MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

November 5, 2012

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

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:	*Mertowski, Leonard v. Erie County Correctional Facility*
Document Received:	Order to Show Cause
Name of Claimant:	Leonard Mertowski 258 Curtiss Street Sloan, New York 14212
Claimant's attorney:	Claimant is *pro se*.

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

Enclosure

At IAS Part 32 of the Supreme Court of the State of New York, held in and for the County of ERIE at the Courthouse, 50 DELAWARE BUFFALO, New York the 29 day of OCTOBER, 2012

PRESENT: HON. DIANE Y. DEVLIN, J.S.C.
Justice of the Supreme Court

This paper received at the Erie County Attorney's Office from John Bishop on the 31 day of October, 2012 at 3 a.m./p.m.

Assistant County Attorney

PAID CHECK ___ CASH ___ OCT 31 2012 ERIE COUNTY CLERK'S OFFICE

LEONARD MERTOWSKI

PETITIONER

(Name(s) of Plaintiff(s)/Petitioner(s))

vs

ERIE COUNTY CORRECTIONAL FACILITY

(Name(s) of Defendant(s)/Respondent(s))

ORDER TO SHOW CAUSE

Index No. 12012002045

Upon reading and filing the affidavit of LEONARD MERTOWSKI (Insert your name) sworn to on the 29 day of OCTOBER, 2012, and upon the exhibits attached to the affidavit, and _____

(List other supporting papers, for example, additional Affidavits, Exhibits)

Let the PETITIONER or his/her/their attorney show cause at IAS Part 32, of this Court, to be held at the Courthouse at 50 DELAWARE (Court street address) BUFFALO, N. Y., on the 29 day of NOVEMBER, 2012 at 9:30 AM/PM (Insert return date & time advised of by the Court) or as soon as counsel may be heard why an order should not be made _____

NV NF 2K

SHOW CAUSE FOR LATE CLAIM :

_____ and why
(Describe the relief being sought)

LEONARD MERTOWSKI, the PLAINTIFF should not have
(Insert your name) (Insert plaintiff(s) or defendant(s))

such other and further relief as may be just, proper and equitable.

Sufficient cause appearing therefor, let service of a copy of this order, and the other papers upon which this order is granted, upon the DEFENDANT by
(Insert plaintiff(s) or defendant(s))

PERSONAL SERVICE on or before the 16 day of NOVEMBER, 2012 be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

Hon. DIANE Y. DEVLIN, J.S.C.
JUSTICE OF SUPREME COURT

GRANTED

OCT 30 2012
ELIZABETH E. MANNING

BY_____
ELIZABETH E. MANNING
COURT CLERK

SHERIFF

MARK N. WIPPERMAN
UNDERSHERIFF

SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES
TEN DELAWARE AVENUE
FAX: (716) 855-7555

POLICE SERVICES
ONE SHERIFF'S DRIVE
ORCHARD PARK, NEW YORK 14217
(716) 662-5554
FAX: (716) 662-8477
WEBSITE: http://www.erie.gov/sheriff

2011 JUN 24 PM

Date: June 24, 2011

To whom it may concern:

This letter will introduce Leonard Mastowski, **Date of Birth** 12-2-64.

This person was incarcerated at the Erie County Holding Center on the following dates: from January 3, 2011 **to** April 29, 2011, **then was subsequently released on bail by a Judge or Justice, of the City, Town, Village, County of Erie, Supreme Court, State of New York.**

2011 JUN 24 PM 1:21

Sincerely,

Records and Booking

2011 JUN 24 PM 1:21

2011 JUN 24 PM 1:21

2011 JUN 24 PM 1:21

Certified copy

JMD-08-002 (03/08)

CIVIL COURT OF NEW YORK
County of Erie
Part

Index No.: 12012002045

Leonard Mertowski
Plaintiff(s)/Petitioner(s)/Claimant(s)

-against-

Erie County Correctional Facility
Defendant(s)/Respondent(s)

AFFIDAVIT IN SUPPORT OF AN ORDER TO SHOW CAUSE

For Extension of Statute
(Relief Requested)

State of New York, County of Erie SS:

LEONARD MERTOWSKI being duly sworn, deposes and says:
[Print your name]

(INITIALS)

1. Party — LJM a) I am the party named as (Plaintiff)(Petitioner)(Claimant)(Defendant)(Respondent) in the above entitled proceeding.
b) I am Claimant

2. Request — LJM I request that the Court issue an Order for:
EXTENSION OF STATUTE OF LIMITATION

or grant such other relief as the Court may deem to be just and proper.

