraphs 1 through 18 with the same force and effect as if the same were fully set forth herein.

22. The conveyance of 1210 Broadway from Defendant Jackson to Defendant Richardson was without fair consideration.

23. Defendant Jackson intended or believed that he would incur debts beyond his ability to pay.

24. Said conveyance was fraudulent pursuant to Debtor Creditor Law §275.

AS AND FOR CAUSE OF ACTION 3 AGAINST THE DEFENDANTS – Debtor

Creditor Law 276

Plaintiff repeats, reiterates and realleges paragraphs 1 through 18 with the same force and effect as if the same were fully set forth herein.

25. Defendant Jackson intended to defraud Plaintiff.

26. Said conveyance is fraudulent pursuant to Debtor Creditor Law § 276.

AS AND FOR CAUSE OF ACTION 4 AGAINST THE DEFENDANTS – Common Law

Constructive Trust

Plaintiff repeats, reiterates and realleges paragraphs 1 through 18 with the same force and effect as if the same were fully set forth herein.

27. The asset located at 1210 Broadway has been wrongfully diverted as a result of the fraudulent conveyance and conveyance in contemplation of a matrimonial action.

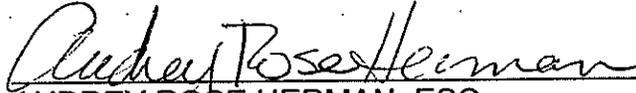
28. Defendant Jackson has no other assets from which to balance the equitable division of the subject property.

29. Plaintiff is entitled to the imposition of a constructive trust with respect to the transfer of the real property along with any rents or other profits associated with the property.

WHEREFORE, Plaintiff demands judgment against the Defendants, together with the costs and disbursements of this action.

DATED: April 20, 2016

Yours, etc.



AUDREY ROSE HERMAN, ESQ.
PUSATIER, SHERMAN, ABBOTT & SUGARMAN, LLP
Attorneys for Plaintiff
Office and P. O. Address
2464 Elmwood Avenue
Kenmore, NY 14217-2292
(716) 873-6765

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

APRIL JACKSON, being duly sworn, deposes and says; that deponent is the Plaintiff in the within action; that deponent has read the foregoing Complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.



APRIL JACKSON

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 21 day of April, in the year 2016, before me, the undersigned, personally appeared APRIL JACKSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

KAREN A. STACHURA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 2018
Comm. 13D-13
Page 42 of 92



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 21, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	<i>Coia, Rose v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Rose Coia 477 Connecticut Street Buffalo, New York 14213
Claimant's attorney:	Joseph A. Canepa, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

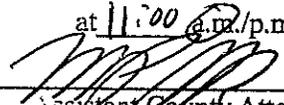
Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 13D-13
Page 43 of 92

This paper received at the
Erie County Attorney's Office
from Monique Geising on
the 9th day of June, 2016
at 11:00 a.m./p.m.

Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

ROSE COIA
477 Connecticut Street
Buffalo, NY 14213

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
65 Niagara Square
1100 City Hall
Buffalo, NY 14202

COUNTY OF ERIE
Attention County Attorney
95 Franklin Street - Rm 1634 Buffalo,
NY 14202

Respondents.

PLEASE TAKE NOTICE that **ROSE COIA**, hereby makes claim against the **CITY OF BUFFALO** and **COUNTY OF ERIE** and in support thereof Claimant alleges:

1. The name of the Claimant is ROSE COIA, the Claimant resides at 245 Ontario Street, Buffalo, NY 14207. The attorneys for the Claimant are William K. Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986.

2. The nature of the Claim is one to recover damages for personal injuries and conscious pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, medical expenses and property damage and all other damages allowed by law resulting from the injuries suffered by the Claimant, ROSE COIA, as a result of the negligence of the City of Buffalo and the County of Erie in the design, control, and maintenance and safety of the intersection of Tonawanda Street and Saratoga Street, Buffalo, New York.

3. The incident that forms the basis of the claim herein occurred at approximately 8:52 p.m. on March 18, 2016 in the City of Buffalo, County of Erie and the State of New York. On that date and at that time, the Claimant ROSE COIA was a pedestrian crossing Tonawanda Street at Saratoga Street when a motorcycle that was traveling northbound on Tonawanda Street, in the City of Buffalo and County of Erie struck pedestrian Rose Coia, resulting in her suffering serious bodily injury as defined by NYS Ins. Law § 5102(d). See Police Accident Report Exhibit A.

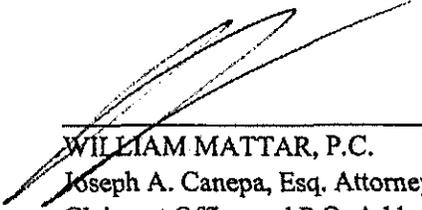
4. That as a result of the foregoing, the Claimant ROSE COIA sustained very serious and substantial injuries, including multiple fractures of both legs and her right arm, requiring multiple surgeries, and other injuries which necessitated emergency medical attention. These injuries may be of a permanent or indefinite duration, and the Claimant ROSE COIA has been, and may be forced to expend sums of money for hospitals, doctors, and other medically related expenses. Other injuries will be disclosed as revealed through diagnosis by treating physicians and other medical personnel.

5. That the said injuries were occasioned solely and wholly as a result of the negligence of the Respondents and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto, in the design, ownership, maintenance, safety, and management of the intersection; the failure to install proper signage in the area; the failure to remedy dangerous conditions about which they knew or should have known; and the failure to exercise due care to investigate, study, cure, remedy, or make safe the design or conditions about which they knew or should have known, along with other acts of negligence.

WHEREFORE, the Claimant ROSE COIA requests that this claim be allowed and paid by the City of Buffalo, and County of Erie.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the City of Buffalo and/or the County of Erie within thirty (30) days from the date of service of the Notice of Claim, said Claimant intends to commence an action in the Supreme Court of the State of New York against the Respondents, seeking a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
 June 2, 2016



WILLIAM MATTAR, P.C.
Joseph A. Canepa, Esq. Attorney for
Claimant Office and P.O. Address 6720
Main Street, Suite 100 Williamsville,
NY 14221-5986 (716) 633-3535

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

ROSE COIA, being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

Rose Coia
ROSE COIA

Sworn to before me this
7 day of June, 2016

Elizabeth P. Meyer
Notary Public

Elizabeth P. Meyer
Notary Public, State of New York
Qualified in Chautauqua County
01ME6165856
My Commission Expires May 14, 2019

EXHIBIT A

1-086 P0002/0002 F-554
D-571

Local Code **571**
16-0780828

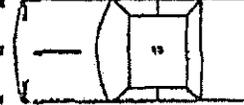
1 Accident Date: **3-18-2016** Day of Week: **Fri** Military Time: **2052** No. of Vehicles: **2** No. Injured: **2** No. Killed: **0** Not Investigated at Scene: Lat. Scene: Police Report: **NY 11A**

2 VEHICLE 1 Driver: License ID Number: **647584317** State of Lic: **NY** VEHICLE 2 Driver: License ID Number: **COIA, ROSE** State of Lic: **NY**
 3 Driver Name - exactly as printed on license: **ARRANO ACOSTA, LUIS, A** Driver Name - exactly as printed on license: **COIA, ROSE**
 Address (include Number & Street): **257 LAIRD AVE** Address (include Number & Street): **245 Ontario St**
 City or Town: **Buffalo** State: **NY** Zip Code: **14207** City or Town: **Buffalo** State: **NY** Zip Code: **14207**

4 Date of Birth: **6-13-73** Sex: **M** Unlicensed: No. of Occupants: **1** Public Property Damaged: Date of Birth: **7-19-34** Sex: **F** Unlicensed: No. of Occupants: **1** Public Property Damaged:
 Name - exactly as printed on registration: **CASIANO, SANDRA, Marie** Name - exactly as printed on registration: **CASIANO, SANDRA, Marie**
 Address (include Number & Street): **257 Laird Ave** Address (include Number & Street): **257 Laird Ave**
 City or Town: **Buffalo** State: **NY** Zip Code: **14207** City or Town: **Buffalo** State: **NY** Zip Code: **14207**

5 Plate Number: **97SKL3** State of Reg: **NY** Vehicle Year & Make: **2003 SUZU** Vehicle Type: **MC** Plate Number: **97SKL3** State of Reg: **NY** Vehicle Year & Make: **2003 SUZU** Vehicle Type: **MC**
 6 Ticket/Arrest Number(s): **1** Ticket/Arrest Number(s): **1**
 7 Violation Section(s): **1** Violation Section(s): **1**

8 Check if involved vehicle is:
 more than 80 inches wide;
 more than 34 feet long;
 operated with an overweight permit;
 operated with an overdimension permit.
 VEHICLE 1 DAMAGE CODES: Box 1 - Point of Impact: **2 3** Box 2 - Most Damage: **3 4 5**
 VEHICLE 2 DAMAGE CODES: Box 1 - Point of Impact: **1 2** Box 2 - Most Damage: **3 4 5**
 Enter up to three more Damage Codes: **1 2 3** Enter up to three more Damage Codes: **1 2 3**
 Vehicle Towed: **422** To: **SARATOGA ST.** Vehicle Towed: **422** To: **SARATOGA ST.**

9 VEHICLE DAMAGE CODING:
 1-13. SEE DIAGRAM ON RIGHT.
 14. UNDERCARRIAGE 17. DEMOLISHED
 16. TRAILER 18. NO DAMAGE
 15. OVERTURNED 19. OTHER
 10 
 11 Cost of repairs to any one vehicle will be more than \$1000.
 Unknown/Unable to Determine Yes No

12 Reference Marker: **1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30**
 Coordinates (if available): Latitude/Northing: **42° 11' 11" N** Longitude/Easting: **78° 51' 11" W**
 Place Where Accident Occurred: County: **ERIE** City/Village/Town of: **Buffalo**
 Road on which accident occurred: **Tonawanda** (Route Number or Street Name)
 at 1) intersecting street: **Saratoga** (Route Number or Street Name)
 or 2) **DN 06** **DE 07** of **1** (Airport, Railroad, Intersecting Route Number or Street Name)

13 Accident Description/Officer's Notes:
Motorcycle traveling north on Tonawanda did strike pedestrian crossing from west to east across Tonawanda St @ Saratoga.

