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

March 21, 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: | *Clark, Madeline v. County of Erie* |
| Document Received: | Notice of Claim |
| Name of Claimant: | Madeline Clark<br>290 Delaware Street<br>Tonawanda, New York 14150 |
| Claimant's attorney: | A. Peter Snodgrass, Esq.<br>Collins & Collins<br>267 North Street<br>Buffalo, New York 14201 |

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

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In the Matter of the Claim of
MADELINE CLARK,

Claimant,

v.

COUNTY OF ERIE,

Respondent.

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**VERIFIED NOTICE OF CLAIM**

**TO: County of Erie**
Michael Siragusa, Esq.
County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

**PLEASE TAKE NOTICE,** that the Claimant, MADELINE CLARK, claims and demands against the COUNTY OF ERIE and in accordance with the requirements of the New York General Municipal Law §50-e claim the following:

1. The name and post office address of the Claimant is:

   MADELINE CLARK
   290 Delaware Street
   Tonawanda, New York 14150

   The name and post office address of the Claimant's attorney is:

   A. PETER SNODGRASS, ESQ.
   COLLINS & COLLINS ATTORNEYS, LLC
   267 North Street
   Buffalo, New York 14201

2. The Claim of MADELINE CLARK is for personal injuries sustained as a result of the negligence by the Respondent, its agents, servants and employees.

3. The time when and place where this Claim arose are as follows: On December 4, 2012 at 8 p.m., outside the entrance of the Paul Maguire Club at Ralph Wilson Stadium, 1 Bills Drive, in the Town of Orchard Park, County of Erie and State of New York.

4. Claimant, MADELINE CLARK, was exiting the Paul Maguire Club at Ralph Wilson Stadium, 1 Bills Drive, Orchard Park, New York after conducting a Red Cross blood drive when she was caused to slip and fall violently on the unsafe surface. Upon information and belief, the entrance of the Paul Maguire Club at Ralph Wilson Stadium is owned by the Respondent, COUNTY OF ERIE.

5. Claimant, MADELINE CLARK, was caused to suffer serious and permanent injuries including, but not limited to, left knee and right shoulder injuries.

The injuries to Claimant, MADELINE CLARK, have resulted in past and future medical expenses; past and future loss of earnings, future pain and suffering and loss of enjoyment of life; past and future loss of household services; as well as other damages.

6. Claimant, MADELINE CLARK, was caused to suffer the above-mentioned injuries and damages due to the negligence and unlawful behavior of the Respondent, its agents, servants and employees in negligently failing to provide Claimant with a safe place to walk.

7. The injuries of the Claimant, MADELINE CLARK, have resulted in past and future medical expenses including costs for hospitalization, medications, physical therapy, rehabilitation, diagnostic tests, radiological tests, follow-up medical examinations; future pain and suffering and loss of enjoyment of life; past and future loss of household services; as well as other damages.

**WHEREFORE,** the Claimant, MADELINE CLARK, hereby claims and demands from Respondent COUNTY OF ERIE compensation for the damages sustained by reason of the

wrongful, unlawful, negligent and careless acts and omissions of the Respondent, its agents, servants and employees.

DATED: February 27, 2013
Buffalo, New York

A. PETER SNODGRASS, ESQ
COLLINS & COLLINS ATTORNEYS, LLC
Attorneys for Claimant
267 North Street
Buffalo, New York 14201
(716) 885-9700

## VERIFICATION

MADELINE CLARK, being duly sworn, deposes and says: I am the Claimant above named; I have read the foregoing Notice of Claim and know its contents; the same is true to my own knowledge, except as to those matters therein stated to be alleged on information and belief, and, as to those matters, I believe it to be true.

MADELINE CLARK

Subscribed and sworn to before me
this 27 day of February, 2013.

NOTARY PUBLIC

MORGAN S. GREENE
No. 01GR6007802
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/26/14

Collins&Collins
ATTORNEYS, LLC
a. 267 North Street, Buffalo, New York 14201 p 716 885 9700