COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature

FROM: Michelle M. Parker, First Assistant County Attorney

DATE: May 10, 2018

RE: Transmittal of New Claims Against Erie County

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 18 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Kaled Afif v. County of Erie;
2. Bobby Fennell v. ECMC;
3. Jauinetha Moorer v. County of Erie, et al.;
4. Sasha Woods v. County of Erie, et al.;
5. Shandell McCullough v. County of Erie;
6. Dawn Kent, et al. v. County of Erie, et al.;
7. NFTA/Josue Mendez v. County of Erie;
8. Jonathan Mapps v. County of Erie, et al.;
9. Phillip Jones v. ECC;
10. Edward Leddick, Jr. v. ECMCC, et al.;
11. Drew Darrell v. County of Erie, et al.;
12. Anthony Thompson/Ayden Thompson v. County of Erie, et al.;
13. Berena Peppers v. County of Erie;
14. Catherine Jones v. DSS – Adult Protective Services;
15. Renee Biniecki v. County of Erie;
16. Carmen Leon v. Charles Burgio v. County of Erie;
17. Carolette Meadows v. County of Erie, et al.; and
18. Bernadette Aja v. Hans Richter v. County of Erie.

95 FRANKLIN STREET – ROOM 1634, BUFFALO, NEW YORK 14202– PHONE (716) 858-2200 – FAX (716) 858-2281 (NOT FOR SERVICE)
WWW.ERIE.GOV

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 1, 2018

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 No. 306 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:	*Afif, Kaled N. v. County of Erie*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Kaled N. Afif 73 Lehigh Avenue Lackawanna, New York 14218
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 Parker
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

RECEIVED

FEB 26 2018

NYSDHR BUFFALO
REGIONAL OFFICE

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

KALED N. AFIF,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF PUBLIC WORKS,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10192909

Federal Charge No. 16GB801877

I, Kaled N. Afif, residing at 73 Lehigh Ave., Lackawanna, NY, 14218, charge the above-named respondent, whose address is Attn: County Attorney, Michael Siragusa,95 Franklin St., Room 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, creed, national origin.

Date most recent or continuing discrimination took place is 8/29/2017.

The allegations are:

1. I am Arab-American, Brown, of Yemeni national origin, and Muslim. Because of this, I have been subject to unlawful discriminatory actions which created a hostile work environment.

2. In or around the beginning of May 2017, my direct supervisor Charles Krathaus III spoke to me in a condescending tone with a raised voice, made inappropriate comments, and exhibited threatening and/or intimidating behavior towards me when I and my partners were told that the log book had not been properly filled out. Mr. Krathaus did not treat employees who were not Arab-American, Brown, of Yemeni national origin, and Muslim in this manner.

3. I made an informal complaint of harassment to the respondent's Division of Equal Employment Opportunity (DEEO) in late May 2017 and filed a formal complaint with the DEEO on 07/18/2017.

4. The DEEO informed me of the results of its investigation of my complaint by letter dated 08/29/2017. This letter stated that although I had been subject to a hostile work environment created by the unwelcome conduct by Mr. Krathaus which was "more likely than not" based upon my race/color, national origin, and creed, my complaint would not be accepted for formal investigation by the DEEO.

5. I also complained to the respondent's Department of Personnel that Mr. Krathaus had violated its Workplace Violence Policy during the May 2017 incident. I received a letter dated 01/11/2018 from the that Department's Commissioner, David A. Palmer, which stated that after investigation, he agreed that Charles Krathaus did violate the respondent's Workplace Violence Policy by making inappropriate comments and exhibiting threatening and/or intimidating behavior towards me during the May 2017 incident. I believe the respondent has subjected me to disparate treatment due to my race, color, national origin, and creed (religion).

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, creed, national origin, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

Kaled N. Afif

Kaled N. Afif

STATE OF NEW YORK)
COUNTY OF) SS:

Kaled N. Afif, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.

Kaled N. Afif

Subscribed and sworn to
before me this 26th day
of February, 2018

Signature of Notary Public

Jacqueline K. Costantino
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 7/10/2021

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 1, 2018

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 No. 306 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:	*Fennell, Bobby E. v. ECMC*
Document Received:	Notice of Claim
Name of Claimant:	Bobby E. Fenell 4719 Saunders Settlement Road Lockport, New York 14094
Claimant's attorney:	Derek J. Roller, Esq. Fitzgerald & Roller, P.C. 509 Liberty Building 424 Main Street Buffalo, New York 14202-3505

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

In the Matter of the Claim of
BOBBY E. FENNELL

Claimant

v.

