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: | *Davis, Jr., Verley v. County of Erie Department of Social Services and City of Buffalo* |
| Document Received: | Notice of Claim |
| Name of Claimant: | Verley Davis, Jr.<br>839 Perry Street<br>Buffalo, New York 14210 |
| Claimant's attorney: | Marc Shatkin, Esq.<br>Muscato & Shatkin<br>415 Franklin Street<br>Buffalo, New York 14202 |

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

This paper received at the
Erie County Attorney's Office
from Michael Murray on
the 5th day of March, 2013
at 2:26 a.m./p.m.
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF

VERLEY DAVIS JR.

**NOTICE OF CLAIM**

vs.

COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES
CITY OF BUFFALO

TO: COUNTY OF ERIE DSS
CITY OF BUFFALO

**PLEASE TAKE NOTICE** that VERLEY DAVIS JR. hereby makes claim against the COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES, and CITY OF BUFFALO for damages and in support of such claim states:

1. My name is Verley Davis Jr.; and my post office address is presently 839 Perry Street, Buffalo, New York 14210

2. The name of my attorneys are Muscato & Shatkin, and their post office address is 415 Franklin Street, Buffalo, New York 14202.

3. This claim is against the COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES, and CITY OF BUFFALO for personal injuries sustained by reason of the negligence, carelessness, and reckless conduct by the COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES, and/or the CITY OF BUFFALO through its officers, agents, employees and/or servants as more specifically set forth below.

4. The time and date when the claim arose and when the injuries and damages hereinafter alleged were sustained commenced on or before the 10th day of January

2013. The particular places where the injury and damages were sustained was in Delaware Park.

5. On the aforesaid date, Clamant was caused to be injured while participating in the County of Erie's program whereby he is required to perform certain work as a condition of certain benefits he receives in the "Enrollment in Work Experience"; claimant was required to report to Delaware Park where either the City of Buffalo or the Buffalo Olmsted Parks Conservancy required him to perform certain work.

6. The County of Erie DSS intentionally, carelessly or recklessly ignored claimant's requests for proper equipment and wear to perform his required tasks, and as a result was caused to sustain a broken arm as well as back injuries

7. The City of Buffalo, as part of the Enrollment n Wok Experience improperly and negligently compelled clamant to perform work without the proper attire and equipment causing the injuries as previously alleged.

8. VERLEY DAVIS JR., solely by reason of the foregoing conduct of the County, its Department of Social Services, and/or the City of Buffalo, was caused to sustain serious physical injuries and damages, and has suffered and continues to suffer great physical and mental anguish and pain, entitling him to an undetermined sum for such injuries, pain, suffering and damages.

9. The claimant further states that upon failure to honor the claim within the statutory period thereof, it is the intention of the undersigned to commence an action for damages sustained as hereinbefore set forth upon the within claim.

DATED: January 26, 2013
BUFFALO, NEW YORK

Verley Davis Jr.
VERLEY DAVIS JR.

STATE OF NEW YORK )
CITY OF BUFFALO )

VERLEY DAVIS JR., being duly sworn, deposes and says that he is the claimant herein; that he has read the foregoing Claim, and knows the contents thereof; the same is true to his knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, he believes them to be true.

Verley Davis Jr.
VERLEY DAVIS JR.

Subscribed and sworn to me
this 31 day of January 2013

MARC SHATKIN
NOTARY PUBLIC
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MARCH 27, 2015