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

April 9, 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:	*Pitillo, Marcelline v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Marcelline Pitillo 196 Meadowbrook Drive Lackawanna, New York 14218
Claimant's attorney:	David M. Block, Esq. Lewis & Lewis, P.C. 800 Cathedral Park Tower 37 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Jeremy Toth
Jeremy C. Toth
Second Assistant County Attorney
jeremy.toth@erie.gov

JCT:dld
Enclosure

This paper received at the
Erie County Attorney's Office
from R. Cook on
the 9th day of April 2013
at 11:40 a.m./p.m.
Assistant County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF
MARCELLINE PITILLO,

Claimant,

-against-

COUNTY OF ERIE and
CITY OF LACKAWANNA,

Respondents.

NOTICE OF CLAIM

TO: COUNTY OF ERIE
Attn: Department of Law
95 Franklin Street, Room 1634
Buffalo, New York 14202

CITY OF LACKAWANNA
714 Ridge Road, Room 215
Lackawanna, New York 14218

PLEASE TAKE NOTICE, that MARCELLINE PITILLO hereby makes claims and demands against the COUNTY OF ERIE and CITY OF LACKAWANNA, as follows:

1. The name and post-office address of the claimant is as follows: MARCELLINE PITILLO, 196 Meadowbrook Drive, Lackawanna, New York 14218. The name, post-office address, and telephone number of the claimants' attorney is LEWIS & LEWIS, P.C., David M. Block, Esq., of Counsel, 800 Cathedral Park Tower, 37 Franklin Street, Buffalo, New York 14202; (716) 854-2100.

2. The nature of the claim is as follows: Upon information and belief, claimant, MARCELLINE PITILLO, did sustain personal injuries and other damages as a result of the carelessness, recklessness, and negligence of the COUNTY OF ERIE and CITY OF LACKAWANNA and/or these respondents by their agents, servants, representatives and/or employees, to wit: fractured nose, fractured tooth, injuries to left arm, left knee and headaches.

3. Upon information and belief, the respondent's negligence includes without limitation; creation of a hazardous condition whereat the injury occurred, failure to rectify said dangerous condition and failure to warn or protect such persons concerning hazardous, dangerous, treacherous, and/or otherwise unsafe condition upon the premises.

4. Upon information and belief, the carelessness, recklessness, and negligence of the respondent and/or the respondent by its agents, servants, representatives and/or employees proximately caused and/or was a substantial factor in bringing about the incident, claimant MARCELLINE PITILLO'S injuries, and the claimant's damages as hereinafter described.

5. The time when, the place where, and the manner in which the claim arose is as follows: Upon information and belief, on or about January 10, 2013 at approximately 6:00 p.m. at premises located at 196 Meadowbrook Drive, Lackawanna, New York 14218. At or about this date, time, and place, claimant MARCELLINE PITILLO was caused to trip and fall as a result of a dangerous, hazardous, treacherous, and otherwise unsafe condition of a raised manhole cover.

6. The items of damage and injuries sustained by claimant MARCELLINE PITILLO are as follows: painful bodily injury; conscious physical pain and suffering as well as mental anguish; shock to her nerves and nervous system; injuries to her right lower extremity; loss of earnings and/or earning capacity; claimant has and will incur further medical expenses and lost earnings as a result of this incident; and claimant MARCELLINE PITILLO will require further medical treatment. Upon information and belief, claimant MARCELLINE PITILLO'S injuries and claimant's damages are, in all respects, permanent, progressive and ongoing in nature relating directly to the incident and negligence described herein.

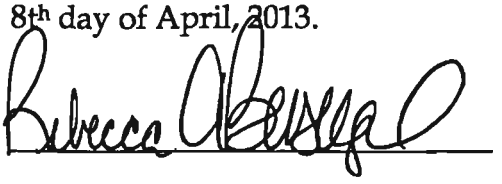
DATED: Buffalo, New York
April 8, 2013

Respectfully submitted,

DAVID M. BLOCK, ESQ.
LEWIS & LEWIS, P.C. on behalf of

Claimant MARCELLINE PITILLO

Sworn to before me this
8th day of April, 2013.



REBECCA A. BEISIEGEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/20/20 13