Notice of Claim

ERIE COUNTY MEDICAL CENTER
CORPORATION

Respondent

PLEASE TAKE NOTICE, that Claimant, Bobby E. Fennell ("Claimant"), hereby gives notice of a claim against the Erie County Medical Center Corporation ("ECMC") for damages as a result of acts or omissions of, all as hereinafter set forth.

1. The Claimant is Bobby E. Fennell and his address is 4719 Saunders Settlement Road, Lockport, County of Niagara, State of New York 14094. The Claimant is represented by attorneys Fitzgerald & Roller, P.C., Derek J. Roller, Esq., 424 Main Street, Suite 509, Buffalo, New York 14202, Tel. (716) 852-2000.

2. The nature of the claim is medical malpractice and other negligent acts and omissions as hereinafter set forth.

3. The claim arose on or about November 13, 2017, at ECMC, 462 Grider Street, Buffalo, New York, when Claimant was undergoing surgery for a broken right

femur with Dr. Mark Anders when Dr. Answers negligently left a broken drill bit inside Claimant in the vicinity of the back of the right knee and Dr. Anders negligently failed to remove same from Claimant. Claimant thereafter continued to treat with Dr. Anders through at least January 26, 2018.

4. The items of damage are personal injuries and pain and suffering sustained by Claimant from the time of his surgery at ECMC with Dr. Anders as described above including but not limited to significant pain and sensitivity in the area of the right leg and back of right knee where the drill bit was left inside, weakness and loss of range of motion in the right leg and right knee area, all of which caused restriction and limitation in Claimant's ability to ambulate and engage in activities of daily living, and the items of damages include past and future pain and suffering because of same and include medical expenses that are reasonably likely to be incurred due to reasonable and necessary medical treatment to remove said drill bit and for additional medical care and treatment required therefrom.

Dated: Buffalo, New York
February 27, 2018

Fitzgerald & Roller, P.C.

Derek J. Roller, Esq.
Attorneys for Claimant
509 Liberty Building
424 Main Street
Buffalo, New York 14202
Tel. (716) 852-2000

To: Erie County
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, New York 14202

Erie County Medical Center Corporation
462 Grider Street
Buffalo, New York 14215

VERIFICATION

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

Derek J. Roller, Esq., being duly sworn, deposes and says:

The undersigned, an attorney admitted to practice in the Courts of the State of New York, shows: that deponent is the attorney of record for Claimant; 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 on information and belief, and as to those matters deponent believes it to be true. Deponent further says that the reason this Verification is made by deponent and not by Claimant is that Claimant is not a resident of the County of Erie where deponent has his office.

Derek J. Roller, Esq.

Sworn to before me this
27th day of February, 2018.

Ellen K. Coyle
Notary Public

ELLEN K. COYLE
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01CO6107591
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES APRIL 5, 20 20

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 6, 2018

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 No. 306 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:	*Moorer, Jauinetha v. Buffalo Board of Education, City of Buffalo and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Jauinetha Moorer 81 Siminole Parkway Buffalo, New York 14210
Claimant's attorney:	Richard A. Nicotra, Esq. Andrews, Bernstein, Maranto & Nicotra PLLC 420 Franklin Street 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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

JAUINETHA MOORER,
81 Siminole Parkway
Buffalo, New York 14210,

Claimant,

vs.

BUFFALO BOARD OF EDUCATION
Buffalo Public Schools
712 City Hall
65 Niagara Square
Buffalo, New York 14202,

CITY OF BUFFALO
1100 City Hall
65 Niagara Square
Buffalo, New York 14202,

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202,

Respondents.

NOTICE OF CLAIM

PLEASE TAKE NOTICE, that Claimant, JAUINETHA MOORER, hereby intends to file a claim against the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the COUNTY OF ERIE and in support of said claim states the following:

1. The Post Office address of the Claimant, JAUINETHA MOORER is 81 Siminole Parkway, Buffalo, New York 14210.

2. The attorneys for the Claimants are Andrews, Bernstein, Maranto & Nicotra, PLLC, 420 Franklin Street, Buffalo, New York 14202, Telephone (716) 842-2200.

3. The Claim arose as follows: On December 8, 2017, Claimant JAUINETHA MOORER, was lawfully on the premises of 333 Clinton Street, otherwise known as

Buffalo Public School 187, Buffalo, New York 14204 when she slipped and fell in the parking lot. Upon information and belief, 333 Clinton Street, Buffalo, New York is owned, operated, supervised and maintained by the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and/or the COUNTY OF ERIE.

