

STATE OF NEW YORK
 SUPREME COURT : COUNTY OF ERIE

EARL L. JANN JR.

2220 Grover Road
 West Falls, New York 14170

Plaintiff

Plaintiff designates Erie County as the place of trial.
 The basis of venue is the plaintiff's residence.

against

**JEROME D. SCHAD, MARK S. CARNEY and
 E. THOMAS JONES**, individually and as constituting
 the body corporate and politic **ERIE COUNTY WATER
 AUTHORITY**

295 Main Street, Room 350
 Buffalo, New York 14203

SUMMONS WITH NOTICE

Index No.:

TERRENCE D. MCCrackEN

752 Hall Road
 Lancaster, New York 14086

Plaintiff resides at:
 2220 Grover Road
 West Falls, New York 14170
 Erie County

and

JEREMY J. ZELLNER

39 Elmwood Park S.
 Tonawanda, New York 14150

Defendant

SUMMONS WITH NOTICE ACTION IN BREACH OF CONTRACT AND TORT

To the above-named defendant:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment may be taken against you by default for the relief demanded in the notice set forth below.

PLEASE TAKE NOTICE that the object of this action and the relief sought is to recover monetary damages in the amount of Three Hundred Ninety-Six Thousand Four Hundred Eighty-Eight and 54/100 (\$396,488.54) Dollars (i) against the defendants Jerome D. Schad, Mark S. Carney and E. Thomas Jones, constituting the body corporate and politic Erie County Water Authority for breach of the employment contract, as defined by such agreement, entered into by and between the Board of Commissioners of the Erie County Water Authority and the plaintiff Earl L. Jann Jr. dated January 11, 2018; (ii) against the defendants Jerome D. Schad and Mark S. Carney, individually and as constituting a majority of the members of the body corporate and politic Erie County Water Authority and Terrence D. McCracken for engaging in age discriminatory practice contrary to state statute in the termination of the employment of the plaintiff; (iii) against the defendants, Terrence D. McCracken and Jeremy J. Zellner for wrongful interference with a contractual relationship causing a breach of the employment contract entered into by and between the Board of Commissioners of the Erie County Water Authority and the plaintiff Earl L. Jann Jr. dated January 11, 2018; (iv) against the defendants Jerome D. Schad and Mark S. Carney, individually and as constituting a majority of the members of the body corporate and politic Erie County Water Authority, Terrence D. McCracken and Jeremy J. Zellner for knowingly, willfully and intentionally conspiring and acting to deprive plaintiff of his right and privileges to free speech and of political association; each of the afore-denoted subparagraphs being a separate cause of action against the defendants specified therein, and

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
EARL L. JANN JR.

Plaintiff/Petitioner,

- against -

Index No. 807168/2019

JEROME D. SCHAD, MARK S. CARNEY and E. THOMAS JONES, individually and
as constituting the body corporate and politic ERIE COUNTY WATER AUTHORITY
TERRENCE D. MCCracken
and JEREMY J. ZELLNER

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: June 11, 2019

Ralph M. Mohr, Esq.
Name

Firm Name

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6/6/18