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

February 27, 2013

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:	*Brooks, Sharonda v. County of Erie and Erie County Department of Sewer Management*
Document Received:	Notice of Claim
Name of Claimant:	Sharonda Brooks 11 Camelot Court Buffalo, New York 14214
Claimant's attorney:	Bradley D. Marble Brown Chiari, LLP 5775 Broadway Lancaster, New York 14086

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

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

SHARONDA BROOKS

Petitioner

vs. **NOTICE OF CLAIM**

COUNTY OF ERIE
ERIE COUNTY DEPARTMENT
OF SEWER MANAGEMENT

Respondents

TO: Michael A. Siragusa, Esq.
ERIE COUNTY ATTORNEY
DEPARTMENT OF LAW
95 Franklin Street, Suite 1634
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF SEWER MANAGEMENT
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, New York 14202

To whom it may concern:

PLEASE TAKE NOTICE, that the undersigned hereby claim against and the following in compliance with the applicable statutes of the State of New York.

1. The herein is SHARONDA BROOKS, who resides at 11 Camelot Court, Buffalo, New York 14214.

2. The herein is represented by the law firm of BROWN CHIARI LLP, 5775 Broadway, Lancaster, New York 14086-2360. The subject claim is for personal injuries sustained, property damage, towing and storage charges incurred by reason of injury to Claimant SHARONDA BROOKS.

3. The incident giving rise to these damages occurred on or about February 6, 2013 while Claimant SHARONDA BROOKS, was traveling in a vehicle westbound on Broadway Avenue in the City of Buffalo, County of Erie and State of New York.

4. The said damages for which claim is hereby made arose in the following manner, to wit:

On February 6, 2013, at approximately 1:33 p.m., Claimant, SHARONDA BROOKS was traveling westbound in a vehilcle on Broadway Avenue, in the City of Buffalo, County of Erie, and State of New York, when she was struck from behind by a vehicle being operated by Lorenzo Harris, and owned by the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SEWER MANAGEMENT. The aforesaid incident was caused, upon information and belief, as the result of the negligence of the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SEWER MANAGEMENT and/or its agents, servants and/or employees, in that it failed to operate the motor vehicle in a safe and prudent manner; failed to yield the right of way to the plaintiff, failed to keep a proper lookout, failed to avoid a collision, failed to safely and properly operate her motor vehicle under the conditions then and there existing, followed to closely to plaintiff's vehicle, failing to warn plaintiff of an impending accident, failed to observe the roadway, failed to properly steer and maneuver the vehicle, failed to take necessary precautions and make necessary observations that if taken or made, could have avoided that accident or subsequent injuries to plaintiff, failed to use reasonable or, in fact, any precaution to ensure the safety of the life, limb, and property of the plaintiff, and in being otherwise negligent, careless, and reckless. Pursuant to §388 of the New York State Vehicle and Traffic Law Respondent, COUNTY OF ERIE, is responsible for the negligence of the permissive user, co-respondent, ERIE COUNTY DEPARTMENT OF SEWER MANAGEMENT.

5. Claimant SHARONDA BROOKS sustained personal injuries to her neck, right wrist,right knee and lower back and pecuniary injuries and property damage, including, but not limited to, full value of vehicle, towing and storage charges.

6. The subject claim is for a sum to be determined by a jury.

DATED: February 15, 2013

Sharonda Brooks

Sharonda Brooks

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 15TH day of February, 2013, Sharonda Brooks, being duly sworn, deposes and says that she is the claimant in this matter; that she has read the foregoing Notice of Claim and knows the contents thereof; that it is true to her personal knowledge, except as to matters stated to be upon information and belief, and as those matters she believes to be true.

Sharonda Brooks

Sharonda Brooks

Sworn to before me on this
15TH day of February, 2013.

Theresa M. Walsh

Notary Public

THERESA M. WALSH
NOTARY PUBLIC-STATE OF NEW YORK
Qualified In Erie County
My Commission Expires 8/12/14

CERTIFICATION

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.

Bradley D. Marble, Esq.
BROWN CHIARI LLP
Attorneys for Petitioner
5775 Broadway
Lancaster, New York 14086-2360
(716) 681-7190