3. Defense/Claim — LJM I have a good defense/claim because:
IMPRISONMENT AS A PRACTICAL MATTER IS A SUFFICIENT IMPEDIMENT TO A PRISONERS ABILITY AND THAT IMPRISONMENT SHOULD TOLL THE STATUTE OF LIMITATIONS.

4. Excuse/Reason — LJM I have a good excuse/reason because:
DUE TO INCARCERATION I WAS UNABLE TO SEEK PROPER MEDICAL ATTN. INJURIES NEEDED TO BE EVALUATED AND TOOK SEVERAL WEEKS OF TREATMENT TO REALIZE PAIN IS CHRONIC AND ONGOING.

5. Prior Order — LJM a) I have not had a previous Order to Show Cause regarding this Index Number.
b) I have had a previous Order to Show Cause regarding this Index Number but I am making this further application because:

(Sign Name) _____

(Print Name) _____

(Address) 258 Curtiss St.
Sloan, NY, 14212 — City, State, Zip Code
716-462-4628 — Telephone Number

Sworn to before me this ____ day of _____, 20__

Signature of Court Employee and Title

FREE CIVIL COURT FORM
No fee may be charged to fill in this form.
Form can be found at: http://www.nycourts.gov/courts/nyc/civil/forms.shtml

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

LEONARD MERTOWSKI

PETITIONER

(Names of Plaintiff(s)/Petitioner(s))

vs

ERIE COUNTY CORRECTIONAL FACILITY
DEFENDENT

(Names of Defendant(s)/Respondent(s))

AFFIDAVIT IN SUPPORT of Motion / Order to Show Cause

Index No. 12012002045

STATE OF NEW YORK
COUNTY OF ERIE ss:
(County where notarized)

I, LEONARD MERTOWSKI, being duly sworn,
(Insert your name)
deposes and says:

1. I am the DEFENDENT, in this action. I make this affidavit in
(Insert plaintiff or defendant)
support of my motion for an order TO SHOW CAUSE FOR LATE CLAIM

(State what you want the Court's order to provide or grant you including why you should be granted immediate relief pending the hearing of this motion by the Court. This statement must also be included in the Notice of Motion or Order to Show Cause.)

2. I believe the Court should grant my motion because DUE TO INCARCERATION I WAS UNABLE TO SEEK PROPER MEDICAL TREATMENT.
(Explain your reasons, use additional paper if necessary.)
INJURIES NEEDED TO BE EVALUATED AND TOOK SEVERAL WEEKS OF TREATMENTS TO REALIZE PAIN IS CHRONIC & ONGOING.

_____

_____

_____

_____.

3. No prior application has been made for the relief sought herein except:

_____

_____

_____

_____.

(List all prior requests for the same relief made in this or any other Court and the results of those applications. Use additional paper if necessary. If no prior requests have been made, state "None".)

WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as the Court may find to be just and proper.

Leonard J. Mertowski
(Sign your name in the presence of a Notary Public)

LEONARD MERTOWSKI
(Print your name)

Sworn to before me this

29TH day of October, 2012

Sara J. Hibbard
Notary Public

SARA HIBBARD
COMMISSIONER OF DEEDS
In and for the City of Buffalo
County of Erie, State of New York
My commission expires 12/31/13

SHERIFF
MARK N. WIPPERMAN
UNDERSHERIFF

SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES
TEN DELAWARE AVENUE
FAX: (716) 855-7550
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Sincerely,

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Certified copy

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