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

October 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:	*Budziszewski, Bruce & Budziszewski, Jessie v. County of Erie & Town of Evans*
Document Received:	Notice of Claim
Name of Claimants:	Bruce Budziszewski 317 Ransom Road Lancaster, New York 14086 Jessie Budziszewski 6613 Wilcottsville Akron, New York
Claimants' attorney:	Richard G. Abbott, Esq. Pusatier Sherman Abbott & Sugarman 2464 Elmwood Avenue Kenmore, New York 14217

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

Enclosure

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF
BRUCE BUDZISZEWSKI AND HIS
WIFE JESSIE BUDZISZEWSKI

NOTICE OF CLAIM

TO: THE COUNTY OF ERIE AND
THE TOWN OF EVANS

PLEASE TAKE NOTICE that Bruce Budziszewski and his wife Jessie Budziszewski claim damages against the County of Erie and the Town of Evans in accordance with the requirements of General Municipal Law Section 50e and state as follows:

1. The Claimant Bruce Budziszewski resides at 317 Ransom Road, Lancaster, New York, 14086. The Claimant Jesse Budziszewski resides at 6613 Wilcottsville Akron New York.

2. The Claimants are represented herein by PUSATIER, SHERMAN, ABBOTT & SUGARMAN, LLP, Richard G. Abbott, Esq. of counsel with offices located at 2464 Elmwood Avenue, Kenmore, NY 14217.

3. The claim of Bruce Budziszewski is found upon negligence and is for personal injuries. The claim of Jessie Budziszewski is a derivative cause of action based upon loss of services and consortium.

4. The incident giving rise to the claim occurred on July 30, 2012 at approximately 8:00 a.m. at 8730 Delamater Road in the Town of Evans.

5. The facts giving rise to this claim is as follows: Bruce Budziszewski was in the course of his employment with Huber & Huber. Inc. and was delivering crushed

stone to the aforementioned location when the vehicle he was operating tipped over. By reason of this accident he sustained injuries hereinafter described.

6. The negligence of the County of Erie and the Town of Evans was in failing to provide a safe work place for the Claimant to deliver the load of crushed stone. Upon information and belief the County of Erie and/or the Town of Evans owned and/or operated the property where the incident occurred and contracted with Huber and Huber to make the aforementioned delivery.

7. By reason of the accident Bruce Budziszewski sustained serious injuries to his right shoulder and right knee and back. He was rendered sick, sore, lame and disabled, has had surgery on his right shoulder, has has and will have future pain and suffering.

8. By reason of the foregoing Bruce Budziszewski has outstanding medical bills and will incur bills for future medical care. He will be disabled from pursuing certain recreational activities, he has incurred and will incur loss wages. His wife, Jessie, has a derivative cause of action. The Claimants claim damages against the Town of Evans and the County of Erie.

Bruce Budziszewski

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Bruce Budziszewski, being duly sworn, deposes and says; that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge,

except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Bruce Budziszewski

Bruce Budziszewski

STATE OF NEW YORK)
COUNTY OF ERIE) ss.

On the 18 day of October , in the year 2012, before me, the undersigned, personally appeared Brice Budziszewski , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in her capacity and that by his/her signature on the instrument, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RICHARD G. ABBOTT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 31, 15