

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RALPH M. MOHR

Plaintiff,

v.

Civil No.: 11-CV-559-S

ERIE COUNTY LEGISLATURE,
Barbara Miller-Williams, Chairperson,
Robert M. Graber, Clerk of the Legislature,
CHRISTOPHER C. COLLINS, as
County Executive of the County of Erie and
COUNTY OF ERIE,

Defendants.

**DECLARATION OF ANTHONY G. MARECKI SUBMITTING
PROPOSED REAPPORTIONMENT PLANS**

Anthony G. Marecki, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declares the following to be true and correct:

1. I am an attorney at law duly licensed to practice in this Court and am an Assistant County Attorney, of Counsel to Jeremy A. Colby, Erie County Attorney, attorney for the Defendants Chris Collins and County of Erie ("the County Defendants"), in the above-captioned action. I am familiar with the facts and circumstances of this litigation.

2. This declaration is submitted as a follow up to the July 21, 2011 appearance at which the Court was provided with a compact disc that contained courtesy copies of reapportionment plans submitted to the Erie County Legislature. The Court directed that the files on the compact disc be filed with the Court via CM/ECF so that the documents provided

would become part of the record. The entire contents of that compact disc are being filed as an attachment to this declaration.

3. The contents of the compact disc being filed as exhibits to this declaration are publicly available at <http://www2.erie.gov/legislature/index.php?q=maps-submitted-members-public>. At the July 21, 2011 appearance the County Defendants contemplated providing copies of the compact discs to the parties. However, the County Defendants have chosen to provide the information in this manner as it makes the attached exhibits part of the record while simultaneously providing them to counsel. The County Defendants believe they have responded to the Court's request by filing all maps accompanied by statistical analysis that were submitted to either the Advisory Committee or Erie County Legislature.¹ To the extent any other party believes there are additional materials responsive to this Court's request, they may file them.

4. Also attached is a map of the fifteen legislative districts as they currently exist as was requested by the Court near the conclusion of the July 21, 2011 appearance. This map was not included on the compact disc submitted on July 21, 2011

5. The following are attached as Exhibits:

- Exhibit 1 is a map of the fifteen legislative districts as they currently exist;
- Exhibit 2 is the Cassens map;

¹ The County Defendants have not submitted 10 examples of maps submitted to the Advisory Committee by Dennis Ward. Admittedly, these maps were not complete plans as the City of Buffalo and Town of Amherst portions were not complete and no statistical analysis was included with any map.
<http://www2.erie.gov/legislature/index.php?q=advisory-committee-reapportionment-example-maps>

- Exhibit 3 is the accompanying rationale and statistical analysis for the Cassens map;
- Exhibits 4 through 26 are maps and accompanying statistics submitted by the Erie County Advisory Committee on Reapportionment;
- Exhibits 27 through 35 are the Halberstam maps with accompanying statistical analysis;
- Exhibits 36 and 37 are the Jordan maps with accompanying statistical analysis;
- Exhibit 38 is the Keem submission that consists of one page. There was no map submitted with the one page statistical analysis;
- Exhibits 39 through 51 are Local Law 5-1. Local Law 5-1 has been referred to by the County Defendants in previous filings as the “Whyte Plan”;
- Exhibits 52 through 75 is Local Law 3-1. Legislature Chairwoman Miller-Williams considered public comments regarding the Advisory Committee’s plan, made adjustments to two districts, and proposed Local Law 3-1. The County Defendants have referred to Local Law 3-1 as the “Miller-Williams Plan.”
- Exhibit 76 is Local Law 4-1. Local Law 4-1 has been referred to by the County Defendants in previous filings as the “Grant Plan”;
- Exhibits 77 and 78 are the Peacock submissions;

- Exhibit 79 is the Rozanski submissions. The poor quality of the attached map is due the manner in which the map was submitted. In addition, the accompanying narrative submitted contained a blank fifth page;
- Exhibits 80 and 81 are the Rung maps with accompanying statistical analysis;
- Exhibits 82 through 88 are the Toth/Rivera maps with accompanying statistical analysis; and
- Exhibit 89 is written testimony from the public hearing on the local laws pertaining to reapportionment.

DATED: Buffalo, New York
July 26, 2011

JEREMY A. COLBY, Erie County Attorney
and Attorney for the County Defendants

By: /s/ Anthony G. Marecki
Anthony G. Marecki
Assistant County Attorney
95 Franklin Street, Room 1634
Buffalo, New York, 14202
(716) 858-2235

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2011, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Marc C. Panepinto,
Sean Cooney,
Jeffrey Marion, and
Jerome Schad
Attorneys for Plaintiff Dennis Chapman
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888
mpanepinto@cldplaw.com
scooney@cldplaw.com
jeff@jeffmarionlaw.com
jerome.schad91@gmail.com

Brian M. Melber
Attorney for Defendant Erie County Legislature
Personius Melber, LLP
2100 Main Place Tower
Buffalo, New York 14202
bmm@personiusmelber.com

And, I hereby certify that I caused the foregoing document with accompanying compact, via hand delivery, to the following non-CM/ECF participants:

Ralph M. Mohr
5622 Broadway Street
Lancaster, New York 14086

Dennis E. Ward
134 West Eagle
Buffalo, New York 14202

/s/ Anthony G. Marecki
Anthony G. Marecki
Assistant County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202
(716) 858-2235