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 25, 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:	*Wrobel, Paul v. County of Erie, Erie County Sheriff's Department and Timothy B. Howard, Erie County Sheriff*
Document Received:	Notice of Claim
Name of Claimant:	Paul Wrobel 1249 95th Street Niagara Falls, New York
Claimant's attorney:	C. Daniel McGillicuddy, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 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

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE
IN THE MATTER OF THE CLAIM OF:

PAUL WROBEL

Claimant,

-against-

COUNTY OF ERIE,
ERIE COUNTY SHERIFF'S DEPARTMENT
TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF

Respondents.

NOTICE OF CLAIM

2013 FEB 13 PM 12:36
ERIE COUNTY SHERIFF
ADMINISTRATIVE OFFICE

PLEASE TAKE NOTICE that PAUL WROBEL, hereby makes claims against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF and in support thereof alleges:

1. That the undersigned, PAUL WROBEL, residing at 1249 95th Street, Niagara Falls, New York, by and through his attorneys, WILLIAM K. MATTAR, PC, 6720 Main Street, Suite 100, Williamsville, New York 14221-5986, claims damages against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.

2. That the said injuries were sustained by PAUL WROBEL on November 16, 2012, at or around 1:45 p.m., on the premises more commonly known as Ralph Wilson Stadium located at 1 Bills Drive, Orchard Park, New York, in the COUNTY OF ERIE and the State of New

York. On that day and at that approximate time, Claimant, PAUL WROBEL was lawfully on the premises when he was caused to incur an injury on the premises; to wit; he was attacked without provocation by other attendees of a football game, and was further injured due to the property that was negligently secured, owned, maintained, inspected and controlled by the aforementioned Respondents, including but not limited to the stadium seats.

3. Upon information and belief, Ralph Wilson Stadium located at 1 Bills Drive, Orchard Park, New York is secured, owned, maintained, inspected and controlled by the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF.

4. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of the lawful public, including Claimant, PAUL WROBEL, by the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF, their servants, agents or employees in failing to provide a safe premises; in failing to correct a known safety risk at the general location of the accident herein mentioned: in failing to maintain security; in failing to maintain and inspect said property in a reasonably safe manner for users thereof; in failing to monitor and control those lawfully on the premises; failing to take adequate steps to prevent this altercation; failing to timely prevent this altercation, along with the other acts of negligence, carelessness and recklessness.

5. That the aforesaid COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF by and through their agents, servants, and employees had actual or constructive notice of the dangerous condition on the

property of the Stadium, and had actual and constructive notice of the presence of unruly attendees at the football game the hazard caused by said activity, or caused the same. Agents, servants and employees of the Respondents knew or in the exercise of reasonable care, should have known of the potential danger of hazards and/or defects on the aforementioned property, but failed to take any corrective measures; and further failed to take preventive measures to restrain unruly attendees of the football game prior to this altercation, despite having actual and/or constructive notice of the same. Agents, servants and employees of the Respondents herein knew of the injuries Claimant, PAUL WROBEL, sustained. Agents, servants and employees of the Respondents herein were present on the premises on the date of the accident, failed to aid and/or protect Claimant and failed to administer first aid.

6. That, as a result of the foregoing, the Claimant, PAUL WROBEL, sustained very serious injuries, including head, neck, back and left knee injuries, the left knee requiring surgical intervention and pain and suffering, and other injuries that are just now being able to be discerned, due to his unstable and serious medical condition for months after the accident. Some of these injuries will be of a permanent or indefinite duration, and Claimant, PAUL WROBEL, was and will in the future be forced to expend sums of money for hospitals, doctors and other medical expenses and has lost time from work.

7. That the said injuries were occasioned solely and wholly as a result of the negligence of the Respondents the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF by and through their

agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, PAUL WROBEL requests that his claim be allowed and paid by the Respondents, and each of them.

PLEASE TAKE FURTHER NOTICE that unless said claim is paid and adjusted by the Respondents and each of them within thirty (30) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have Jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
February 12, 2013

C.Daniel McGillicuddy, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

PAUL WROBEL, being duly sworn, depose and say that he 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 he believe them to be true.

PAUL WROBEL

Sworn to before me this
12 day of February, 2013.

Notary Public

SHARON E. CLEMONS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 6/22/14