	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	Names of all involved	Date of Death Only	
A	1	1	6	3	42	M	11	11	6	road mch	1405														LUIS A. ARRANO	
B	P	-	-	-	62	F	11	9	6	road mch	1405														ROSE COIA	
C																										
D																										
E																										
F																										

14 Officer's Rank and Signature: **PO [Signature]** Badge/ID No.: **3971** NCIC No.: **17340** Precinct/Zone: **0461** Station/Beat/Sector: **D 1** Reviewing Officer: **[Signature]** Date/Time Reviewed: **3/19/16 0445**
 Print Name: **PO Lindsay L. Zogada**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 23, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	<i>LAPC Lofts LLC v. City of Buffalo, County of Erie, et al.</i>
Document Received:	Verified Petition
Name of Claimant:	LAPC Lofts LLC
Claimant's attorney:	Katherine M. Liebner, Esq. Gross Shuman Brizdle & Gilfillan, P.C. 465 Main Street, Suite 600 Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

MAS/dld
Enc.

Comm. 13D-13
Page 51 of 92

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LAPC LOFTS LLC

Petitioner

v.

NOTICE OF PETITION

CITY OF BUFFALO DEPARTMENT
OF ASSESSMENT AND TAXATION,
CITY OF BUFFALO, and
COUNTY OF ERIE,

Respondents.

Upon the annexed verified petition of Petitioner, LAPC Lofts LLC ("Petitioner"), by and through its attorneys, Gross, Shuman, Brizdle & Gilfillan, P.C., an application will be made to this Court at a courthouse located at 50 Delaware Avenue, Buffalo, New York, 14202, for a judgment granting relief demanded in the verified petition. Petitioner will move this court on June 21, 2016 at 9:30 am/pm or as soon thereafter as counsel can be heard, for an order and judgment pursuant to CPLR Article 78 and CPLR § 3001 for the relief demanded in the verified petition.

Please take further notice that, pursuant to CPLR § 7804, the answer of Respondents, City of Buffalo Department of Assessment and Taxation, the City of Buffalo, and the County of Erie (the "Respondents") and supporting affidavits, if any, are to be served at least five days before the return date of this application. Additionally, pursuant to CPLR § 7804(e), Respondents are directed to file with the clerk of the Court their answer, and answering affidavits, together with a certified transcript of the record of the proceedings under consideration.

5/17/2016 11:07:13
STATE COUNTY CLERK
RECEIVED
JUN 16 2016 09:07:44

Venue for Petitioner's instant Article 78 proceeding is properly brought within the State of New York, Supreme Court, for the County of Erie, pursuant to CPLR § 506(b).

Petitioner requests the following relief:

a. On the first cause of action, a writ of mandamus directing Respondents to comply with the RPTL and determine that certain property commonly known as 598 Lafayette, Buffalo, New York 14222 (the "Property") is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the March 16, 2016 determination of Respondents denying Petitioner's application for RPTL § 444-a exemption for real property taxes levied on the Property by County of Erie only (the "Determination"); and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property;

b. On the second cause of action, a writ of prohibition prohibiting Respondents from finding that Property is not simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; from refusing to find that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination in its entirety; and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property;

c. On the third cause of action, a determination that the Determination was affected by an error of law, was arbitrary and capricious, was an abuse of discretion and was made in violation of lawful procedure; a finding that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination in its entirety; and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property;

d. On the fourth cause of action, a declaration regarding the rights and obligations of the parties decreeing that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination in its entirety; and declaring that the Respondents may not enforce the Determination and levy real property taxes for the County of Erie against the Property;

e. On the fifth cause of action, a stay pursuant to CPLR § 7805 of implementation of the Determination, and from any levying of real property taxes for the County of Erie against the Property by the Respondents;

- f. Costs, disbursements, and attorneys' fees in the prosecution of the instant action; and
- g. Such other further and different relief as this Court deems just and proper.

DATED: Buffalo, New York
May 16, 2016

GROSS, SHUMAN, BRIZDLE,
GILFILLAN, P.C.

By: _____
John K. Rottaris, Esq.
Katherine M. Liebner, Esq.

Attorneys for Petitioner
Office and P.O. Address:
465 Main Street, Suite 600
Buffalo, New York 14203
Tel.: (716) 854-4300

TO: CITY OF BUFFALO DEPARTMENT OF ASSESSMENT AND TAXATION
Timothy A. Ball, Esq., City Corporation Counsel
1100 City Hall
Buffalo, New York 14202

CITY OF BUFFALO
Timothy A. Ball, Esq., City Corporation Counsel
1100 City Hall
Buffalo, New York 14202

COUNTY OF ERIE
Michael A. Siragusa, Esq., Erie County Attorney
95 Franklin Street, 16th Floor
Buffalo, New York 14202

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LAPC LOFTS LLC

Petitioner

v.

VERIFIED PETITION

CITY OF BUFFALO DEPARTMENT
OF ASSESSMENT AND TAXATION,

CITY OF BUFFALO, and

COUNTY OF ERIE,

Respondents.

The Petitioner, LAPC Lofts LLC (the "Petitioner"), by and through its attorneys, Gross, Shuman, Brizdle & Gilfillan, P.C., brings this Verified Petition as against the Respondents, the City of Buffalo Department of Assessment and Taxation, the City of Buffalo, and the County of Erie (collectively, the "Respondents") pursuant to Article 78 of the Civil Practice Law and Rules ("CPLR") and for a declaratory judgment pursuant to CPLR § 3001 alleges as follows:

PRELIMINARY STATEMENT

1. This special proceeding challenges the Respondents' determination dated March 16, 2016 that certain property owned by the Petitioner, commonly known as 598 Lafayette, Buffalo, New York 14222, cannot simultaneously qualify for the Real Property Tax Law ("RPTL") § 444-a exemption for real property taxes levied only by the County of Erie and the RPTL § 485-a exemption for real property taxes levied only by the City of Buffalo.

2. The central question is whether the Property can simultaneously qualify for the exemptions of RPTL §§ 444-a and 485-a for real property taxes levied by separate taxing jurisdictions. Petitioner submits that this question must be answered in the affirmative.

3. As set forth more fully below, Petitioner seeks the following relief: (a) a judgment pursuant to CPLR § 7803(1) (mandamus to compel); (b) a judgment pursuant to CPLR § 7803(2) (writ of prohibition); (c) a judgment pursuant to CPLR § 7803(3) (determination as to error of law, arbitrary and capricious, abuse of discretion); (d) a declaratory judgment pursuant to CPLR § 3001; and (e) a stay pursuant to CPLR § 7805.

4. Respondents' determination is based solely on a legal interpretation of the statutory provisions of RPTL and does not involve any findings of fact.

5. Petitioner respectfully requests that any error in the form of this Special Proceeding be excused and/or converted per CPLR § 103(c).

6. This special proceeding is timely pursuant to CPLR §§ 217, 7801.

PARTIES/JURISDICTION/VENUE

7. At all times material and hereinafter relevant, Petitioner was and is a domestic limited liability company duly organized and existing by and through the laws of the State of New York.

8. Petitioner was formed for the sole purpose of developing and renovating the Lafayette Avenue Presbyterian Church into a mixed-use facility.

9. Upon information and belief, the City of Buffalo Department of Assessment and Taxation was and is a governmental department of the City of Buffalo (the "Department").

10. Upon information and belief, the Department is charged, *inter alia*, with the duty of determining whether properties that lie within the separate tax jurisdictions of the City of

Buffalo and County of Erie qualify for exemptions from taxes levied by both those municipalities.

11. Upon information and belief, the City of Buffalo was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

12. Upon information and belief, the County of Erie was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

13. The City of Buffalo and County of Erie are separate taxing jurisdictions.

14. This Court has jurisdiction pursuant to CPLR §§ 7804(b), 3001.

15. Venue is appropriate pursuant to CPLR § 506(b).

THE SUBJECT PROPERTY

16. Petitioner is the owner of certain property commonly known as 598 Lafayette, Buffalo, New York 14222 (SBL: 89.78-2-31) (the "Property").

17. The Property lies within the separate tax jurisdictions of the City of Buffalo and County of Erie.

18. The Property, also known as Lafayette Lofts, was formerly a 60,000 square foot church building constructed in 1894 that was converted by Petitioner into a mixed-use property with 21 residential units, commercial office space, culinary center, and assembly space.

