

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSE ERNESTO MARTINEZ,
an individual,

Plaintiff,

vs.

THE FERGUSON LIBRARY
a division of the City of Stamford, and
ERNEST DIMATTIA,
the President in his Official Position

Defendants.

CIVIL ACTION NO.
3:07-cv-01212 (VLB)

MARCH 24, 2008

AFFIDAVIT OF MICHAEL CLARK

STATE OF FLORIDA)
)
COUNTY OF BROWARD)

Martinez v. Ferguson Library et al

Doc. 42 Att. 1

Michael Clark, being duly sworn, deposes and says:

1. My name is Michael Clark.
2. I am over 18 years of age and of sound mind.
3. I am a resident of Broward County, Florida.
4. I make this affidavit based on my personal knowledge of all the facts cited herein.
5. I make this affidavit in support of PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS.
6. I have been contracted as an ADA expert in this matter and have conducted ADA inspections and written reports on regarding over one thousand facilities for both plaintiffs and defendants since 1994.

7. At the request of Plaintiff, I personally reviewed photographs, architectural plans and written proposals regarding the property, including Defendant's November 8, 2007 correspondence from the architectural firm Herbert S. Newman and Partners, P.C. and the Affidavit of George N. Nichols.
8. However, the documents reviewed submitted by Defendants only pertain to the library portion of the property and not to the tenant space occupied by Starbucks.
9. The barriers identified in the Complaint regarding Starbucks are not addressed by any of Defendant's documents.
10. The documents provided by Defendant pertaining to the library are vague and lack specific detail regarding exactly how the items discussed in the Complaint will be made accessible.
11. The documents do not disclose whether any city permits have been applied for or obtained regarding any alleged "renovation plan."
12. The documents do not specify whether the "November 2007 Bid Set" has gone out for bids, or whether any contractors have been retained to commence construction.
13. The documents also lack a date certain for commencement or completion of the alleged "renovation plan."

FURTHER AFFIANT SAYETH NOT.

Dated: March 24, 2008

Michael Clark
Michael Clark

Sworn to me before this 24th
day of MARCH, 2008.
Michael Wasserman Notary Public
MICHAEL WASSERMAN



Michael A. Wasserman
Commission # DD462923
Expires: AUG. 17, 2009
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