4. This incident was caused by the negligence, carelessness, and recklessness on the part of the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and/or the COUNTY OF ERIE and/or their agents, servants and/or employees as follows:

a. The Respondent and/or their agents, servants, and/or employees were negligent in failing to maintain the premises in a reasonable and safe condition;

b. The Respondent and/or their agents, servants, and/or employees were negligent in creating and/or maintaining a dangerous and hazardous condition on the premises;

c. The Respondent and/or their agents, servants, and/or employees were negligent in failing to remedy the aforesaid condition;

d. The Respondent and/or their agents, servants, and/or employees were negligent in failing to warn the plaintiff of the dangerous and hazardous conditions in the subject of the premises;

e. The Respondent and/or their agents, servants, and/or employees were negligent in failing to inspect the premises;

f. The Respondent and/or their agents, servants, and/or employees were negligent in failing to take proper measures to correct the dangerous condition in the subject area;

g. The Respondent and/or their agents, servants, and/or employees were negligent in failing to observe the dangerous condition in the

subject area; and

h. The Respondents were otherwise negligent.

5. This claim is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages.

6. By virtue of the negligence, carelessness and recklessness of the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the COUNTY OF ERIE, Claimant, JAUINETHA MOORER, was caused to suffer serious, signification and permanent injuries from this incident, including her right shoulder. Claimant, JAUINETHA MOORER, also suffered other injuries and complications as yet undetermined as a result of this accident, and by reason of the same, Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

7. By virtue of the negligence, carelessness, and recklessness of the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the COUNTY OF ERIE, Claimant has also incurred hospital and medical expenses, loss of income and other necessary related expenses, the amount of which is undetermined to date.

WHEREFORE, Claimant requests that the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the COUNTY OF ERIE compensate Claimant, JAUINETHA MOORER, for her injuries.

Dated: Buffalo, New York
February 14. 2018

Yours, etc.,

By: _____

Richard A. Nicotra, Esq.
ANDREWS, BERNSTEIN & MARANTO, LLP
Attorney for the Plaintiff
420 Franklin Street
Buffalo, New York 14202
(716) 842-2200

VERIFICATION

STATE OF NEW YORK :
COUNTY OF ERIE : ss.
CITY OF BUFFALO :

JAUINETHA MOORER, for herself being duly sworn, deposes and says that she is the Claimant in this action, that she has read the foregoing Notice of Claim in this action and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, she believes them to be true.

Jauinetha Moorer
JAUINETHA MOORER

Sworn to before me this 20th
day of February, 2018

Notary Public

JANINE C. SMITH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires February 3, 2022

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 8, 2018

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 No. 306 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:	*Woods, Sasha v. ECC and COE*
Document Received:	Notice of Claim
Name of Claimant:	Sasha Woods 95 Blum Street Buffalo, New York 14216
Claimant's attorney:	David J. Wolff, Esq. Law Office of Mark H. Cantor, LLC 43 Court Street, Suite 930 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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

IN THE MATTER OF THE CLAIM OF:

SASHA WOODS,

Claimant,

NOTICE OF CLAIM

vs.

COUNTY OF ERIE,
SUNY ERIE COMMUNITY COLLEGE,
ERIE COMMUNITY COLLEGE BOARD OF TRUSTEES,
DAN HOCOY, PH.D.

Respondent.

TO: SUNY ERIE COMMUNITY COLLEGE
ERIE COMMUNITY COLLEGE BOARD OF TRUSTEES,
DAN HOCOY, PH.D.
121 Ellicott St.
Buffalo, NY 14203

COUNTY OF ERIE
Attn: Erie County Department of Law
69 Delaware Ave. #300
Buffalo, NY 14202

PLEASE TAKE NOTICE, that the above-named Claimant, by and through her attorneys, Law Office of Mark H. Cantor, LLC, 43 Court Street, Suite 930, Buffalo, New York 14202, hereby makes a claim against the COUNTY OF ERIE, SUNY ERIE COMMUNITY COLLEGE, ERIE COMMUNITY COLLEGE BOARD OF TRUSTEES, and DAN HOCOY, PH.D. as follows:

1. Claimant's full name is SASHA WOODS and her date of birth is 12/20/88.

2. The Claimant resides at 95 Blum St. Buffalo, NY 14216.

3. That on February 7, 2018 at approximately 12:30 p.m., the Claimant was caused to fall in the sidewalk/walking path at the base of the stairs located in front of the "Post" building on the ECC City campus located at 121 Ellicott St., Buffalo, NY 14203 due to the defective icy condition of the sidewalk/walking path at the base of the stairs. I have attached a photograph of the location where claimant fell in the sidewalk/walking path at the base of the stairs.