19. The rehabilitation project for the Property was completed December 29, 2014.

20. The Property's rehabilitation plan was reviewed and approved by the Buffalo Preservation Board, the New York State Historic Preservation Office and the United States National Park Service.

21. The Property is listed on the United States National Register of Historic Places.

RELEVANT STATUTORY PROVISIONS

A. RPTL § 444-a: Historic Property Tax Exemption.

22. RPTL § 444-a provides, in relevant part, as follows:

Section 444-a. Historic property.

1. Real property altered or rehabilitated subsequent to the effective date of a local law or resolution adopted pursuant to this section shall be exempt from taxation and special ad valorem levies as herein provided. After a public hearing, the governing body of a county, city, town or village may adopt a local law . . . may adopt a resolution to grant the exemption authorized pursuant to this section.

23. The County of Erie enacted Local Law No. 5 on December 27, 2002 adopting RPTL § 444-a. A true and accurate copy of the Local Law is attached as **Exhibit A**.

B. RPTL § 485-a: Residential-Commercial Urban Exemption.

24. RPTL § 485-a provides, in relevant part, as follows:

Section 485-a. Residential-commercial urban exemption program.

1. Definitions.
 - (a) "Municipality" means any town, city or village except for a city having more than one million inhabitants.

[. . .]

2. Any municipality may, by local law, provide for the exemption of real property from taxation as provided in this section. Upon the adoption of such local law, the county in which such municipality is located may, by local law . . . exempt such property from taxation in the same manner and to the same extent as such municipality has done.

3. Upon the adoption of such a local law, non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. [. . .]

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

25. The City of Buffalo adopted RPTL § 485-a on October 1, 2002, effective October 23, 2002, in Chapter C, Section 28-29.2 of its Charter. A true and accurate copy of Section 28-29.2 is attached as **Exhibit B**.

26. The County of Erie has not adopted RPTL § 485-a.

CHALLENGED DETERMINATION

27. On or about November 27, 2015, Petitioner submitted an application to the Department for the RPTL § 485-a exemption for real property taxes levied on the Property by the City of Buffalo only (the "Section 485-a Application"). A true and accurate copy of the Section 485-a Application is attached as **Exhibit C**.

28. On or about November 27, 2015, Petitioner submitted an application to the Department for the RPTL § 444-a exemption for real property taxes levied on the Property by the

County of Erie only (the "Section 444-a Application"). A true and accurate copy of the Section 444-a Application is attached as **Exhibit D**.

29. The Department granted Petitioner's Section 485-a Application, thereby partially exempting the Property from real property taxes levied by the City of Buffalo only.

30. By letter dated March 16, 2016, the Department denied Petitioner's Section 444-a Application (the "Determination"), thereby declining to exempt the Property from real property taxes levied by the County of Erie. A true and accurate copy of the Determination is attached as **Exhibit E**.

31. The Determination stated, in relevant part, as follows:

We are in receipt of an application for the Historical Exemption, as authorized by Real Property Tax Law (RPTL) Section 444-a, for the above captioned parcel.

It is with regret that we inform you that this application is denied. You have applied for and have been granted the mixed use exemption on this parcel as per RPTL Section 485-a. You cannot have more than one exemption on the same improvements.

See Exhibit E.

32. Petitioner disputes the Determination that the Property cannot qualify for simultaneous exemptions for real property taxes levied by separate taxing jurisdictions pursuant to RPTL §§ 444-a and 485-a.

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST RESPONDENTS
(Mandamus To Compel)**

33. Petitioner repeats and re-alleges each of the preceding paragraphs as though set forth again in full.

34. The Property meets the qualifications for the exemptions under RPTL §§ 444-a and 485-a.

35. The determination that the Property is entitled to the exemptions set forth in RPTL §§ 444-a and 485-a is a purely ministerial act based upon the plain language of the RPTL and does not involve the exercise of judgment or discretion.

36. Respondents had no discretion to act except as specifically provided in RPTL §§ 444-a and 485-a.

37. By determining that the Property is not simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only, Respondents went beyond the plain language of RPTL, and thus failed to perform a duty enjoined upon them by law.

38. Given the statutory violation, Petitioner has a clear legal right to mandamus to compel relief as to the Property's simultaneous entitlement to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only.

39. Petitioner has fully and finally adjudicated the issue and has no further administrative means to challenge the Determination.

40. Should the Determination be allowed to stand as is, Petitioner will be harmed by being required to pay for real property taxes levied by the County of Erie on the Property from which the Property would otherwise be partially exempt.

41. Based on the foregoing, Petitioner is entitled to a judgment pursuant to CPLR § 7803(1) (mandamus to compel) directing Respondents to comply with RPTL and determine that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes

levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination; and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST RESPONDENTS
(Writ of Prohibition)**

42. Petitioner repeats and re-alleges each of the preceding paragraphs as though set forth in full.

43. RPTL does not permit Respondents to find that the Property is not simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only.

44. The Determination is contrary to the clear provisions of the language of RPTL §§ 444-a and 485-a.

45. Respondents have proceeded without jurisdiction, without legal authority, and in excess of their authorized powers and Petitioner has a clear legal right to writ of prohibition and relief.

46. Petitioner has fully and finally adjudicated the issue and has no further administrative means to challenge the Determination.

47. Should the Determination be allowed to stand as is, Petitioner will be harmed by being required to pay for real property taxes levied by the County of Erie on the Property from which the Property would otherwise be partially exempt.

48. Based on the foregoing, Petitioner is entitled to a judgment pursuant to CPLR § 7803(2) (writ of prohibition) prohibiting Respondents from finding that Property is not simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the

County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; from refusing to find that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination in its entirety; and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property.

**AS AND FOR A THIRD CAUSE OF ACTION
AGAINST RESPONDENTS
(CPLR § 7803(3) Violation)**

49. Petitioner repeats and re-alleges each of the preceding paragraphs as though set forth in full.

50. The Determination that the Property cannot simultaneously qualify for the exemptions under RPTL §§ 444-a and 485-a was affected by an error of law, lacks a rational basis, was arbitrary and capricious, was an abuse of discretion and was made in violation of lawful procedure.

51. Respondents improperly interpreted and applied the provisions of the RPTL in denying Petitioner's Section 444-a Application.

52. Petitioner has fully and finally adjudicated the issue and has no further administrative means to challenge the Determination.

53. Should the Determination be allowed to stand as is, Petitioner will be harmed by being required to pay for real property taxes levied by the County of Erie on the Property from which the Property would otherwise be partially exempt.

54. Based on the foregoing, Petitioner is entitled to a judgment pursuant to CPLR § 7803(3) that the Determination was affected by an error of law, was arbitrary and capricious, was

an abuse of discretion and was made in violation of lawful procedure; a finding that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination in its entirety; and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST RESPONDENTS
(Declaratory Judgment)**

55. Petitioner repeats and re-alleges each of the foregoing paragraphs as though set forth again in full.

56. The applicability of the exemptions of RPTL §§ 444-a and 485-a are of a pure legal nature and are not dependent on the facts or circumstances of any particular case.

57. The controversy between Petitioner and Respondents is actual, genuine, ripe and justiciable.

58. The Determination is a clear misapplication of RPTL §§ 444-a and 485-a.

59. The Determination affects the administration of the Department's tax assessments and therefore has obvious effects extending beyond the case at issue here, as it is likely that this issue will again arise with the same result in future cases.

60. Petitioner has no remedy, much less an adequate one, at law to stop the Respondents' misapplication of RPTL §§ 444-a and 485-a.

61. A declaratory judgment is the most efficacious vehicle for seeking review of the Determination. Because Respondents are municipal entities and departments charged with

applying the law as elucidated by the higher courts, it can be presumed that they will comply with the judgment of this Court.

62. Accordingly, Petitioner requests declaratory relief pursuant to CPLR § 3001 decreeing that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination in its entirety and declaring that the Respondents may not enforce the Determination and levy real property taxes for the County of Erie against the Property.

**AS AND FOR A FIFTH CAUSE OF ACTION
AGAINST RESPONDENTS
(Injunction)**

63. Petitioner repeats and realleges each of the preceding paragraphs as though set forth again in full.

64. Pursuant to CPLR § 7805, the Court should stay implementation of the Determination, and enjoin Respondents from levying real property taxes for the County of Erie against the Property.

65. Petitioner has no adequate remedy at law and, if the Determination is not stayed, will suffer substantial and irreparable damage.

CONCLUSION

WHEREFORE, Petitioner respectfully requests:

a. On the first cause of action, a writ of mandamus: directing Respondents to comply with the RPTL and determine that the Property is simultaneously entitled to the RPTL § 444-a exemption for real property taxes levied by the County of Erie only and RPTL § 485-a exemption for real property taxes levied by the City of Buffalo only; vacating the Determination; and enjoining Respondents from enforcing the Determination and levying real property taxes for the County of Erie against the Property;



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 28, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

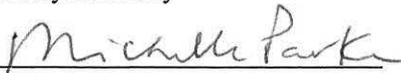
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Buscemi, Richard P., IV, an Infant, by Richard P. Buscemi, III v. West Seneca West, County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Richard P. Buscemi, III PNG of Richard P. Buscemi, IV 170 Cranwood Drive West Seneca, New York 14224
Claimant's attorney:	Michael J. Lovecchio, Esq. Cellino & Barnes, P.C. 2500 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 13D-13
Page 67 of 92

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

RICHARD P. BUSCEMI III, Individually and as Parent and
Natural Guardian of RICHARD P. BUSCEMI, IV, an infant

Claimant,

v.

