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 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: | *Peoples, Cecil H. v. City of Buffalo and County of Erie* |
| Document Received: | Notice of Claim |
| Name of Claimant: | Cecil H. Peoples<br>132 Spring Street, Apt. 39<br>Buffalo, New York 14204 |
| Claimant's attorney: | Anthony J. Tantillo, Esq.<br>William Mattar, P.C.<br>6720 Main Street, Suite 100<br>Williamsville, New York 14221 |

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enclosure

**IN THE MATTER OF THE CLAIM OF:**

**CECIL H. PEOPLES**
132 Spring Street
Apartment 39
Buffalo, NY 14204

Claimant,

-against-

**NOTICE OF CLAIM**

**CITY OF BUFFALO**
1100 City Hall
65 Niagara Square
Buffalo, NY 14202

**COUNTY OF ERIE**
95 Franklin Street, Suite 1634
Buffalo, NY 14202

Respondents.

**PLEASE TAKE NOTICE** that **CECIL H. PEOPLES**, hereby makes claim against the CITY OF BUFFALO and COUTNY OF ERIE and in support thereof Claimant alleges:

1. That the undersigned Claimant, CECIL H. PEOPLES, residing at 132 Spring Sreet., Apartment 39, Buffalo, NY 14204, by and through his attorney, WILLIAM MATTAR, P.C. (Anthony J. Tantillo, Esq. Of Counsel) 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the CITY OF BUFFALO and COUNTY OF ERIE, for personal injuries, pain and suffering, general and special damages and medical expenses sustained by him.

2. That the said injuries were sustained by CECIL H. PEOPLES on January 8, 2013 at approximately 1:40 p.m. on that day when he tripped and fell on the raised and broken side walk located at 503 Woodlawn, Buffalo, New York. Photographs depicting the sidewalk defect are attached hereto as **Exhibit A.**

3. 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, CECIL H. PEOPLES, by the CITY OF BUFFALO and COUNTY OF ERIE, its servants, agents or employees in failing to provide a safe walkway, failing to inspect and detect sidewalk defects, including uneven walkways and failing to enforce safety regulations along with other acts of negligence, carelessness and recklessness.

4. That the aforesaid CITY OF BUFFALO and COUNTY OF ERIE by and through its agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

5. That as a result of the foregoing, the Claimant, CECIL H. PEOPLES, sustained very serious injuries, sustaining a right hand, left leg and knee and other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, CECIL H. PEOPLES, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

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

DATED: Williamsville, New York
March 15, 2013

Anthony J. Tantillo, Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK )
COUNTY OF ERIE ) ss:

CECIL H. PEOPLES, being duly sworn, depose and say that he is the Claimant in this action; that he 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 they believe them to be true.

CECIL PEOPLES

Sworn to before me this
26 day of February, 2013

Notary Public

MINNIE L. CLEMONS
Notary Public, State of New York
No. 01CL6033906
Qualified in Erie County
Commission Expires 12/06/2013

2013/01/09