4. That the incident described above was caused through the negligence of the COUNTY OF ERIE, SUNY ERIE COMMUNITY COLLEGE, ERIE COMMUNITY COLLEGE BOARD OF TRUSTEES, and DAN HOCOY, PH.D., (or through its agents, servants, or employees), in that the COUNTY OF ERIE, SUNY ERIE COMMUNITY COLLEGE, ERIE COMMUNITY COLLEGE BOARD OF TRUSTEES, and DAN HOCOY, PH.D. did not take all adequate, reasonable, and necessary steps to provide for the safety of the Claimant. That specifically, the above named Respondents, its agents, servants, or employees were careless, negligent, and reckless in allowing the sidewalk/walking path at the base of the stairs located in front of the "Post" building to remain in a hazardous condition; that the above named Respondents knew or should have known of the defective icy condition of the sidewalk/walking path at the base of the stairs, which is hazardous and dangerous for pedestrians walking in that vicinity; in failing to properly care for and maintain said sidewalk/walking path at the base of the stairs so as to keep the same in a proper and safe condition for travel therein; by failing to properly inspect said sidewalk/walking path at the base of the stairs; by allowing a dangerous condition to exist in said sidewalk/walking path at the base of the stairs knowing that pedestrians, such as the Claimant, would be using the same to travel therein; by failing to provide adequate safeguards for the protection of the Claimant; by failing to take any and all steps to

warn pedestrians of the dangerous condition located on the sidewalk/walking path at the base of the stairs; by failing to use reasonable care to protect pedestrians known to use said sidewalk/walking path at the base of the stairs, thereby rectifying said dangerous condition which had existed for a considerable length of time prior to the Claimant's fall and which the condition had been known or should have been known to the above named respondents, its agents, servants, or employees, for some time prior to the fall; and remedy the condition prior to the Claimant's fall.

5. That as a result of this fall, the Claimant sustained serious permanent injuries, which included an injury to her ankle (fibula fracture) requiring a surgery.

6. That the Claimant has incurred various medical expenses and is continuing to treat with her physicians.

7. That the Claimant, SASHA WOODS, hereby makes a claim against the COUNTY OF ERIE, SUNY ERIE COMMUNITY COLLEGE, ERIE COMMUNITY COLLEGE BOARD OF TRUSTEES, and DAN HOCOY, PH.D. for her personal injuries and permanency incurred as a result of her injuries, for her past and future pain and suffering, and for all of the medical expenses that have been incurred, and for future expenses that will be incurred.

8. The Claimant respectfully reserves the right to amend this Notice of Claim if necessary.

PLEASE TAKE NOTICE, that in the event the Respondent fails to resolve this matter, the Claimant intends to commence an action in the Supreme Court of the State of New York, County of Erie, to recover damages in an amount which is currently undetermined, together with

the costs and disbursements of this action and for such other and further relief as the Court deems just and proper.

Dated: February 20, 2018
Buffalo, NY

David J. Wolff, Jr., Esq.
Law Office of Mark H. Cantor LLC
Attorneys for Claimant
43 Court Street, Suite 930
Buffalo, New York 14202
(716) 848-8000

VERIFICATION

SASHA WOODS, being duly sworn deposes and says:

That she is the Claimant in this action; that she has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

Sasha Woods

SASHA WOODS

Sworn to before me this 1
day of March, 2018

Notary Public

David J. Wolff
Notary Public - State of New York
No. 02W06320519
Qualified in Erie County
My Commission Expires March 8, 2018

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 13, 2018

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 No. 306 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:	*McCullough, Shandell L. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Shandell L. McCullough 92 MacBeth Street Rochester, New York 14609
Claimant's attorney:	Claimant is *pro se*.

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
Michelle.Parker@erie.gov

MMP:dld

Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of

SHANDELL L. MCCULLOUGH

- against-

☐ Village ☐ Town ☐ City ☒ County of

ERIE

NOTICE OF CLAIM

TO: ☐ Village ☐ Town ☐ City ☒ County of ERIE

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against you as follows:

1. The name and post-office address of the claimant and of his/her attorney is:

Claimant	Claimant's Attorney
SHANDELL L. MCCULLOUGH, PRO SE 92 MACBETH STREET ROCHESTER NY 14609	

2. The nature of the claim:

Negligence by County of Erie

3. The time when, the place where and the manner in which the claim arose: The incident occurred on December 10, 2017, at or about 4:30 ☐ a.m. ☒ p.m.,

I was volunteering at New Era Field. I slipped and fell outside of stand 121. I was not able to stand and taken to the medical room. The doctor informed me I had broken my leg and I was taken by ambulance to ECMC where xrays confirmed broken Fibula & Tibia

4. The items of damage or injuries claimed are:

My right leg. The fibula&tibia were broken. I now I have a metal rod and 3 pins in place of those broken bones.