WEST SENECA WEST HIGH SCHOOL
WEST SENECA CENTRAL SCHOOLS,
COUNTY OF ERIE,
POTTER CAREER & TECHNICAL CENTER,
and ERIE 1 BOARD OF COOPERATIVE EDUCATIONAL
SERVICES ("BOCES")

Respondent,

This paper received at the
Erie County Attorney's Office
from Soeldraashin on
the 14th day of June 2016
at 2:10 a.m./p.m.
L. Ostig - Jegg
Assistant County Attorney

NOTICE OF CLAIM

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, WEST SENECA WEST HIGH SCHOOL, WEST SENECA CENTRAL SCHOOLS, COUNTY OF ERIE, POTTER CAREER & TECHNICAL CENTER, and ERIE 1 BOCES BOARD OF COOPERATIVE EDUCATIONAL SERVICES ("BOCES"), recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support there of, the claimant states:

1. Claimant's address is 170 Cranwood Drive, West Seneca, NY 14224.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
June 24, 2016

Yours, etc.,

CELLINO & BARNES, P.C.

By: 

Michael J. Lovecchio, Esq.
Attorneys for Plaintiffs
2500 Main Place Tower
350 Main Street
Buffalo, NY 14202-3725
(716) 888-8888

TO: WEST SENECA WEST HIGH SCHOOL
3330 Seneca Street
West Seneca, New York 14224

WEST SENECA CENTRAL SCHOOLS
1397 Orchard Park Road
West Seneca, New York 14224

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

POTTER CAREER & TECHNICAL CENTER
705 Potters Road
West Seneca, New York 14224

ERIE 1 BOARD OF COOPERATIVE EDUCATIONAL SERVICES ("BOCES")
355 Harlem Road
West Seneca, New York 14224

VERIFICATION

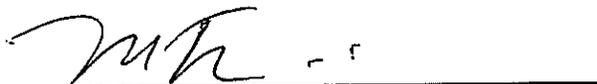
STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)

RICHARD P. BUSCEMI, Individually and as Parent and Natural Guardian of RICHARD P. BUSCEMI, IV, an infant, being duly sworn, deposes and says that he is the plaintiff in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the 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.


RICHARD P. BUSCEMI

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)

On the 29 day of June, in the year 2016 before me, the undersigned, personally appeared RICHARD P. BUSCEMI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public/Commissioner of Deeds

MICHAEL JOSEPH LOVECCHIO
Notary Public
In And For The City Of Buffalo, New York
My Commission Expires September 6, 2016 *He*



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 30, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	<i>Saunders, Tommie K. v. Tom Diina (jail time calculation)</i>
Document Received:	Verified Petition
Name of Claimant:	Tommie K. Saunders ICN #16025
Claimant's attorney:	Michael J. Stachowski, Esq. Michael J. Stachowski, P.C. 2025 Clinton Street Buffalo, New York 14206

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

PEOPLE OF THE STATE OF NEW YORK
ex rel. **TOMMIE K. SAUNDERS**, #16025

Petitioner,

-vs-

THOMAS DIINA, SUPERINTENDENT,
ERIE COUNTY HOLDING CENTER,

Respondent.

ORI# NY 014015J

WRIT OF
HABEAS CORPUS

Index No
I-2016-000087

THE PEOPLE OF THE STATE OF NEW YORK
UPON RELATION OF **TOMMIE K. SAUNDERS**, #16025
GREETINGS.

TO: Thomas Diina, Superintendent
Erie County Holding Center
Buffalo, New York 14202

WE COMMAND YOU that you have and produce the body of
TOMMIE K. SAUNDERS, by you imprisoned and detained as it is said, together with the
time and cause of said imprisonment and detention, by whatever name the said **TOMMIE K.**
SAUNDERS, is called or charged, before the **HON. RUSSELL P. BUSCAGLIA** , Acting
Justice of the Supreme Court, in Part 14 at 25 Delaware Avenue, Buffalo, New York on
JULY 6, 2016 at 9:30 A.M. OR ANY ADJOURNED DATE, to do and receive what shall
then and there be considered, concerning the said **TOMMIE K. SAUNDERS**, and you then and
there have this writ; and it is further

ORDERED that the petitioner's application for reduced filing fee pursuant to CPLR 1101(f) is granted since the petitioner has insufficient means to pay the full filing fee; and it is further

ORDERED that the petitioner must pay a reduced filing fee of fifteen dollars (\$15.00). This fee shall be assessed against the petitioner as an outstanding obligation and collected by the Erie County Holding Center; and it is further

ORDERED that the petitioner is not required to make an initial payment of a portion of the reduced filing fee and any interim or final judgment or order entered in this matter shall be filed by the county clerk whether or not any portion of said reduced filing fee has been paid ; and it is further

ORDERED that in the event the petitioner should receive an unfavorable decision after the hearing, said petitioner is hereby granted poor person relief pursuant to Article 11 of the Civil Practice Law and Rules for the limited purpose of filing a Notice of Appeal in the Erie County Clerk's Office without paying the fee required by CPLR 8022(a); and it is further

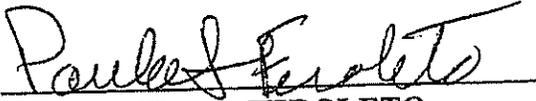
ORDERED that attorney Michael Stachowski, Esq., 2025 Clinton Street, Buffalo, New York, is assigned to represent the petitioner in this matter; and it is further

ORDERED that it is the responsibility of counsel for the petitioner, Michael Stachowski to serve a signed and executed copy of the writ, the petition and any supporting papers, by ordinary First-Class Mail or by personal service, upon the respondent, Thomas Diina, Superintendent of the Erie County Holding Center on or before **June 22, 2016**. In addition,

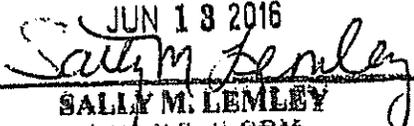
counsel for the petitioner, on or before said date, shall similarly serve the Erie County Attorney, 95 Franklin Street, Room 1634, Buffalo, New York 14202; and it is further

ORDERED that it is also the responsibility of counsel for the petitioner to forward the original proof of service of the writ upon the respondent as well as the Erie County Attorney to the chambers of Acting Justice Buscaglia, 25 Delaware Avenue-Fifth Floor, Buffalo, New York 14202 at least eight (8) days prior to the return date.

WITNESS, the **HON. PAULA L. FEROLETO**, Justice of the Supreme Court, this 13 day of June 2016.


HON. PAULA L. FEROLETO
Justice of the Supreme Court

GRANTED:

GRANTED
JUN 13 2016
BY 
SALLY M. LEMLEY
COURT CLERK

People of NEW YORK STATE
County of ERIE, BUFFALO City Court
vs.
Tommie K. SAUNDERS

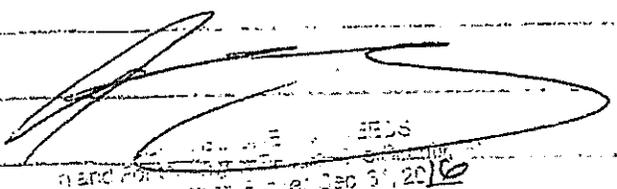
RECEIVED PETITION FOR WRIT
OF HABEAS CORPUS
2016 MAR 31 AM 11:16
SS. DOC. NO. CR-11615-15
CR-10297-14
CLERK'S OFFICE
SUPERIOR & COUNTY COURTS
ERIE COUNTY

Please TAKE Notice THAT THE DEFENDANT
MR TOMMIE K. SAUNDERS WAS UNJUSTLY
SENTENCES IN BUFFALO CITY COURT, PART TWO
BEFORE HON. JUDGE AMY C. MARTOCHE ON
MARCH 17th 2016 IN THAT THE DEFENDANT WAS
SENTENCED AT THAT TIME TO ONE YEAR ON
DOCKET NUMBER CR-11615-15 AND ONE YEAR ON
DOCKET NUMBER CR-10297-14 TO BE SERVED
CONSECUTIVE. DOCKET NUMBER CR-10297-14 CONSIST
OF SIXTY DAYS INCARCERATION AND THREE YEARS
PROBATION. DEFENDANT WAS SENTENCES ON
JANUARY 14th 2015. WITH SIXTY DAYS TIME
SERVED PRIOR TO PROBATION VIOLATION BEING FILED
IN BUFFALO CITY COURT ON JULY 16th 2015
THIS CASE NO. CR-10297-14 SHOULD HAVE BEEN
TIME SERVED ON OR ABOUT JANUARY 28th 2016
THEREFORE AT TIME OF SENTENCING DEFENDANT
WAS ALREADY TIME SERVED ON EACH FILE

DATED: 3-23-16

Respectfully Submitted

Tommie SAUNDERS
Tommie Saunders
Tommie Saunders



State of New York
ERIE County
~~STATE~~ Supreme Court

-----X

TOMMIE K. SAUNDERS
Petitioner/Plaintiff

v

people of the state of New York
Respondent/Defendant

-----X

State of New York)
) SS:
County of ERIE)

Affidavit in Support of Application
Pursuant to CPLR 1101 (f)
(Reduces Filing Fee)

I - 20016 - 00087

Index/File # 2016 App 041 *

DIN # _____
NYSID # ~~064~~ 046429769

I, TOMMIE K. SAUNDERS, being duly sworn, hereby declare as follows:

1) I am the Petitioner/Plaintiff in the above-entitled proceeding, I am a sentenced inmate in a federal, state or local correctional facility (state place of incarceration: ERIE county Holding center, and I submit this affidavit in support of my application for a reduction of the filing fee pursuant to CPLR 1101 (f).

