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: | *Mael, Bobbie L. v. Timothy B. Howard, Sheriff of Erie County and Lee Richard, Erie County Deputy Sheriff* |
| Document Received: | Notice of Claim |
| Name of Claimant: | Bobbie L. Mael<br>544 Willow Street<br>Lockport, New York 14094 |
| Claimant's attorney: | Jon Louis Wilson, Esq.<br>The Law Offices of Jon Louis Wilson<br>111 Ontario Street<br>Lockport, New York 14094 |

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**

**BOBBIE L. MAEL**
**544 Willow Street**
**Lockport, NY 14094,**

**-against-** **NOTICE OF CLAIM**

**TIMOTHY B. HOWARD,**
**Sheriff of Erie County**
**10 Delaware Ave**
**Buffalo, NY 14202,**
**-and-**
**LEE RICHARD,**
**Erie County Deputy Sheriff**
**10 Delaware Ave**
**Buffalo, NY 14202,**

2013 FEB 29 PM 12: 44
ERIE COUNTY SHERIFF
ADMINISTRATIVE DEPT.

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**TO: THE SHERIFF of the COUNTY OF ERIE**
-and-
**LEE RICHARD, Erie County Deputy Sheriff**

**SIRS**:

**PLEASE TAKE NOTICE** that the claimant herein hereby makes claim and demand against the ERIE COUNTY SHERIFF'S DEPARTMENT, and LEE RICHARD, Erie County Deputy Sheriff as follows:

1. The name and post office address of the claimant is as follows: **BOBBIE L. MAEL,** 544 Willow Street, Lockport, New York 14094.

2. The name and post office address of the claimant's attorney is as follows: THE LAW OFFICES OF JON LOUIS WILSON, JON LOUIS WILSON, ESQ., of counsel, 111 Ontario Street, Lockport, New York 14094.

3. The nature of the claim is as follows: to recover damages for personal injuries, conscious physical pain and emotional suffering, suffered by the claimant, **BOBBIE L. MAEL**, due to the carelessness and negligence of the **ERIE COUNTY SHERIFF'S DEPARTMENT**, their agents, servants, and employees, including, but not necessarily limited to, **LEE RICHARD, Erie County Deputy Sheriff**.

4. The time when, the place where and the manner in which the claim arose is as follows: on the 25th day of December, 2012, LEE RICHARD, while serving in his official capacity and within the scope of his employment as a road patrol deputy sheriff for the ERIE COUNTY SHERIFF'S DEPARTMENT, and in furtherance of the business of the said ERIE COUNTY SHERIFF'S DEPARTMENT, at some time between approximately 3:00 a.m. and 4:00 a.m., wrongfully and illegally accosted, detained, arrested, and imprisoned the claimant BOBBIE L. MAEL, without probable cause, upon the charges of Driving While Intoxicated, Resisting Arrest, Obstruction of Governmental Administration Second Degree, and Disorderly Conduct, and, while the said claimant BOBBIE L. MAEL was wrongfully, unlawfully and unjustifiably accosted, detained, charged, arrested, and deprived of her liberty, against her will, and, while handcuffed and wrongfully and illegally imprisoned by the aforesaid Deputy RICHARD, she was viciously and aggressively seized, thrown to the ground, battered and assaulted by the Deputy RICHARD. As a result of such conduct, claimant was caused to suffer physical injury, and emotional suffering.

5. The items of damage or injuries claimed are: that the claimant was caused to suffer severe and serious injuries to her head, face, shoulders, upper body, knees, and legs, as a consequence of being by seized, thrown, battered, and assaulted by the aforesaid Deputy RICHARD, and, further, the said claimant was caused to strike her face, head, shoulders, arms, knees, and legs against the pavement, thereby causing her to suffer various lacerations, abrasions, contusions, strains, sprains, dislocations, and internal derangement, and further she was caused to suffer great pain, suffering and mental anguish, some of the aforementioned injuries being permanent in nature, and, further, the said claimant suffered severe internal and external injuries, including, but not limited to, lacerations, abrasions, and contusions to her head and face; a severe concussion; contusions to her upper arms; strain, sprain, internal derangement to her shoulders, bilaterally; contusions about her abdomen; abrasions and contusions on her knees and legs, bilaterally; and, further was caused to suffer great pain, distress and mental anguish, and remains emotionally sensitive concerning the aforesaid severe and permanent injuries and the psychic shock of this incident, and was prevented from attending to her usual and customary daily activities, and was taken from the scene of the wrongful detention and arrest to the Erie County Medical Center, under restraint, in a Twin City Ambulance, at the specific direction of the Deputy LEE RICHARD, thereby being imprisoned for a period of two [2] hours.

6. Claimant's claim and demand is hereby presented for adjustment and payment.

**PLEASE TAKE FURTHER NOTICE**, that by reason of the foregoing, the Claimant demands that the ERIE COUNTY SHERIFF'S DEPARTMENT review, evaluate, adjust and pay for any and all damages suffered by the Claimant relative to the above referenced incident within the time provided for compliance with this demand by the ERIE COUNTY SHERIFF'S DEPARTMENT, by the statutes in such cases made, and that upon the default of the ERIE COUNTY SHERIFF'S DEPARTMENT to review, evaluate, adjust and pay the said claim, the Claimant intends to commence suit against

the ERIE COUNTY SHERIFF'S DEPARTMENT, to recover a sum adequate to compensate for the damages suffered by her.

Dated: March 1, 2013
Lockport, New York

**BOBBIE L. MAEL**

## VERIFICATION

STATE OF NEW YORK )
COUNTY OF NIAGARA )

**BOBBIE L. MAEL,** being duly sworn, deposes and states that she is the Claimant herein and has read the foregoing Notice Of Claim; that she knows the contents thereof; that the same is true to her knowledge, except as to matters stated upon information and belief, and that as to those matters, she believes same to be true.

**BOBBIE L. MAEL**

Sworn to before me this
1st day of March, 2013

Notary Public

CAROL B. HARPER
Notary Public, State of New York
Qualified in Niagara County
y Commission Expires Dec. 31, 20 13