

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

**DANIEL T. WARREN,**

Plaintiff,

vs.

**COUNTY OF ERIE, NEW YORK, et al**

Defendants

**NOTICE OF MOTION FOR SUMMARY JUDGMENT**

Index No.: I 2004-12768

UPON the Amended Verified Complaint sworn to on the 25<sup>th</sup> day of February, 2005, and the exhibits attached thereto, the Amended Verified Answer to the Amended Verified Complaint sworn to on the 31<sup>st</sup> day of March, 2005 and the Affidavit of Anthony J. Colucci, III sworn to on the 5<sup>th</sup> day of January, 2005, Plaintiff will move this court in Part 21 at the Erie County Courthouse, 25 Delaware Ave., New York 14202, on the 16<sup>th</sup> day of May, 2005, at 11:30 a.m. for an order granting summary judgment and to strike each defense contained in Defendants' Answer pursuant to CPLR §§ 3211(b), 3212 or alternatively for an extension of time to conduct discovery and file the note of issues and statement of readine ss, together with such other, further or different relief as the court deems just and proper.

The above referenced action is for declaratory judgment and permanent injunction.

Pursuant to CPLR § 2214(b), answering papers, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

DATED: April 15, 2005  
Buffalo, New York

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