MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

August 21, 2012

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Hart, Terrance M., Jr. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Terrance M. Hart, Jr. 584 Willet Road Lackawanna, New York 14218
Claimant's attorney:	John J. Fromen, Jr. 1500 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enclosure

cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

In the Matter of the Claim of
TERRANCE M. HART, JR.

Claimant,

v.

NOTICE OF CLAIM

COUNTY OF ERIE

Defendant

PLEASE TAKE NOTICE, that TERRANCE M. HART, JR. hereby claims and demands from the above-named Defendant, its agents, servants, employees, appointees, designees, subcontractors and/or independent contractors, damages for personal injuries sustained by TERRANCE M. HART, JR. and for medical and hospital expenses incurred and/or to be incurred and lost earnings sustained and/or to be sustained, together with permanent, disfiguring and debilitating injuries as a result of the negligent, careless and reckless acts and/or omissions of the above-named Defendant, its agents, servants, employees, appointees, designees, subcontractors and/or independent contractors, and in support thereof, the Claimant states the following:

1. The post office address of the Claimant is 584 Willet Road, Lackawanna, New York 14218; the name and post office address of Claimant's attorney is John J. Fromen, Jr., Esq., 350 Main Street, Suite 1500, Buffalo, New York 14202-3794.

2. That the nature of this claim is for the wrongful, unlawful, negligent and careless acts and/or omissions of the Defendant, its agents, servants, employees, appointees, designees, subcontractors and/or independent contractors in the ownership, design, construction, remodeling, rehabilitation, maintenance, improvement, restoration, repair, inspection and upkeep of the Murray Hill Road Bridge situate on Murray Hill Road in the Town of Glenwood, County of Erie and State of New York, which resulted in the occurrence of a certain accident involving the Claimant, TERRANCE M. HART, JR., on the 23rd day of May, 2012. It is claimed that the Defendant, its agents, servants,

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employees, appointees, designees, subcontractors and/or independent contractors, were the owner of the Murray Hill Road Bridge in the Town of Glenwood, County of Erie and State of New York and were a principal and/or project coordinator in a restoration project of said bridge. It is also claimed that the Defendant, its agents, servants, employees, appointees, designees, subcontractors and/or independent contractors did violate Sections 200, 240 and 241(6) of the Labor Law of the State of New York; the Industrial Code of the State of New York; the Rules, Regulations and Orders of the Commissioner of Labor and the Industrial Board of Standards and Appeals of the State of New York; the Federal Occupational Safety and Health regulations; and such other statutes, rules, regulations and ordinances that may be applicable to the facts of this case thereby causing serious and permanent bodily injuries to the Claimant.

3. That said claim arose on the 23rd day of May, 2012 at approximately 9:00 a.m. at or upon the aforesaid Murray Hill Road Bridge in the Town of Glenwood, County of Erie and State of New York. The manner in which the claim arose was that the Claimant, TERRANCE M. HART, JR., while in the course of his employment with Marine Steel Painting Corp. was caused to fall from and/or upon a certain elevated scaffold deck that had been erected at the aforesaid Murray Hill Road Bridge as part of the Defendant's ongoing restoration/rehabilitation project at said bridge, resulting in serious and permanent bodily injuries to said Claimant.

4. That so far as is now able to be determined the primary injuries sustained by the Claimant, TERRANCE M. HART, JR., include without limiting thereto acute trauma to his left knee which necessitated surgical intervention. That by reason of the foregoing injuries, said Claimant became and will continue to be disabled and will continue to suffer pain, discomfort, disfigurement, distress, loss of enjoyment of life and psychological adjustment, and has and will require the services of physicians, surgeons, nurses, hospitals, therapy and medicines and will continue to incur such expenses in the

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future; that as a result of the aforesaid injuries and the resulting permanent disabilities said Claimant has been incapacitated and will continue to be incapacitated in the future, and as a result of the aforesaid injuries and resulting permanent disabilities, said Claimant's professional, social and personal activities, endeavors and hobbies have been partially and/or totally impaired all to the damage of said Claimant.

PLEASE TAKE FURTHER NOTICE, that the Claimant requests payment of the claims and damages sustained by him as hereinbefore set forth.

DATED: Buffalo, New York
August 16, 2012

Yours, etc.

JOHN J. FROMEN, Attorneys at Law

By: _____
John J. Fromen, Jr., Esq.

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STATE OF NEW YORK)
COUNTY OF ERIE)S.S.:
CITY OF BUFFALO)

JOHN J. FROMEN, JR., ESQ., being duly sworn, deposes and says:

That your deponent is the attorney of record for the Claimant in the above-captioned action and as such I am filing the within Notice of Claim on behalf of the Claimant, TERRANCE M. HART, JR.; that your deponent has read the foregoing Claim, Notice and Statement and knows the contents thereof; that the same is true to his own knowledge, except as to matters stated therein to be alleged upon information and belief; and as to those matters, your deponent believes the same to be true. The source of your deponent's knowledge and information is an investigation of this matter, documents and writings in your deponent's possession, and actual conversations with the Claimant.

JOHN J. FROMEN, JR.

Subscribed and sworn to before me
this 16th day of August, 2012.

Frederick G. Attea, Jr.
Notary Public, State of New York
Qualified in Erie County
My commission expires 7/21/15

FREDERICK G. ATTEA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 21, 2015

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