That said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: March 7, 2018
Rochester, New York

Shandell L. McCullough
Signature

Shandell L. McCullough
Print Name

STATE OF NEW YORK)
) ss.:
COUNTY OF Monroe)

I, Shandell L. McCullough, am the Claimant in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Shandell L. McCullough
Signature

Sworn to before me on this 7
day of March, 2018.

Katharine A Bliss
Notary Public

KATHARINE A BLISS
NOTARY PUBLIC STATE OF NEW YORK
Registration No. 01BL6357061
Qualified in Monroe County
Commission Expires April 10, 2021

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 19, 2018

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 No. 306 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:	*Kent, Dawn, Timothy and Kayla v. County of Erie, Village of Depew, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Dawn, Timothy & Kayla Kent 40 Fernott Street Elma, New York 14086
Claimant's attorney:	Emily P. Trott, Esq. 70 Niagara Street, Suite 210 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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

This paper received at the Erie County Attorney's Office from Jacqueline Bolikowski the 20th day of Feb, 2018 at 1:53 a.m./p.m.
Assistant County Attorney

NOTICE OF CLAIM

In the Matter of the Claim of

DAWN KENT, individually, TIMOTHY KENT, Individually, DAWN KENT, as The Wife of TIMOTHY KENT, and TIMOTHY KENT as Husband of DAWN KENT, And KAYLA KENT, a minor under the age of 18 through her parents and natural guardians DAWN KENT and TIMOTHY KENT,

Claimants,

-against-

County of Erie, Village of Depew, Village of Depew Police, Town of Lancaster, Lancaster Police Department, PO Shawn Dimino, PO David M. Oun, John Doe Police Officer #1, the name presently being unknown to complainants, and John Doe police officer #2, (the names being presently unknown to Complainants),

Respondents.

PLEASE TAKE NOTICE that the claimants herein, Dawn Kent, individually, Timothy Kent, Individually, Dawn Kent and Timothy Kent, as husband and wife, and Dawn Kent and Timothy Kent, as parents and natural guardians of Kayla Kent, a minor under the age of eighteen (18), accuse the respondents herein named of Negligence, Recklessness, Conscious Pain and Suffering, Emotional Distress, Pain and Suffering, Loss of Consortium, Loss of Services, Loss of Income, and other acts of malfeasance, sustained by the Claimants by reason of the wrongful, negligent, reckless, intentional and/or careless acts and omissions on the part of the Respondents herein, as well as its agents, servants and/or employees, and in support of same, Claimants set forth the following:

1. Claimants, and each of them reside at 40 Fernott Street, in the Town of Elma, New York 14086 located in the County of Erie.

2. Claimants' attorney is Emily Trot, Esq., with a mailing address of 70 Niagara Street, Suite 210, Buffalo, New York 14202 located in the

County of Erie. Co-counsel will be later designated.

3. Nature of Claim:

   a. This claim of Timothy Kent is one for money damages for personal injuries, pain and suffering, medical costs, loss of enjoyment of life, loss of consortium, consequential damages and other losses sustained as a result of the reckless, negligent and improper conduct of County of Erie, Village of Depew, Depew Village Police Dept., Town of Lancaster, Lancaster Police Department, its agents servants and employees, including but not limited to PO David Oun and PO Shawn Dimino, John Doe PO #1 and John Doe PO #2, (identities presently unknown to Claimants), said conduct arising from conduct on or about November 22, 2017, in the Towns of Lancaster and Town of Elma and in the Village of Depew in the County of Erie and State of New York.

   b. The Claim of DAWN KENT is one for loss of enjoyment of life, loss of spousal affection/consortium, consequential damages and other losses sustained as a result of the reckless, negligent and improper conduct of County of Erie, Village of Depew, Depew Village Police Department, Town of Lancaster, Lancaster Police Department, its agents servants and employees, including but not limited to PO David Oun and PO Shawn Dimino, John Doe PO #1 and John Doe PO #2, (identities presently unknown to Claimants), said conduct arising from conduct on or about November 22, 2017, in the Towns of Lancaster and Elma, and the Village of Depew in the County of Erie and State of New York.

