

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

DANIEL T. WARREN,

Plaintiff,

vs.

JOEL GIAMBRA, as County Executive of the
County of Erie, New York; and

JOSEPH PASSAFIUME as Director of the Erie
County Division of Budget, Management &
Finance, and

NANCY NAPLES, as Comptroller of the County
of Erie, New York; and

DAVID J. SWARTS, as Clerk of the County of
Erie, New York; and

**COUNTY LEGISLATURE, COUNTY OF
ERIE, NEW YORK**; and

KEVIN M. KELLEY, as Clerk of the Legislature
of the County of Erie, New York; and

COUNTY OF ERIE, NEW YORK

Defendants

AFFIDAVIT

Index No.: I 2004-12768

State of New York)

County of Erie) ss:

City of Buffalo)

Daniel T. Warren, being duly sworn, deposes and says:

1. I am the plaintiff in the above entitled action.
2. I am a resident taxpayer and pay taxes on property located within the Town of West Seneca, County of Erie and State of New York with an assessed value over \$1,000.00.
3. I am a registered voter of Erie County since 1984 and I have voted at the last general election.
4. I submit this affidavit in support of my application for a temporary restraining order and preliminary injunction.
5. The allegations of the verified complaint sworn to on the 15th day of December, 2004 are incorporated by reference herein.

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- 6. I verily believe that the county will be irreparably harmed and any judgment rendered in this action may be ineffectual if this temporary restraining order and preliminary injunction is not issued.

- 7. No previous application seeking this relief has been made, although I did attempt to get a similar order to show cause signed on December 20, 2004. This effort was not successful due to the unavailability of Justice Notaro and Justice Sedita.

Daniel T. Warren

Sworn to before me this
___ day of December, 2004

Notary Public