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: | *Anderson, Adrian v. County of Erie* |
| Document Received: | Notice of Claim |
| Name of Claimant: | Adrian Anderson<br>#40565<br>40 Delaware Avenue<br>Buffalo, New York 14202 |
| Claimant's attorney: | Claimant is proceeding *pro se*. |

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Michelle M. Parker
First Assistant County Attorney

MMP:dld

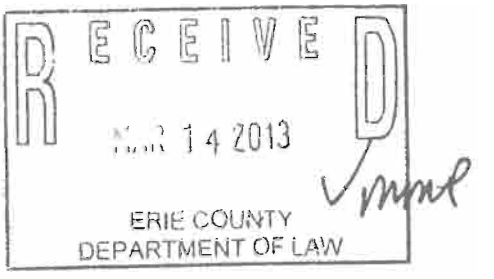
Enclosure

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE
==========X

Adrian A. Anderson Claimant,

**NOTICE OF CLAIM**

- vs -




THE COUNTY OF ERIE,

Defendant.
==========X

TO: COUNTY OF ERIE
DEPARTMENT OF LAW
95 Franklin Street / Room 1634
BUFFALO, NEW YORK 14202

PLEASE TAKE NOTICE that Adrian A. Anderson, hereby claims and demands, pursuant to §50-e of the General Municipal Law, damages against the COUNTY OF ERIE for damages sustained by Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees; and in support thereof, the Claimant states:

1. The name and post office address of the claimant is:
Adrian A Anderson - 46565
40 Delaware Ave.
Bflo N.Y 14202

2. This claim is for damages sustained by the Claimant while he was an inmate at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202-3999.

3. The wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows: Erie County Holding Center ... Medicial Staff of The County of Erie as Follows. On Jan. 28 2013 X-Rays was Done. Hand Told Broken. Appointment made but canceled. 2-11-13 Grievance put In about Hand not Being fixed and surgery Being rescheduled. On 2-24-13 put another Grievance form 4 week & hand still not Having Surgery on my hand. To This Day and Time hand is still Broke and I have Been negligent and unlawful In This matter! Hand was Broke By Hiting hand on steel Bar stoping my fall. The meds They Have me on does nothing for The pain Also hurts my ~~Stom~~ Stomach. Hand stays In pain and Also I feel It may Be healing Back wrong as well I know it Takes ~~for~~ 4 To 6 weeks To heal.

4. Take further notice that claimant demands payment of his claim, and unless the claim is paid within a reasonable amount of time, and unless the claim is paid within a reasonable amount of time, it is the intention of the claimant to commence a lawsuit against the COUNTY OF ERIE to recover sums claimed as to the damages and injuries sustained by them.

Adrian A Anderson
CLAIMANT

## VERIFICATION

STATE OF NEW YORK )
COUNTY OF ERIE ) ss.;
CITY OF BUFFALO )

Adrian A Anderson, being duly sworn, deposes and says that he is the claimant in the within proceeding and has read the foregoing Notice of Claim and knows the contents of same to be true to his own knowledge, save those matters therein alleged upon information and belief, and as to those matters, the same he believes to be true.

Adrian A Anderson

Sworn to before me this 11 day of March 2013.

Sylvia M. O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2014

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: | *Beaver, Kelsie R. v. County of Erie, et al.* |
| Document Received: | Notice of Claim |
| Name of Claimant: | Kelsie R. Beaver<br>12841 Route 394<br>Randolph, New York 14772 |
| Claimant's attorney: | Paul V. Webb, Jr. Esq.<br>Erickson Webb Scolton and Hajdu<br>414 E. Fairmount Avenue<br>P.O. Box 414<br>Lakewood, New York 14750-0414 |

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

In the matter of the claim of

**KELSIE R. BEAVER**

Claimant,

**NOTICE OF CLAIM**

-against-

**COUNTY OF ERIE**
and
**ERIE COMMUNITY COLLEGE**
and
**THE BOARD OF TRUSTEES OF**
**ERIE COMMUNITY COLLEGE**
and
**THE PRESIDENT OF ERIE COMMUNITY COLLEGE,**

Defendants.

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**TO: COUNTY OF ERIE**
**ERIE COMMUNITY COLLEGE**
**THE BOARD OF TRUSTEES OF ERIE COMMUNITY COLLEGE**
**THE PRESIDENT OF ERIE COMMUNITY COLLEGE**

**PLEASE TAKE NOTICE,** that Kelsie R. Beaver has and hereby makes claim against the County of Erie, Erie County Community College and its Board of Trustees and in support of said claim, states the following:

1. The name and address of the Claimant is Kelsie R. Beaver, 12841 Route 394, Randolph, New York, 14772.
2. The attorneys for the Claimant are Erickson Webb Scolton & Hajdu, 414 East Fairmount Avenue, Post Office Box 414, Lakewood, New York, 14750; phone 716-488-1178; fax 716-488-1448.
3. The claim of Kelsey R. Beaver is for personal injuries including, without limitation, loss of income, medical expenses and for consequential damages generally.

4. The claim arose at the semi-final game in NJCAA Regional 3, Division 2 Women's Basketball Tournament held at Erie Community College.
5. The claim arose in substance as follows:
    a. On March 2, 2013, the Claimant Kelsie R. Beaver was a participant on the Jamestown Community College Women's Basketball Team in a playoff game with Erie Community College.
    b. After play had stopped, Toree Walker struck the Claimant in the jaw with her fist, resulting in severe injuries to the Claimant.
6. Upon information and belief, the incident herein described and the resulting injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of the County of Erie and Erie Community College, and more particularly in failing to properly supervise its students.
7. Upon information and belief, as a result of the aforesaid incident, the Claimant Kelsie R. Beaver sustained serious bodily injuries and was painfully and seriously injured, was rendered sick, sore, lame, disabled, sustained pain and suffering and shock to her nerves and nervous system and more particularly, Kelsie R. Beaver sustained injuries in the nature of a severe fractured jaw, a concussion and other severe injuries.
8. Upon information and belief, these injuries have resulted in permanent defects.

**WHEREFORE,** Claimant requests that the County of Erie and Erie Community College honor and pay the claims on behalf of the Claimant, Kelsie R. Beaver.

Dated: March 21, 2013

Kelsie Beaver
Kelsie R. Beaver, Claimant

ERICKSON WEBB SCOLTON & HAJDU

Paul V. Webb, Jr., Esq.
***Attorneys for Claimant***
414 East Fairmount Avenue
Post Office Box 414
Lakewood, New York 14750-0414
(716) 488-1178

## VERIFICATION

STATE OF NEW YORK ) ss:
COUNTY OF CHAUTAUQUA)

**KELSIE R. BEAVER**, being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true

Kelsie Beaver
Kelsie R. Beaver

Sworn to before me this 21st day
of March, 2013.

Dale R. Braden
Notary Public, State of New York

DALE R. BRADEN, #01BR6182703
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires March 3, 20__