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 10, 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:	*Suszynski, Jerome, on behalf of Suszynski, Erin, his daughter v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Jerome Suszynski 20 Culpepper Road Williamsville, New York 14221
Claimant's attorney:	Michael C. Scinta Brown Chiari, LLP 5775 Broadway Lancaster, New York 14086

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

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

JEROME SUSZYNSKI, on behalf of ERIN SUSZYNSKI, his daughter

Claimant

vs. NOTICE OF CLAIM

COUNTY OF ERIE

Respondent

TO: Michael A. Siragusa, Esq.
ERIE COUNTY ATTORNEY
DEPARTMENT OF LAW
95 Franklin Street, Suite 1634
Buffalo, New York 14202

To whom it may concern:

PLEASE TAKE NOTICE, that the undersigned hereby makes claim against and submits the following in compliance with the applicable statutes of the State of New York.

PLEASE TAKE NOTICE, that the undersigned hereby makes claim against and submits the following in compliance with the applicable statutes of the State of New York.

1. The Claimant herein is JEROME SUSZYNSKI, on behalf of his daughter ERIN SUSZYNSKI (date of birth 09/15/1998), who died on June 20, 2012.

2. The Claimant herein resides at 20 Culpepper Road, Williamsville, New York.

3. The Claimant herein is represented by the law firm of BROWN CHIARI LLP, 5775 Broadway, Lancaster, New York 14086-2360.

4. The subject claim is for personal injuries, death, medical expenses, and associated injuries sustained by reason of injury to Infant, ERIN SUSZYNSKI.

5. The incident giving rise to these damages occurred on or about June 9, 2012 while Infant, ERIN SUSZYNSKI, was crossing Maple Road in a southbound direction from the playground

located on the west side of Maple East Elementary School, 1500 Maple Road, Williamsville, New York toward Culpepper Road. Erin Suszynski was crossing Maple Road from north to south. Diagrams of the scene of the accident are attached hereto as Exhibit A.

6. The said damages for which claim is hereby made arose in the following manner, to wit:

> The claimant, ERIN SUSZYNSKI, was crossing Maple Road from the playground located on the west side of Maple East Elementary School, 1500 Maple Road, Williamsville, New York toward Culpepper Road in a north to south direction. Attached hereto as Exhibit B is a copy of the police accident report issued by the Amherst Town Police. A vehicle driven by Maria Hoelzl was traveling in an eastbound direction on Maple Road and struck infant, ERIN SUSZYNSKI, as well as another infant with whom she was crossing, Briana Francios. Ms. Suszynski sustained severe injuries and subsequent death (date of death: June 20, 2012) as a result of this incident.
>
> Upon information and belief a cause of the aforementioned accident was the negligence of the COUNTY OF ERIE, by and through its agents, servants, and employees, in that they were negligent in failing to properly design, construct and maintain Maple Road in the area of this incident, failing to provide a proper traffic control devices, cross walks, and/or signage in the area of the incident, failing to provide adequate safety measures for safe pedestrian travel at or near the playground located on the west side of Maple East Elementary School, 1500 Maple Road, Williamsville, New York at/or near Culpepper Road, failing to provide adequate protections for pedestrian crossing in and around the area of the playground located on the west side of Maple East Elementary School, 1500 Maple Road, Williamsville, New York and Culpepper Road, failing to provide proper warnings and signage to vehicular traffic in and around the area of the playground located on the west side of Maple East Elementary School, 1500 Maple Road, Williamsville, New York and Culpepper Road, failing to properly mark, indicate or otherwise notify vehicular traffic of the playground located at Maple East Elementary School, 1500 Maple Road, Williamsville, New York, failing to provide for safe flow of traffic in light of on-going construction project in and around the playground located on the west side of Maple East Elementary School, 1500 Maple Road, Williamsville, New York and Culpepper Road, inclusive of the intersection of Maple Road and Hopkins Road, failing to lower speed limit in the area of the playground located at Maple East Elementary School, 1500 Maple Road, Williamsville, New York, and failing to install traffic light in the area of the playground located at Maple East Elementary School, 1500 Maple Road, Williamsville, New York.

7. Infant, ERIN SUSZYNSKI sustained severe personal injuries as a result of this motor vehicle accidnet. ERIN SUSZYNSKI, died as a result of her injuries on June 20, 2012. A copy of Infant, ERIN SUSZYNSKI's, death certificate is attached hereto as Exhibit C. The medical records pertaining to ERIN SUSZYNSKI, have been requested from Children's Hospital of Buffalo and will be provided upon receipt of same.

8. Claimants have sustained medical expenses as a result of this matter.

9. The subject claim will be for a sum to be determined by the Court.

DATED: July 25, 2012

JEROME SUSZYNSKI

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 25th day of July, 2012, Jerome Suszynski, being duly sworn, deposes and says that she is the claimant in this matter; that she has read the foregoing Notice of Intention to File a Claim and knows the contents thereof; that it is true to her personal knowledge, except as to matters stated to be upon information and belief, and as those matters she believes to be true.

JEROME SUSZYNSKI

Sworn to before me on this
25th day of July, 2012.

Notary Public

Beth M. Moore
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 10/31/2014

CERTIFICATION

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.

Michael C. Scinta, Esq.
BROWN CHIARI LLP
Attorneys for Claimant
5775 Broadway
Lancaster, New York 14086-2360
(716) 681-7190