   c. The claim of KAYLA KENT, a minor under the age of 18, by her parents and natural guardians is for emotional distress, consequential damages and other losses sustained as a result of the recklessness, negligence, carelessness and otherwise imprudent conduct of The County of Erie, Village of Depew, Depew Village Police Department, Town of Lancaster, the Lancaster Police Department, its agents servants and employees, including but not limited to PO David Oun and PO Shawn Dimino, John Doe PO #1 and John Doe PO #2, (identities presently unknown to Claimants),

said conduct arising from conduct on or about November 22, 2017, in the Village of Depew and the Town of Lancaster in the County of Erie and State of New York.

d. That the proximate and contributing causes of the named Claimants' injuries outlined herein are the actions, omissions and intentional, reckless, careless and negligent conduct of the County of Erie, Village of Depew, Depew Village Police Dept., Town of Lancaster, Lancaster Police Department, PO Shawn Dimino, PO David M. Oun, and other officers including but not limited to John Doe PO #1 and John Doe PO #2, (identities presently unknown to Claimants).

4. The place of the incident began in the Village of Depew and continued to the Town of Lancaster in the Broadway and Bowen area, where the claimants were chased by an individual in a black tinted truck. Upon information and belief, that individual is believed to be a Depew or Lancaster Police Officer. Said unknown individual followed the claimants Timothy Kent and the minor child, Kayla Kent as they were driving home in a negligent and reckless manner, driving behind and claimants' vehicle in a dangerous manner, nearly causing the claimant to crash his vehicle by driving off the road with his daughter, Kayla Kent in the front seat; That the harrowing events began before the claimant, Timothy Kent had just picked his daughter up from a friend's house in Depew, and was driving home when these acts began, said conduct continued near Broadway and Bowen streets in the town of Lancaster. To end the encounter, claimant TIMOTHY KENT pulled into a gas station, and then a veterinarian clinic and allowed the vehicle to drive on.

a. The Complainant arrived at his home. Some ten to twenty minutes later at the complainants' home at 40 Fernott, in the Town of Elma, Lancaster police officers crossed into Elma to pursue an alleged claim of a "suspicious vehicle."

b. That both officers DIMONO and OUN are members of the Lancaster Police Department in the Town of Lancaster, County of Erie.

c. Upon information and belief, the "tip" regarding a suspicious vehicle began in the Village of Depew.

d. That Lancaster police responded to this suspicious vehicle call by stealthily entering the private property and homestead of the Kent Family at 49 Fernott, Elma, New York, and set off a driveway alarm which caused the claimant TIMOTHY KENT to fear that the family was again being terrorized.

e. That the Lancaster Police entered the Kent Family Homestead without sufficient legal cause or justification, and failed to turn on any police lights, sirens or other clear or sufficient official Law Enforcement identification equipment, instead approaching under cover of darkness at approximately 9:50 p.m., which is negligent and reckless under the circumstances there and then present.

f. That as a result of the triggered alarm and the inability to see the persons approaching in the darkness, claimant Timothy Kent retrieved his lawfully registered handgun, stood on his porch and demanded that the trespassers identify themselves.

g. That thereafter, Timothy Kent, while still on his porch, upon one of the officers illuminating the police car lettering with a flashlight, put down his gun down, and put his hands over his head as directed. The officers stormed the porch, demanded to see the claimant's permit and walked inside the home.

h. The claimant and the claimant's wife attempted to ascertain the reason the police were arresting Mr. Kent, since the officers had failed to sufficiently and adequately identify themselves or announce their presence through any official means, such as activating a siren, bar light or intermittent headlights. That the darkness of the driveway, and the placement of the vehicles outside the circle of the home's interior lights rendered claimant's identification of the men as police officials impossible. That in so failing to act, the officers were negligent in failing to identify themselves as police given the conditions then and there existing.

i. That the Claimant, DAWN KENT, is fully familiar with police protocol and procedure, as a Captain in the Buffalo Police Department: Professional Standards Division at the time this occurred and has served the community proudly for many years.

j. That without advising the Complaint TIMOTHY KENT of the nature of the charge(s) and the reason for the arrest, the respondent officers arrested the unarmed and already subdued Claimant, TIMOTHY KENT. The complainant is 50 years old, and a law abiding citizen, who has never been the subject of an arrest, investigation, or even inquiry by police. Mr. Kent is a lawful permit holder, and said permit was produced for the officers by claimant's wife, DAWN KENT, after Mr. Kent had been handcuffed with his hands behind his back and was being guarded by O. Dimino.

