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 20, 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:	*Davis, Mareasa v. County of Erie and City of Buffalo*
Document Received:	Notice of Claim
Name of Claimant:	Mareasa Davis 551 9th Street, Apt. 1 Niagara Falls, New York 14301
Claimant's attorney:	Thomas M. Mercure, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle Parker
First Assistant County Attorney

MMP:dld
Enc.

In the Matter of the Claim of
MAREASA DAVIS,

Claimant,

- against -

COUNTY OF ERIE
and
CITY OF BUFFALO

NOTICE OF CLAIM

TO: COUNTY OF ERIE
95 Franklin Street, Suite 1634
Buffalo, New York 14202

and

CITY OF BUFFALO
65 Niagara Square
Buffalo, New York 14202

RECEIVED
AUG 20 2012
ERIE COUNTY
DEPARTMENT OF LAW

PLEASE TAKE NOTICE, that MAREASA DAVIS, has and hereby makes claim against the COUNTY OF ERIE and CITY OF BUFFALO, and in support of said claim states the following:

1. The Post Office address of the claimant is 551 9th Street, Apt.1, Niagara Falls, New York 14301.

2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim arose at Pratt Willard Community Center (or other variations of the name), in the City of Buffalo, County of Erie and State of New York.

4. The claim arose in substance as follows: On the 16th day of June, 2012, the claimant, MAREASA DAVIS, while lawfully and properly attending a baby shower at the above-referenced premises, she was sitting in a folding chair that broke and collapsed which caused the claimant to fall to the floor and resulted in serious injuries to the claimant.

5. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of COUNTY OF ERIE, and more particularly, among other things, in failing and omitting to ensure that folding chairs utilized at their above-referenced premises, were in proper repair and working order; furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of COUNTY OF ERIE, and in violation of the regulations, rules and standards promulgated thereunder.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of CITY OF BUFFALO, and more particularly, among other things, in failing and omitting to ensure that folding chairs utilized at their above-referenced premises, were in proper repair and working order; furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of CITY OF BUFFALO, and in violation of the regulations, rules and standards promulgated thereunder.

7. Upon information and belief, as a result of the aforesaid incident, the claimant, MAREASA DAVIS, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, the claimant, MAREASA DAVIS, sustained injuries including, but not limited to, in the nature of an anterior cruciate ligament tear. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that COUNTY OF ERIE and CITY OF BUFFALO honor and pay the claim on behalf of MAREASA DAVIS.

DATED: Buffalo, New York
July 26, 2012

Mareasa Davis

MAREASA DAVIS

LIPSITZ GREEN SCIME CAMBRIA LLP

By: TM Mc

THOMAS M. MERCURE, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: #56370.0001]

STATE OF NEW YORK)
) SS.:
COUNTY OF ~~ERIE~~ Niagara)

MAREASA DAVIS, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Mareasa Davis
MAREASA DAVIS

Sworn to before me on this
7th day of August, 2012.

Betty A Lebonne
Notary Public

BETTY A LEBONNE
Notary Public - State of New York
No. 01LE4889298
Qualified in Erie County
My Commission Expires April 06, 2015

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