2) I currently receive income from the following sources, exclusive of correctional facility wages:

NONE

3) I own the following valuable property (other than miscellaneous personal property):

NONE

1) List Property:

Value

_____	_____
_____	_____
_____	_____

4) I have no savings, property, assets or income other than as set forth herein.

*Will be assigned by the Court/County Clerk

Resident Account Summary
Thursday, May 12, 2016 @13:48

For ICN: 16025 SAUNDERS, TOMMIE

Date	Transaction Description	Amount	Balance	Owed	Held	Reference	
05/11/2016	EPR	OID:100192960-ComisaryPur	-5.07	4.77	0.00	0.00	05/11/2016
05/09/2016	EPR	OID:100192508-ComisaryPur	-2.32	9.84	0.00	0.00	05/09/2016
05/08/2016	PHONE PURCH	PHONE TIME PURCHASE	-1.27	12.16	0.00	0.00	05/08/2016
05/06/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.84	13.43	0.00	0.00	05/06/2016
05/05/2016	TRUSTEE PAY	WEEK OF 4/30/16 - 5/6/16	5.50	16.27	0.00	0.00	05/05/2016
05/03/2016	<COPIES CHG	4 LEGAL COPIES 5.3.16	-0.40	10.77	0.00	0.00	05/03/2016
05/03/2016	COPIES CHG	4 LEGAL COPIES 5.3.16	0.40	11.17	0.40	0.00	05/03/2016
05/02/2016	EPR	OID:100191309-ComisaryPur	-6.31	11.17	0.00	0.00	05/02/2016
05/01/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.29	17.48	0.00	0.00	05/01/2016
04/28/2016	TRUSTEE PAY	WEEK OF 4/23/16 TO 4/29/1	5.50	19.77	0.00	0.00	04/28/2016
04/27/2016	EPR	OID:100190633-ComisaryPur	-5.75	14.27	0.00	0.00	04/27/2016
04/22/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.29	20.02	0.00	0.00	04/22/2016
04/21/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.51	22.31	0.00	0.00	04/21/2016
04/21/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.17	24.82	0.00	0.00	04/21/2016
04/21/2016	TRUSTEE PAY	WEEK OF 4/16/16 TO 4/22/1	5.50	26.99	0.00	0.00	04/21/2016
04/20/2016	DEPOSIT CAS	RUBY TAYLOR	20.00	21.49	0.00	0.00	04/20/2016
04/18/2016	EPR	OID:100189230-ComisaryPur	-4.00	1.49	0.00	0.00	04/18/2016
04/14/2016	<POSTAGE CH	Payment for POSTAGE CHG o	-0.01	5.49	0.00	0.00	04/14/2016
04/14/2016	TRUSTEE PAY	WEEK OF APRIL 9, 2016 - A	5.50	5.50	0.01	0.00	04/14/2016
04/13/2016	<POSTAGE CH	ENV	-0.67	0.00	0.01	0.00	04/13/2016
04/13/2016	POSTAGE CHG	ENV	0.68	0.67	0.68	0.00	04/13/2016
04/11/2016	EPR	OID:100188408-ComisaryPur	-4.25	0.67	0.00	0.00	04/11/2016
04/07/2016	<POSTAGE CH	Payment for POSTAGE CHG o	-0.58	4.92	0.00	0.00	04/07/2016
04/07/2016	TRUSTEE PAY	WEEK OF 4/2/16 TO 4/8/16	5.50	5.50	0.58	0.00	04/07/2016
04/06/2016	INP	OID:100187803-ComisaryPur	0.00	0.00	0.58	0.00	04/06/2016
04/05/2016	<POSTAGE CH	.68 FOR ENVELOPE	-0.10	0.00	0.59	0.00	04/05/2016
04/05/2016	POSTAGE CHG	.68 FOR ENVELOPE	0.68	0.10	0.59	0.00	04/05/2016
04/04/2016	EPR	OID:100187133-ComisaryPur	-5.07	0.10	0.00	0.00	04/04/2016
03/31/2016	<POSTAGE CH	Payment for POSTAGE CHG o	-0.33	5.17	0.00	0.00	03/31/2016
03/31/2016	TRUSTEE PAY	WEEK OF 3/26/16 TO 4/1/16	5.50	5.50	0.33	0.00	03/31/2016
03/28/2016	<POSTAGE CH	1 ENVELOPE	-0.35	0.00	0.33	0.00	03/28/2016
03/28/2016	POSTAGE CHG	1 ENVELOPE	0.68	0.35	0.68	0.00	03/28/2016
03/28/2016	<COPIES CHG	3 COPIES	-0.30	0.35	0.00	0.00	03/28/2016
03/28/2016	COPIES CHG	3 COPIES	0.30	0.65	0.30	0.00	03/28/2016
03/28/2016	EPR	OID:100186035-ComisaryPur	-4.25	0.65	0.00	0.00	03/28/2016
03/24/2016	<COPIES CHG	Payment for COPIES CHG on	-0.60	4.90	0.00	0.00	03/24/2016
03/24/2016	TRUSTEE PAY	WEEK OF 3/19/16 TO 3/25/1	5.50	5.50	0.60	0.00	03/24/2016
03/23/2016	COPIES CHG	COPIES 6	0.60	0.00	0.60	0.00	03/23/2016
03/23/2016	<POSTAGE CH	ENV .68	-0.68	0.00	0.00	0.00	03/23/2016
03/23/2016	POSTAGE CHG	ENV .68	0.68	0.68	0.68	0.00	03/23/2016
03/21/2016	EPR	OID:100185192-ComisaryPur	-2.82	0.68	0.00	0.00	03/21/2016
03/18/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.51	3.50	0.00	0.00	03/18/2016
03/17/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.29	6.01	0.00	0.00	03/17/2016
03/17/2016	TRUSTEE PAY	WEEK OF 3/12/16 TO 3/18/1	5.50	8.30	0.00	0.00	03/17/2016
03/14/2016	EPR	OID:100184155-ComisaryPur	-4.25	2.80	0.00	0.00	03/14/2016
03/13/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.62	7.05	0.00	0.00	03/13/2016
03/11/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.51	9.67	0.00	0.00	03/11/2016
03/11/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.29	12.18	0.00	0.00	03/11/2016
03/10/2016	TRUSTEE PAY	WEEK OF 3/5/16 TO 3/11/16	5.50	14.47	0.00	0.00	03/10/2016
03/09/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.73	8.97	0.00	0.00	03/09/2016
03/09/2016	EPR	OID:100183558-ComisaryPur	-2.00	11.70	0.00	0.00	03/09/2016
03/07/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.06	13.70	0.00	0.00	03/07/2016
03/03/2016	TRUSTEE PAY	WEEK OF 2/27/16 TO 3/4/16	8.50	15.76	0.00	0.00	03/03/2016
03/01/2016	<COPIES CHG	5 LEGAL COPIES 3.1.16	-0.50	7.26	0.00	0.00	03/01/2016
03/01/2016	COPIES CHG	5 LEGAL COPIES 3.1.16	0.50	7.76	0.50	0.00	03/01/2016
03/01/2016	<POSTAGE CH	ENVELOPE 3.1.16	-0.68	7.76	0.00	0.00	03/01/2016
03/01/2016	POSTAGE CHG	ENVELOPE 3.1.16	0.68	8.44	0.68	0.00	03/01/2016
02/29/2016	PHONE PURCH	PHONE TIME PURCHASE	-2.62	8.44	0.00	0.00	02/29/2016
02/29/2016	EPR	OID:100182097-ComisaryPur	-2.68	11.06	0.00	0.00	02/29/2016
02/25/2016	TRUSTEE PAY	WEEK OF 2/20/16 TO 2/26/1	8.50	13.74	0.00	0.00	02/25/2016
02/22/2016	<COPIES CHG	4 COPIES	-0.40	5.24	0.00	0.00	02/22/2016
02/22/2016	COPIES CHG	4 COPIES	0.40	5.64	0.40	0.00	02/22/2016