k. That during the course of the arrest, while the Claimant Timothy Kent was cuffed and compliant, O. Dimino forcefully shoved MR. KENT into his patrol car and then forcibly pushed him to his knees. That the forceful shove into the police car caused pain and bruising to Mr. Kent's shoulder and hip. That the shove to the ground caused a fracture to the Claimant's knee. That said actions of O. Dimino were the direct cause of the personal injury to the Claimant's shoulder, hip and knee, consisting of a fracture, great pain, and swelling and bruising.

l. That O. Oun did nothing to stop the abusive conduct of O. Dimino, and merely watched as the Claimant Timothy Kent, helpless and terrified was forcibly shoved into the car and onto to the ground by O. Dimino. That O. Dimino's conduct was the direct cause of TIMOTHY KENT's injuries which caused Mr. KENT to cry out in pain.

m. Neither officer offered nor provided access to medical attention after the Claimant was injured, said injury being a direct cause or Claimant's knee injury, shoulder injury, bruising, swelling and personal injury, among other things.

n. That the actions of the arresting officers constituted excessive force, assault, intentional misconduct, recklessness, negligence, misfeasance and malfeasance, among other things, and are the proximate and direct cause of the Claimants' losses as set forth herein.

o. That the claimant is free from all negligence and all fault for the injury to his knee , shoulder and hip by virtue of the use of excessive force, misconduct, assaultive conduct, complicity, malfeasance, misfeasance and negligence of the named officers herein.

p. That Claimant's wife and minor daughter were present at the time the injuries were inflicted and witnessed the actions which are the direct cause of plaintiff's injuries and can attest that at the time Mr. Kent was forcefully pushed into the car and onto the ground, he was absolutely compliant with the officers, standing at the patrol car with hands cuffed behind him in his pajamas.

q. The plaintiff, has sought medical attention for his knee from two physicians, and may have to undergo surgical intervention to repair the fracture. The extent of the injury and the required treatment are unknown to the claimant at this time as treatment is ongoing. That the shoulder injury has not yet resolved and may need additional treatment.

r. Additionally, since the occurrences set forth herein, the Claimant has also suffered panic attacks, pain suffering, loss of enjoyment of life, loss of consortium, and is afraid of further police abuse. Since the time of this occurrence, the Complainant TIMOTHY KENT rarely leaves the house without another party present with him. He is no longer able to function as a father and husband, as a direct result of this incident and the terror it caused him to suffer.

5. That the County of Erie, Village of Depew, Depew Village Police Department, Town of Lancaster and the Town of Lancaster Police

Department are negligent in their failure to ensure that officers in their employ are properly and sufficiently trained so that they follow police procedures, obey police rules, and do not intentionally or negligently cause injury to the people they are sworn to protect and serve; failing to ensure that their officers are properly trained to activate lights and/sirens under conditions which necessitate their use; and failure to properly train the officers to exercise professional conduct at all times, among other things, and that said negligence, carelessness and recklessness is a proximate cause of the injuries sustained herein.

6. That as a result of the negligence, carelessness and recklessness of the County of Erie, Village of Depew, Depew Village Police Department, Town of Lancaster, Lancaster Police Department, O. Shawn Dimino, O. David Oun, John Doe Police Officer #1, and John Doe Police Officer #2, (identities presently unknown to Claimants), the claimant DAWN KENT has suffered extreme emotional distress, loss of enjoyment of life and loss of consortium.

7. That as a result of the negligence, carelessness and recklessness of the County of Erie, Village of Depew, Depew Village Police Department, Town of Lancaster, Lancaster Police Department, O. Dimino, O. Oun, John Doe Police Officer #1 and John Doe Police Officer #2, (identities presently unknown to Claimants), the minor claimant KAYLA KENT suffers emotional distress, loss of enjoyment of life, suffers from sleep deprivation and nightmares, and is now fearful of police, among other things.

8. That the amount of damages cannot be calculated at this time, as treatment is ongoing.

9. This notice is made and served on behalf of Claimants in compliance with the provisions of Section 50-e of the General Municipal Law and such other laws and statutes as may be relevant to this matter.

10. That as a result of the foregoing, the claimant, TIMOTHY KENT sustained serious injury and will seek damages for pain, mental and emotional suffering – (past and future), medical expenses past and future,

as set forth above if the claim is not adjusted and paid; That the claimant, DAWN KENT intends to commence an action for loss of services and consortium (both past and future) as set forth herein; and that the claimant intends to commence an action for emotional distress, both independently and as a result of the loss of parental affection (both past and future) as set forth herein.

