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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

August 1, 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:	*Ryan, Sean, aggrieved candidate v. Commissioner of the Board of Elections, et al*
Document Received:	Order to Show Cause
Name of Claimant:	Sean Ryan, candidate
Claimant's attorney:	Timothy LoVallo, Esq.

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

Michelle Parker

By: Michelle Parker
First Assistant County Attorney

MMP/
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

At a Special Term, Part 21 of the Supreme Court, State of New York, held at Buffalo, New York, on the 28 of July 2016

JOHN F. O'DONNELL, J.S.C. I 1/10

PRESENT: HON MARK V. GRISANTI, J.S.C.
Justice Presiding

RECEIVED
JUL 28 2016
ERIE COUNTY
DEPARTMENT OF LAW

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
SEAN M. RYAN, Aggrieved Candidate

Petitioner

-v-

RALPH M. MOHR, and
LEONARD R. LENIHAN, Commissioners of Elections, Constituting the Erie County Board of Elections,
and
ARNOLD S. KACALSKI, Candidate,
and
GREGORY D. STEVENS, Objector,

Respondents

ORDER TO SHOW CAUSE

Index No: _____.

FILED
ACTIONS & PROCEEDINGS
JUL 28 2016
ERIE COUNTY
CLERK'S OFFICE

PAID
07/28/2016/ 13:10:51
ERIE COUNTY CLERK
RCPT # 16123731
I 2016000110

For an Order pursuant to the Election Law declaring invalid and striking out the designating petitions purporting to nominate ARNOLD S. KACALSKI as a Republican candidate for Member of the New York State Assembly, 149th District, County of Erie, State of New York, and for an Order restraining the Erie County Board of Elections from placing the name of ARNOLD S. KACALSKI upon official ballots to be used in the primary election to be held on September 13, 2016.

Upon the annexed Petition of SEAN M. RYAN, Aggrieved Candidate, verified on the 27 day of of July, 2016, it is ORDERED that:

1. The Respondents above named Show Cause before one of the Justices of this Court at a Special Term hereof, to be held at Part 15, 25 DELAWARE AVE, Buffalo, New York, on the 10 day of August 2016, at 10:30 AM o'clock in the ~~fore~~/afternoon of that date, why an Order should not be made invalidating and declaring null and void the Designating Petitions filed on behalf of ARNOLD S. KACALSKI, purporting to designate him as the Republican candidate for Member of the New York State Assembly, 149th Assembly District, County of Erie, State of New York, and an Order enjoining and restraining the ERIE COUNTY BOARD OF ELECTIONS from printing and placing upon official ballots to be used at the primary election to be held on September 13, 2016, the name of the aforementioned candidate, and for such other and further relief as the Court deems just and proper; and

2. The Erie County Board of Elections, New York, shall produce upon the return date of this Order to Show Cause, and argument thereon, the Designating Petitions filed on behalf of Candidate ARNOLD S. KACALSKI; all objections and specifications thereto, realating to said petitions; certificates of acceptance, declination, and substitution relating thereto; and all reports, worksheets and other papers pertaining thereto with respect to the examination and review by the Erie County Board of Elections of said petition, for review and examination by the Court herein.

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

   a. Upon the Erie County Board of Elections, in Buffalo, New York, on or before the 28 day of July 2016, by delivering to and leaving a true copy of this Order and the annexed papers upon which it has been granted, with one of the Commissioners, or Chief Clerk, or such other person as may be designated or authorized by the Erie County Board of Elections, to receive service, and

   b. Upon the Respondent, Candidate ARNOLD S. KACALSKI, on or before 12:59 p.m., on the 28 day of July 2016, by delivering to and leaving with him personally, a copy of this Order and of the annexed papers upon which it has been granted, or by such form of substituted service as authorized pursuant to CPLR §308, at the residence address of Respondent ARNOLD S. KACALSKI, being 82 Pooley Place, Buffalo, New York 14213, and

   c. Upon Objector GREGORY D. STEVENS, on or before 12:59 p.m., on the 28 day of July, 2016, by delivering to and leaving with him personally, a copy of this Order and of the annexed papers upon which it has been granted, or by such form of substituted service as authorized pursuant to CPLR §308, at the residence address of Objector GREGORY D. STEVENS, being 84 Windsor Avenue, Buffalo, New York 14209.

ENTER.

DATED: July 28, 2016
Buffalo, New York

/S/ JOHN F. O'DONNELL, J.S.C.
Justice of the Supreme Court of the
State of New York

I/A/O HON. MARK J. GRISANTI J.S.C.

GRANTED

JUL 28 2016
BY JAMES A. KASPRZAK
JAMES A. KASPRZAK
COURT CLERK