

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 21, 2008

AFFIDAVIT OF JOSE ERNESTO MARTINEZ

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

Doc. 42 Att. 2

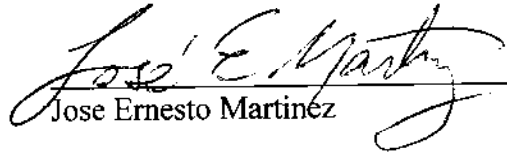
BEFORE ME, personally appeared, Jose Ernesto Martinez, being duly sworn, deposes and states:

1. My name is Jose Ernesto Martinez, and I am afflicted with Cerebral Palsy. Due to my disability, I require a wheelchair to ambulate safely.
2. I am over 18 years of age and of sound mind.
3. I am a resident of Miami-Dade 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 frequently visit Stamford, Connecticut in order to see my aging grandmother who resides there, and I also stay with my grandmother when I visit my two children who live with my ex-wife in nearby New Jersey.
7. When I visit my grandmother in Stamford, I enjoy visiting the Ferguson Library and Starbucks located in the same building, both conveniently located just one (1) mile away from my grandmother's house.
8. Moreover, I am familiar with the Starbucks franchise and prefer its coffee to other coffee houses.
9. During my past visits to Stamford, I visited the library and the Starbucks many times.
10. While there, I encountered barriers to access which had the effect of excluding me from the goods and services offered at the library and the Starbucks.
11. Tomorrow, on March 22, 2008, I am traveling to Stamford via New York City to visit my grandmother and two children.
12. During this trip, I fully intend to visit the Defendant's property and specifically the library and the Starbucks.
13. I additionally intend to travel to Stamford in July and August for an extended stay to interview for jobs in the area and to visit my children and grandmother. In any case, as I cannot stay at my ex-wife's residence, I will stay with my grandmother in Stamford once again.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: March 21, 2008


Jose Ernesto Martinez

Sworn to me before this 27th
day of MARCH, 2008.
Michael Wasserman Notary Public
MICHAEL A WASSERMAN



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