Resident Account Summary
 Thursday, May 12, 2016 @13:48

For ICN: 16025 SAUNDERS, TOMMIE

Date	Transaction Description	Amount	Balance	Owed	Held	Reference
02/22/2016	EPR OID:100181112-ComisaryPur	-4.94	5.64	0.00	0.00	02/22/2016
02/18/2016	TRUSTEE PAY WEEK OF 2/13/16 TO 2/19/1	8.50	10.58	0.00	0.00	02/18/2016
02/17/2016	EPR OID:100180477-ComisaryPur	-4.12	2.08	0.00	0.00	02/17/2016
02/16/2016	<COPIES CHG 8 LEGAL COPIES 021616	-0.80	6.20	0.00	0.00	02/16/2016
02/16/2016	COPIES CHG 8 LEGAL COPIES 021616	0.80	7.00	0.80	0.00	02/16/2016
02/15/2016	EPR OID:100179852-ComisaryPur	-7.66	7.00	0.00	0.00	02/15/2016
02/14/2016	PHONE PURCH PHONE TIME PURCHASE	-2.17	14.66	0.00	0.00	02/14/2016
02/14/2016	PHONE PURCH PHONE TIME PURCHASE	-2.62	16.83	0.00	0.00	02/14/2016
02/11/2016	TRUSTEE PAY FEBRUARY 6 - 12, 2016	8.50	19.45	0.00	0.00	02/11/2016
02/08/2016	EPR OID:100178485-ComisaryPur	-9.59	10.95	0.00	0.00	02/08/2016
02/05/2016	PHONE PURCH PHONE TIME PURCHASE	-2.29	20.54	0.00	0.00	02/05/2016
02/05/2016	PHONE PURCH PHONE TIME PURCHASE	-2.73	22.83	0.00	0.00	02/05/2016
02/04/2016	TRUSTEE PAY WEEK OF 1/30/16 TO 2/5/16	8.50	25.56	0.00	0.00	02/04/2016
02/04/2016	PHONE PURCH PHONE TIME PURCHASE	-2.29	17.06	0.00	0.00	02/04/2016
02/03/2016	PHONE PURCH PHONE TIME PURCHASE	-2.29	19.35	0.00	0.00	02/03/2016
02/03/2016	DEPOSIT CAS CHERITA SAUNDERS	20.00	21.64	0.00	0.00	02/03/2016
02/01/2016	EPR OID:100177353-ComisaryPur	-5.37	1.64	0.00	0.00	02/01/2016
01/31/2016	PHONE PURCH PHONE TIME PURCHASE	-3.29	7.01	0.00	0.00	01/31/2016
01/29/2016	PHONE PURCH PHONE TIME PURCHASE	-2.17	10.30	0.00	0.00	01/29/2016
01/29/2016	PHONE PURCH PHONE TIME PURCHASE	-2.17	12.47	0.00	0.00	01/29/2016
01/29/2016	PHONE PURCH PHONE TIME PURCHASE	-2.17	14.64	0.00	0.00	01/29/2016
01/28/2016	TRUSTEE PAY JANUARY 23 - 29, 2016	8.50	16.81	0.00	0.00	01/28/2016
01/25/2016	EPR OID:100176386-ComisaryPur	-0.33	8.31	0.00	0.00	01/25/2016
01/22/2016	<COPIES CHG 1 COPY 1-21-16	-0.10	8.64	0.00	0.00	01/22/2016
01/22/2016	COPIES CHG 1 COPY 1-21-16	0.10	8.74	0.10	0.00	01/22/2016
01/21/2016	TRUSTEE PAY WEEK OF 1/16/16 TO 1/22/1	9.50	8.74	0.00	0.00	01/21/2016
01/18/2016	EPR OID:100175616-ComisaryPur	-4.94	0.24	0.00	0.00	01/18/2016
01/15/2016	PHONE PURCH PHONE TIME PURCHASE	-2.29	5.18	0.00	0.00	01/15/2016
01/14/2016	PHONE PURCH PHONE TIME PURCHASE	-2.73	7.47	0.00	0.00	01/14/2016
01/14/2016	PHONE PURCH PHONE TIME PURCHASE	-2.40	10.20	0.00	0.00	01/14/2016
01/14/2016	PHONE PURCH PHONE TIME PURCHASE	-2.73	12.60	0.00	0.00	01/14/2016
01/14/2016	TRUSTEE PAY WEEK OF 1/9/16 TO 1/15/16	14.50	15.33	0.00	0.00	01/14/2016
01/11/2016	EPR OID:100174438-ComisaryPur	-6.57	0.83	0.00	0.00	01/11/2016
01/07/2016	TRUSTEE PAY WEEK OF 1/2/16 TO 1/8/16	5.50	7.40	0.00	0.00	01/07/2016
01/05/2016	<COPIES CHG 1 LEGAL COPY 1416	-0.10	1.90	0.00	0.00	01/05/2016
01/05/2016	COPIES CHG 1 LEGAL COPY 1416	0.10	2.00	0.10	0.00	01/05/2016
01/04/2016	PHONE PURCH PHONE TIME PURCHASE	-2.17	2.00	0.00	0.00	01/04/2016
01/04/2016	EPR OID:100173665-ComisaryPur	-6.19	4.17	0.00	0.00	01/04/2016
12/31/2015	TRUSTEE PAY WEEK OF 12/26/15 TO 1/1/1	5.50	10.36	0.00	0.00	12/31/2015
12/30/2015	<COPIES CHG 3 LEGAL COPIES 123015	-0.30	4.86	0.00	0.00	12/30/2015
12/30/2015	COPIES CHG 3 LEGAL COPIES 123015	0.30	5.16	0.30	0.00	12/30/2015
12/29/2015	DEPOSIT MO 1439506422 MARIE SAUNDERS	5.00	5.16	0.00	0.00	12/29/2015
12/28/2015	<COPIES CHG 4 COPIES	-0.40	0.16	0.00	0.00	12/28/2015
12/28/2015	COPIES CHG 4 COPIES	0.40	0.56	0.40	0.00	12/28/2015
12/28/2015	EPR OID:100172727-ComisaryPur	-5.48	0.56	0.00	0.00	12/28/2015
12/25/2015	PHONE PURCH PHONE TIME PURCHASE	-2.51	6.04	0.00	0.00	12/25/2015
12/23/2015	TRUSTEE PAY WEEK OF 12.19.15 TO 12.25	5.50	8.55	0.00	0.00	12/23/2015
12/22/2015	PHONE PURCH PHONE TIME PURCHASE	-2.51	3.05	0.00	0.00	12/22/2015
12/21/2015	EPR OID:100172120-ComisaryPur	-4.12	5.56	0.00	0.00	12/21/2015
12/17/2015	PHONE PURCH PHONE TIME PURCHASE	-3.24	9.68	0.00	0.00	12/17/2015
12/17/2015	TRUSTEE PAY WEEK OF 12/12/15 TO 12/18	5.50	12.92	0.00	0.00	12/17/2015
12/17/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	7.42	0.00	0.00	12/17/2015
12/16/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	10.04	0.00	0.00	12/16/2015
12/11/2015	PHONE PURCH PHONE TIME PURCHASE	-2.51	12.44	0.00	0.00	12/11/2015
12/10/2015	TRUSTEE PAY WEEK OF 12/5/15 TO 12/11/	5.50	14.95	0.00	0.00	12/10/2015
12/09/2015	EPR OID:100170389-ComisaryPur	-4.12	9.45	0.00	0.00	12/09/2015
12/03/2015	TRUSTEE PAY WEEK OF 11/28/15 TO 12/4/	5.50	13.57	0.00	0.00	12/03/2015
12/02/2015	EPR OID:100169371-ComisaryPur	-1.50	8.07	0.00	0.00	12/02/2015
11/25/2015	TRUSTEE PAY WEEK OF NOV. 21, 2015 - N	5.50	9.57	0.00	0.00	11/25/2015
11/25/2015	PHONE PURCH PHONE TIME PURCHASE	-2.51	4.07	0.00	0.00	11/25/2015
11/23/2015	EPR OID:100168205-ComisaryPur	-6.60	6.58	0.00	0.00	11/23/2015
11/19/2015	TRUSTEE PAY WEEK OF 11/14/15 TO 11/20	5.50	13.18	0.00	0.00	11/19/2015

