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 24, 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:	*Banaszak, Carol v. Erie County Department of Public Works, Town of Hamburg Building and Grounds Department & Armor Volunteer Fire Company*
Document Received:	Notice of Claim
Name of Claimant:	Carol Banaszak 6170 Lake Avenue Orchard Park, NY 14127
Claimant's attorney:	Tina M. Kasperek, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

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

IN THE MATTER OF THE CLAIM OF:

CAROL BANASZAK
6170 Lake Ave.
Orchard Park, NY 14127

Claimant,

-against-

NOTICE OF CLAIM

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
95 Franklin Street, 14th Floor
Buffalo, NY 14202

TOWN OF HAMBURG BUILDING AND GROUNDS DEPARTMENT
2720 Lake View Road
Lake View, NY 14085

ARMOR VOLUNTEER FIRE COMPANY
4932 Clark Street
Hamburg, NY 14075

Respondents.

PLEASE TAKE NOTICE that CAROL BANASZAK, hereby makes claim against ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and TOWN OF HAMBURG BUILDING AND GROUNDS DEPARTMENT, and ARMOR VOLUNTEER FIRE COMPANY and in support thereof Claimant alleges:

1. That the undersigned Claimant, CAROL BANASZAK, residing at 6170 Lake Ave., Orchard Park, New York 14127, by and through her attorney, TINA M. KASPEREK, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and TOWN OF HAMBURG BUILDING

AND GROUNDS DEPARTMENT, and ARMOR VOLUNTEER FIRE COMPANY 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 CAROL BANASZAK on August 5, 2012 at approximately 2:53 pm on that day when the motor vehicle she owned and operated, was waved through the intersection of Mckinley Parkway and Sowles Road by ARMOR VOLUNTEER FIRE COMPANY and was struck by a motor vehicle owned and operated by ALLEN E. BRILLHART.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and TOWN OF HAMBURG BUILDING AND GROUNDS DEPARTMENT, and ARMOR VOLUNTEER FIRE COMPANY, their servants, agents or employees in accelerating at an unreasonable and imprudent speed, in failing to provide a safe location to transit, along with the other acts of negligence, carelessness and recklessness.

4. That the aforesaid ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and TOWN OF HAMBURG BUILDING AND GROUNDS DEPARTMENT, and ARMOR VOLUNTEER FIRE COMPANY, by and through their agents, servants and employees 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, CAROL BANASZAK, sustained very serious injuries, sustaining chest, leg and hip injuries and other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, CAROL BANASZAK, 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 TOWN OF HAMBURG BUILDING AND GROUNDS DEPARTMENT, ARMOR VOLUNTEER FIRE COMPANY, and ALLEN E. BRILLHART, and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

DATED: September 5, 2012

Tina M. Kaspaek, 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:

Carol Banaszak, 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.

Carol Banaszak

Sworn to before me this
13th day of September, 2012

Callie Harrington
Notary Public

CALLIE HARRINGTON
No. 01HA6210946
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/06/20 13