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

September 11, 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:	*Rivera, Julia v. City of Buffalo and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Julia Rivera 920 Tift Street, Apartment 102 Buffao, New York 14220
Claimant's attorney:	Richard A. Hall, IV, Esq. William K. Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

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

This paper received at the
Erie County Attorney's Office
from Doug DiFilippo on
the 4th day of September, 2012
at 1:34 a.m./p.m.
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

JULIA RIVERA
920 Tifft St.
Apartment 102
Buffalo, NY 14220

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
City Hall Niagara Square
Suite 1101
Buffalo, NY 14202,

COUNTY OF ERIE
Department of Law
95 Franklin Street
Room 1634
Buffalo, NY 14202.

Respondent.

PLEASE TAKE NOTICE that **JULIA RIVERA**, hereby makes claim against **CITY OF BUFFALO** and **COUNTY OF ERIE** in support thereof Claimant alleges:

1. That the undersigned Claimant, JULIA RIVERA, residing at 920 Tifft Street, Apartment 102, Buffalo, NY 14220, by and through her attorney, RICHARD A. HALL, IV, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the CITY OF BUFFALO and COUNTY OF ERIE, for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by her.

2. That the said injuries were sustained by JULIA RIVERA on July 23, 2012 between the hours of 1:30 and 2:00 p.m. Ms. Rivera fractured her nose and fractured her left elbow on that day when she was caused to trip and fall on the unsafe, poorly maintained unleveled sidewalk. The sidewalk, located on Tifft Street in the City of Buffalo, County of Erie, beside the Holy Family Church, which is situated between 1885 South Park Avenue and the Holy Family Senior Apartments formerly known as HolyFamily Elementary School, located at 920 Tifft Street, is owned and maintained by the CITY OF BUFFALO and the COUNTY OF ERIE.

3. That the said area is designated for the elderly and the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, JULIA RIVERA, by the CITY OF BUFFALO and the COUNTY OF ERIE, its servants, agents or employees by not maintaining the sidewalk in that location.

4. That the aforesaid CITY OF BUFFALO and COUNTY OF ERIE by and through its agents, servants and employees are believed to have had actual or constructive notice of the dangerous condition and hazard caused by said activity.

5. That as a result of the foregoing, the Claimant, JULIA RIVERA, sustained very serious injuries, sustaining a fractured nose and fractured left elbow and various other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, JULIA RIVERA, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the CITY OF BUFFALO and COUNTY OF ERIE and through its agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

DATED: Williamsville, New York
August 31, 2012

Richard A. Hall, IV., Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

I, Julia Rivera, being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

Julia Rivera

Julia Rivera

Sworn to before me this
2nd day of September 2012

Notary Public

BRIDGETTE DUKARM
Notary Public - State of New York
NO. 01DU6141707
Qualified in Erie County
My Commission Expires 2/20/14