Resident Account Summary
 Thursday, May 12, 2016 @13:48

For ICN: 16025 SAUNDERS, TOMMIE

Date	Transaction Description	Amount	Balance	Owed	Held	Reference	
11/16/2015	EPR	OID:100167250-ComisaryPur	-2.50	7.68	0.00	0.00	11/16/2015
11/12/2015	TRUSTEE PAY WEEK OF 11/7/15 TO 11/13/	5.50	10.18	0.00	0.00	11/12/2015	
11/11/2015	EPR	OID:100166881-ComisaryPur	-4.12	4.68	0.00	0.00	11/11/2015
11/09/2015	EPR	OID:100166451-ComisaryPur	-1.50	8.80	0.00	0.00	11/09/2015
11/06/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	10.30	0.00	0.00	11/06/2015	
11/05/2015	TRUSTEE PAY WEEK OF 10/31/15 TO 11/6/	5.50	12.70	0.00	0.00	11/05/2015	
11/04/2015	EPR	OID:100165697-ComisaryPur	-4.12	7.20	0.00	0.00	11/04/2015
10/29/2015	TRUSTEE PAY WEEK OF 10/24/15 TO 10/30	5.50	11.32	0.00	0.00	10/29/2015	
10/28/2015	EPR	OID:100164890-ComisaryPur	-4.12	5.82	0.00	0.00	10/28/2015
10/23/2015	PHONE PURCH PHONE TIME PURCHASE	-2.29	9.94	0.00	0.00	10/23/2015	
10/23/2015	PHONE PURCH PHONE TIME PURCHASE	-2.06	12.23	0.00	0.00	10/23/2015	
10/22/2015	TRUSTEE PAY WEEK OF 10/17/15 TO 10/23	5.50	14.29	0.00	0.00	10/22/2015	
10/21/2015	EPR	OID:100163684-ComisaryPur	-2.12	8.79	0.00	0.00	10/21/2015
10/19/2015	EPR	OID:100163170-ComisaryPur	-6.73	10.91	0.00	0.00	10/19/2015
10/15/2015	TRUSTEE PAY WEEK OF 10/10/15 TO 10/16	5.50	17.64	0.00	0.00	10/15/2015	
10/14/2015	PHONE PURCH PHONE TIME PURCHASE	-2.73	12.14	0.00	0.00	10/14/2015	
10/14/2015	<COPIES CHG 6 LEGAL COPIES	-0.60	14.87	0.00	0.00	10/14/2015	
10/14/2015	COPIES CHG 6 LEGAL COPIES	0.60	15.47	0.60	0.00	10/14/2015	
10/12/2015	EPR	OID:100162226-ComisaryPur	-1.63	15.47	0.00	0.00	10/12/2015
10/08/2015	TRUSTEE PAY TRUSTEE PAY 10315 TO 1081	5.50	17.10	0.00	0.00	10/08/2015	
10/08/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	11.60	0.00	0.00	10/08/2015	
10/07/2015	PHONE PURCH PHONE TIME PURCHASE	-3.13	14.22	0.00	0.00	10/07/2015	
10/05/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	17.35	0.00	0.00	10/05/2015	
10/05/2015	PHONE PURCH PHONE TIME PURCHASE	-2.96	19.52	0.00	0.00	10/05/2015	
10/05/2015	DEPOSIT CAS RUBY TAYLOR	20.00	22.48	0.00	0.00	10/05/2015	
10/05/2015	EPR	OID:100160863-ComisaryPur	-4.12	2.48	0.00	0.00	10/05/2015
10/03/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	6.60	0.00	0.00	10/03/2015	
10/01/2015	TRUSTEE PAY WEEK OF 9/26/15 TO 10/2/1	5.50	9.22	0.00	0.00	10/01/2015	
09/28/2015	EPR	OID:100159892-ComisaryPur	-4.12	3.72	0.00	0.00	09/28/2015
09/24/2015	TRUSTEE PAY WEEK OF 9/19/15 TO 9/25/1	5.50	7.84	0.00	0.00	09/24/2015	
09/21/2015	EPR	OID:100158891-ComisaryPur	-4.12	2.34	0.00	0.00	09/21/2015
09/17/2015	TRUSTEE PAY WEEK OF 9/12/15 TO 9/18/1	5.50	6.46	0.00	0.00	09/17/2015	
09/14/2015	EPR	OID:100157631-ComisaryPur	-4.12	0.96	0.00	0.00	09/14/2015
09/11/2015	PHONE PURCH PHONE TIME PURCHASE	-2.29	5.08	0.00	0.00	09/11/2015	
09/11/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	7.37	0.00	0.00	09/11/2015	
09/11/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	9.54	0.00	0.00	09/11/2015	
09/10/2015	TRUSTEE PAY WEEK OF 9/5/15 TO 9/11/15	5.50	12.16	0.00	0.00	09/10/2015	
09/03/2015	TRUSTEE PAY WEEK OF 8/29/15 TO 9/4/15	5.50	6.66	0.00	0.00	09/03/2015	
09/02/2015	PHONE PURCH PHONE TIME PURCHASE	-3.62	1.16	0.00	0.00	09/02/2015	
09/02/2015	EPR	OID:100156043-ComisaryPur	-4.12	4.78	0.00	0.00	09/02/2015
08/31/2015	EPR	OID:100155614-ComisaryPur	-8.42	8.90	0.00	0.00	08/31/2015
08/28/2015	PHONE PURCH PHONE TIME PURCHASE	-2.06	17.32	0.00	0.00	08/28/2015	
08/28/2015	PHONE PURCH PHONE TIME PURCHASE	-3.62	19.38	0.00	0.00	08/28/2015	
08/27/2015	TRUSTEE PAY WEEK OF 82215 TO 82815	5.50	23.00	0.00	0.00	08/27/2015	
08/25/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	17.50	0.00	0.00	08/25/2015	
08/24/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	19.67	0.00	0.00	08/24/2015	
08/24/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	21.84	0.00	0.00	08/24/2015	
08/24/2015	PHONE PURCH PHONE TIME PURCHASE	-3.29	24.24	0.00	0.00	08/24/2015	
08/24/2015	EPR	OID:100154550-ComisaryPur	-7.80	27.53	0.00	0.00	08/24/2015
08/22/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	35.33	0.00	0.00	08/22/2015	
08/22/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	37.50	0.00	0.00	08/22/2015	
08/21/2015	DEPOSIT CAS RUBY TAYLOR	30.00	39.90	0.00	0.00	08/21/2015	
08/20/2015	TRUSTEE PAY WEEK OF 8/15/15 TO 8/21/1	5.50	9.90	0.00	0.00	08/20/2015	
08/19/2015	PHONE PURCH PHONE TIME PURCHASE	-2.73	4.40	0.00	0.00	08/19/2015	
08/19/2015	EPR	OID:100153822-ComisaryPur	-4.94	7.13	0.00	0.00	08/19/2015
08/17/2015	PHONE PURCH PHONE TIME PURCHASE	-2.73	12.07	0.00	0.00	08/17/2015	
08/17/2015	PHONE PURCH PHONE TIME PURCHASE	-2.29	14.80	0.00	0.00	08/17/2015	
08/17/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	17.09	0.00	0.00	08/17/2015	
08/15/2015	PHONE PURCH PHONE TIME PURCHASE	-2.51	19.71	0.00	0.00	08/15/2015	
08/13/2015	TRUSTEE PAY WEEK OF 8/6/15 TO 8/14/15	5.50	22.22	0.00	0.00	08/13/2015	
08/13/2015	PHONE PURCH PHONE TIME PURCHASE	-3.07	16.72	0.00	0.00	08/13/2015	
08/12/2015	DEPOSIT CAS RUBY TAYLOR	15.00	19.79	0.00	0.00	08/12/2015	

Resident Account Summary
 Thursday, May 12, 2016 @13:48

For ICN: 16025 SAUNDERS, TOMMIE

Date	Transaction Description	Amount	Balance	Owed	Held	Reference
08/10/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	4.79	0.00	0.00	08/10/2015
08/10/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	7.41	0.00	0.00	08/10/2015
08/10/2015	EPR OID:100152025-ComisaryPur	-6.30	10.03	0.00	0.00	08/10/2015
08/08/2015	PHONE PURCH PHONE TIME PURCHASE	-2.96	16.33	0.00	0.00	08/08/2015
08/06/2015	TRUSTEE PAY WEEK OF 8/1/15 TO 8/7/15	5.50	19.29	0.00	0.00	08/06/2015
08/06/2015	PHONE PURCH PHONE TIME PURCHASE	-2.84	13.79	0.00	0.00	08/06/2015
08/05/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	16.63	0.00	0.00	08/05/2015
08/05/2015	PHONE PURCH PHONE TIME PURCHASE	-3.40	19.03	0.00	0.00	08/05/2015
08/05/2015	DEPOSIT CAS RUBY TAYLOR	20.00	22.43	0.00	0.00	08/05/2015
08/05/2015	EPR OID:100151820-ComisaryPur	-4.12	2.43	0.00	0.00	08/05/2015
08/03/2015	PHONE PURCH PHONE TIME PURCHASE	-2.73	6.55	0.00	0.00	08/03/2015
07/31/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	9.28	0.00	0.00	07/31/2015
07/29/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	11.68	0.00	0.00	07/29/2015
07/29/2015	PHONE PURCH PHONE TIME PURCHASE	-2.40	13.85	0.00	0.00	07/29/2015
07/29/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	16.25	0.00	0.00	07/29/2015
07/27/2015	PHONE PURCH PHONE TIME PURCHASE	-2.62	18.87	0.00	0.00	07/27/2015
07/27/2015	EPR OID:100149857-ComisaryPur	-6.16	21.49	0.00	0.00	07/27/2015
07/24/2015	PHONE PURCH PHONE TIME PURCHASE	-3.18	27.65	0.00	0.00	07/24/2015
07/24/2015	PHONE PURCH PHONE TIME PURCHASE	-2.29	30.83	0.00	0.00	07/24/2015
07/23/2015	PHONE PURCH PHONE TIME PURCHASE	-2.96	33.12	0.00	0.00	07/23/2015
07/23/2015	TRUSTEE PAY WEEK OF 7/18/15 TO 7/24/1	5.50	36.08	0.00	0.00	07/23/2015
07/23/2015	DEPOSIT CAS RUBY TAYLOR	30.00	30.58	0.00	0.00	07/23/2015
07/22/2015	PHONE PURCH PHONE TIME PURCHASE	-3.07	0.58	0.00	0.00	07/22/2015
07/22/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	3.65	0.00	0.00	07/22/2015
07/20/2015	PHONE PURCH PHONE TIME PURCHASE	-2.17	5.82	0.00	0.00	07/20/2015
07/20/2015	PHONE PURCH PHONE TIME PURCHASE	-2.01	7.99	0.00	0.00	07/20/2015
07/20/2015	DEPOSIT CAS RUBY TAYLOR	10.00	10.00	0.00	0.00	07/20/2015
07/20/2015	INE CED:100143625-ComisaryPur	0.00	0.00	0.00	0.00	07/20/2015
01/23/2015	WDRAWAL CAS RELEASE OR CLOSEOUT TRANS	-23.23	0.00	0.00	0.00	01/23/2015
01/21/2015	EPR OID:100120209-ComisaryPur	-5.00	23.23	0.00	0.00	01/21/2015
01/20/2015	DEPOSIT CAS RUBY TAYLOR	20.00	28.23	0.00	0.00	01/20/2015
01/19/2015	EPR OID:100119408-ComisaryPur	-10.77	8.23	0.00	0.00	01/19/2015
01/14/2015	DEPOSIT CAS NEW INMATE	19.00	19.00	0.00	0.00	01/14/2015
12/30/2014	WDRAWAL CAS RELEASE OR CLOSEOUT TRANS	-7.37	0.00	0.00	0.00	12/30/2014
12/17/2014	ERF OID:100114920-ComisaryRef	7.37	7.37	0.00	0.00	12/17/2014
12/15/2014	WDRAWAL CAS RELEASE OR CLOSEOUT TRANS	-82.63	0.00	0.00	0.00	12/15/2014
12/15/2014	EPR OID:100114920-ComisaryPur	-17.37	82.63	0.00	0.00	12/15/2014
12/04/2014	DEPOSIT CAS RUBY TAYLOR	100.00	100.00	0.00	0.00	12/04/2014
10/14/2014	WDRAWAL CAS RELEASE OR CLOSEOUT TRANS	-11.65	0.00	0.00	0.00	10/14/2014
10/08/2014	EPR OID:100104922-ComisaryPur	-19.35	11.65	0.00	0.00	10/08/2014
10/02/2014	DEPOSIT CAS CHERIE SAUNDERS	5.00	31.00	0.00	0.00	10/02/2014
10/02/2014	DEPOSIT CAS BPD	26.00	26.00	0.00	0.00	10/02/2014

