

INTRO 3-6

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A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR GRANT

RE: Authorization of Discontinuance of Suit Without Costs

WHEREAS, petitioner to a Supreme Court proceeding, entitled Poloncarz v. Collins, et al [Erie County Index No. 2010-00918], entered into a Stipulation of Discontinuance of Appeal with respondent, former County Executive Collins, with respect to an appeal; and

WHEREAS, the Erie County Legislature and individual Legislators were respondents to the proceeding and Shawn P. Martin, Esq. appeared as counsel for the Erie County Legislature as well as Majority Counsel and Ronald Bennett, Esq. appeared as Minority Counsel; and

WHEREAS, the matter may now be concluded without costs to the Legislature upon execution of a further Stipulation of Discontinuance of Appeal on behalf of the Erie County Legislature; and

WHEREAS, Mr. Martin, Esq. is the appropriate attorney of record to execute a stipulation on behalf of the Erie County Legislature and the then-majority members to permit the matter to be discontinued without costs to the Legislature to satisfy the appellate court's filing requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize and direct Chair Betty Jean Grant and attorney Shawn P. Martin, Esq., to execute all appropriate documents as may be required on behalf of the Erie County Legislature to settle and discontinue the proceeding entitled Poloncarz v. Collins, et al [Erie County Index No. 2010-00918] without costs to the Legislature; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Majority Counsel Jerome D. Schad, Esq. and Shawn Martin, Esq.

FISCAL IMPACT: None for resolution.