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 16, 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:	*Holmes, Mary A. v. City of Buffalo and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Mary A. Holmes 221 Rodney Avenue Buffalo, New York 14214
Claimant's attorney:	Arienne J. Irving, Esq. William K. Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

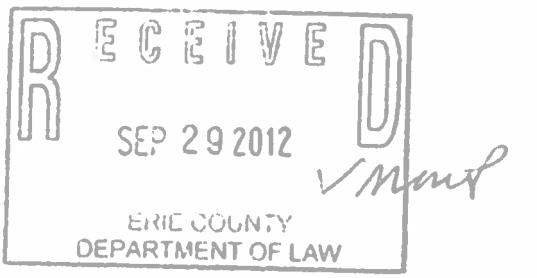
MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enclosure

MMP



IN THE MATTER OF THE CLAIM OF:

MARY A. HOLMES
221 Rodney Ave.
Buffalo, NY 14214

Claimant,

-against-

NOTICE OF CLAIM

COUNTY OF ERIE, NEW YORK, and
CITY OF BUFFALO, NEW YORK

Respondents.

PLEASE TAKE NOTICE that **MARY A. HOLMES**, hereby makes claim against the **COUNTY OF ERIE, NEW YORK**, and the **CITY OF BUFFALO, NEW YORK** and in support thereof alleges:

1. That the undersigned, MARY A. HOLMES, residing at 221 Rodney Ave., Buffalo, NY 14214, by and through her Attorney, ARIENNE J. IRVING, ESQ., William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the COUNTY OF ERIE, NEW YORK and CITY OF BUFFALO, NEW YORK, 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 MARY A. HOLMES on August 6, 2012 at or near 107 Victoria Avenue, City of Buffalo, Erie County, New York .

3. On that date, the Claimant, MARY A. HOLMES, fell on a piece of wood and/or cardboard located on the sidewalk in front of the said property, which was owned by the Respondents, their servants, agents or employees.

4. Upon information and belief, the obstruction in the sidewalk was caused by, maintained by and placed in the road by agents, servants or employees of the Respondents.

5. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, MARY A. HOLMES, by Respondents, their servants, agents or employees in failing to provide a safe location to transit, along with the other acts of negligence, carelessness and recklessness.

6. That the aforesaid Respondents by and through her agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

7. Upon information and belief, as a result of the aforesaid incident, the Claimant, MARY A. HOLMES, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; and more particularly, claimant MARY A. HOLMES, sustained a hairline fracture of her right wrist and right elbow sprain. The full extent of these injuries are unknown at this time. Upon information and belief, the aforementioned injuries are permanent and progressive in nature, and may require further medical treatment with all risks attendant thereto.

8. That as a result of the foregoing, the Claimant, MARY A. HOLMES, sustained severe and serious permanent injuries and will seek damages for pain and suffering, mental and

emotional distress, unreimbursed or uncompensated medical expenses, and every other item of like general damages as may properly be proven at a trial of this action.

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

DATED: Williamsville, New York

September 27, 2012

ARIENNE J. IRVING
Attorney for Claimant
Office and P.O. Address
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716)633-3535