AFFIDAVIT OF SERVICE

STATE OF NEY YORK

COUNTY OF ERIE

CITY OF BUFFALO

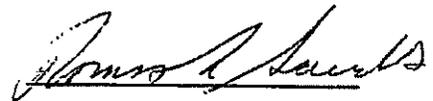
I, TOMMIE K. SAUNDERS, being duly sworn, deposes and say that I have this 24 day of MARCH, 2016, forwarded via the United States Postal Service copies to the following:

Michael Flaherty
District Attorney of Erie County
25 Delaware Avenue
Buffalo, New York 14202

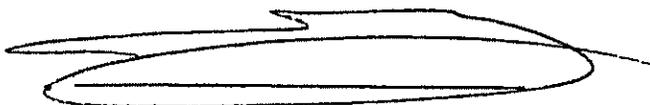
Ellis Bozzolo
Chief Clerk
Erie County Court Building
92 Franklin Street
Buffalo, New York 14202

Sworn to me this

24 day of March, 20 16



Defendant



Commissioner of Deeds

COMMISSIONER OF DEEDS
City of Buffalo, Erie County, NY
Expires Dec 31, 2016



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 30, 2016

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

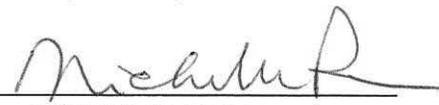
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Zdarsky Sawicki & Agostinelli v. BN Systems, Sheriff Howard, et al.</i>
Document Received:	Order to Show Cause
Name of Claimant:	Zdarsky, Sawicki & Agostinelli LLP 1600 Main Place Tower 350 Main Street Buffalo, New York 14202
Claimant's attorney:	Guy J. Agostinelli, Esq. Zdarsky, Sawicki & Agostinelli 1600 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 

Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 13D-13
Page 87 of 92

At an Ex Parte Special Term, Part
22 held in and for the County of
 Erie on June 28, 2016 at
 Buffalo, New York.

PRESENT: Hon. Timothy J. Walker, J.S.C.

STATE OF NEW YORK
 SUPREME COURT : COUNTY OF ERIE

ZDARSKY; SAWICKI & AGOSTINELLI LLP

Plaintiff

vs.

BN SYSTEMS, INC.;
 FIRST NIAGARA BANK, N.A.;
 DR. GERALD FINKEL, AS CHAIRMAN OF THE
 JOINT INDUSTRY BOARD OF THE
 ELECTRICAL INDUSTRY;
 BN SYSTEMS, INC. 401(K) PLAN;
 LOCAL UNION NO. 164, INTERNATIONAL
 BROTHERHOOD OF ELECTRICAL WORKERS,
 AFL-CIO;
 LOCAL UNION NO. 164 BENEFIT FUNDS;
 CINIUM RISK MANAGEMENT, LLC;
 TOWER INSURANCE COMPANY OF NEW YORK;
 AXISPOINT TECHNOLOGY SOLUTIONS GROUP, INC.;
 CRESCENT ELECTRIC SUPPLY COMPANY, INC.
 OF NEW YORK;
 TIMOTHY B. HOWARD, in his capacity as
 ERIE COUNTY SHERIFF;
 JOHN MARRANCA;
 JOSEPH THOMAS KROL, JR.;

"JOHN DOE", "XYZ CORPORATION" and
 "ABC COMPANY", the said names being
 fictitious and intending to designate other
 parties not named herein who may have an
 interest in this action,

Defendants

**ORDER TO SHOW CAUSE
 WITH TEMPORARY
 RESTRAINING ORDER**

Index No. 806750/2016

Assigned Justice:

Hon. Timothy J. Walker, J.S.C.

UPON the Summons and Verified Complaint, the Affidavit of Guy J. Agostinelli, sworn to June 24, 2016, with the Exhibits annexed thereto, and upon due deliberation and good cause having been found to have been shown, it is hereby

ORDERED that the defendants appear and show cause before a Special Term of this Court, in Part 22, at 25 Delaware Ave (4th Floor), Buffalo, New York, on July 20, 2016 at 10⁰⁰ a.m. ~~4pm~~ or as soon thereafter as counsel can be heard, why the plaintiff should not be relieved of any obligation to respond to or to comply with restraining notices, executions, demands or other forms of legal process issued by the defendants or any of them with respect to the sum of \$320,729.09 which is held by the plaintiff in escrow as attorneys for defendant BN Systems, Inc.; and why the defendants should not be enjoined from taking action to assert or enforce claims against the funds so held by the plaintiff other than by asserting such claims in this action; and it is further

ORDERED, that pending the hearing and determination upon this Order to Show Cause, the plaintiff be and hereby is relieved of any obligation to comply with any restraining notice, execution, demand or other legal process issued or served upon it, or which has been issued or served upon it, by any defendant or any agent for any defendant with respect to the said sum of \$320,729.04 now held in escrow by the plaintiff as attorneys for defendant BN Systems, Inc., and is further relieved of any consequence that would normally attend noncompliance with such restraining notices, executions, demands or other legal process; and that the defendants and their agents be and hereby are temporarily restrained and enjoined from taking action to assert or enforce claims against the funds so held by the plaintiff other than by asserting such claims in this action; and it is further

ORDERED, that pending the hearing and determination upon this Order to Show Cause, the plaintiff be and hereby is temporarily restrained against tendering payment of any portion of the \$320,729.09 now held in escrow by the plaintiff as attorneys for defendant BN Systems, Inc. to any party; and it is further

ORDERED, that service of a copy of this Order and the papers upon which it was granted by personal delivery ~~or by certified mail, return receipt requested deposited with the United States Postal Service~~ or by Federal Express addressed to each of the defendants at the offices or residences maintained by them for the transaction of business as set forth in the summons in this action with copies sent to each of the respective attorneys for each defendant if known to the plaintiff on or before June 29, 2016 shall constitute good and valid service; and it is hereby

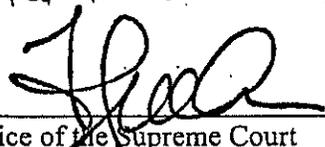
ORDERED, that service of a copy of this Order and the papers upon which it was granted by personal delivery ~~or by certified mail, return receipt requested deposited with the United States Postal Service~~ or by Federal Express addressed to any party with an interest in the subject matter who is not named as a defendant but whose interest in the subject matter of this action has become known to the plaintiff, at the offices or residences maintained by them for the transaction of business as has become known to the plaintiff, with copies sent to each of the respective attorneys for each defendant if known to the plaintiff, ~~on or before June _____, 2016~~ *within one (1) day of such* shall constitute good and valid service; and it is hereby

party becoming known to plaintiff

ORDERED, that answering affidavits must be served ~~at least five (5) days before the return date of the motion~~ upon counsel for the plaintiff at the following address: Guy J. Agostinelli, Esq.; Zdarsky, Sawicki & Agostinelli, LLP; 1600 Main Place Tower; 350 Main

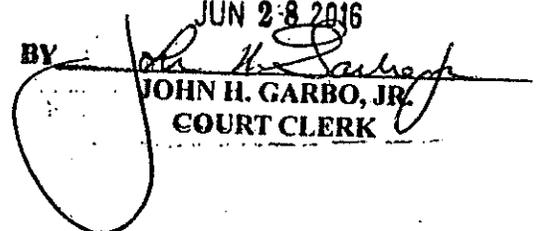
Street; Buffalo, New York 14202 and delivered to the Court, so as to be received by counsel and the Court on or before

ENTER: July 12, 2016


Justice of the Supreme Court

HON. TIMOTHY J. WALKER, J.C.C.
Acting Supreme Court Justice
Presiding Justice, Commercial Division
8th Judicial District

GRANTED

JUN 28 2016
BY 
JOHN H. GARBO, JR.
COURT CLERK