WHEREFORE, the claimants, TIMOTHY KENT and DAWN KENT, individually and as husband and wife, and the minor claimant, KAYLA KENT, through her parents and natural guardians herein, demand that their claims be allowed and paid by the County of Erie, Village of Depew, Depew Village Police Department, Town of Lancaster, Lancaster Police Department, O. Shawn Dimino, O. David Oun, John Doe Police officer #1 and John Doe police officer #2, (the identities of the officers being presently unknown by claimants) within thirty (30) days from the date of service of this Notice Of Claim. Failure to resolve, adjust or pay said claim will result in an action being filed in Supreme Court of the County of Erie in an amount that exceeds the jurisdictional limits of all other local courts, together with interests, costs and disbursements.

Dated: Buffalo, New York
February 19, 2018

Respectfully,

Emily Trott, Esq.
Attorney for Claimants
Address and PO Box:
70 Niagara Street – Suite 210
Buffalo, New York 14202
Tel. No. 716/ 362-1148
Fax. No. 716/ 362-1150

TO: County of Erie
Law Department
Village of Depew
Depew Village Police Department
Town Of Lancaster
Lancaster Police Department
O. Shawn Dimino
O. David Oun
PO John Doe #1
PO John Doe #2

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY OF /TOWN OF

TIMOTHY KENT, being duly sworn, deposes and says: that deponent is one of the Claimants 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 the matters therein stated to be alleged on information and belief, and that as to those matters the deponent believes it to be true.

TIMOTHY KENT

Sworn to before me this
20th day of February, 2018

Linda Ann Koteras

LINDA ANN KOTERAS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/30/2021

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY /Town of

DAWN KENT, being duly sworn, deposes and says: that deponent is one of the Claimants 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 the matters therein stated to be alleged on information and belief, and that as to those matters the deponent believes it to be true.

Dawn Kent
DAWN KENT

Sworn to before me this
20th day of February, 2018

Linda Ann Koteras

LINDA ANN KOTERAS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/30/2021

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY OF/TOWN OF

KAYLA KENT, a minor under the age of 18, by her parent and Natural Guardian, DAWN KENT, being duly sworn, deposes and says: that deponent is one of the Claimants 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 the matters therein stated to be alleged on information and belief, and that as to those matters the deponent believes it to be true.

Dawn Kent

Dawn Kent as parent and NG of KAYLA KENT

Sworn to before me this
20th day of February, 2018

Linda Ann Koteras

LINDA ANN KOTERAS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/30/2021

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 23, 2018

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 No. 306 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:	*NFTA as subrogee of Mendez, Josue v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	NFTA for Josue Mendez
Claimant's attorney:	Deanna Guest, Manager, Workers' Compensation Niagara Frontier Transportation Authority 181 Ellicott Street Buffalo, New York 14203

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

Niagara Frontier Transportation Authority
Serving the Niagara Region

March 16, 2018

Mr. Michael Siragusa, Esq.
Erie County Attorney
95 Franklin Street
Buffalo, NY 14202

Re: Notice of Claim – Niagara Frontier Transportation Authority Injury

Dear Mr. Siragusa,

In response to an employee injury that occurred as a result of defective road conditions on McKinley Parkway in Blasdell, NY please be advised that the Niagara Frontier Transportation Authority (NFTA) is placing you on notice for the below captioned incident.

- Josue Mendez DOL 2/17/18 at 6:40 pm after hitting potholes on McKinley Parkway near Ross Jewelers and TGI Fridays Blasdell, NY causing back injury.

It is our intention to pursue recovery of our loss directly with Erie County for any payments made under the Workers' Compensation Law. It would be our recommendation that you promptly report this to your general liability carrier.

Thank you for your attention to this matter. Should you have any questions, or would like to discuss this matter, please call me at 855-7684.

Very truly yours,

Deanna Guest
Manager, Workers' Compensation

RECEIVED
MAR 21 2018
ERIE COUNTY
DEPARTMENT OF LAW

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 23, 2018

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 No. 306 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:	*Mapps, Jonathan v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Jonathan Mapps 525 Winslow Avenue Buffalo, New York 14211
Claimant's attorney:	Alice A. Troy, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

This paper received at the
Erie County Attorney's Office
from Marjie Geising on
the 22 day of March, 2018
at 2:25 a.m./p.m.
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

JONATHAN MAPPS
525 Winslow Avenue
Buffalo, New York 14211

Claimant,

-against-

ERIE COUNTY
Attention County Attorney
95 Franklin Street - Rm 1634
Buffalo, New York 14202

Respondent.

NOTICE OF CLAIM

PLEASE TAKE NOTICE that **JONATHAN MAPPS**, hereby makes claim against **ERIE COUNTY** and in support thereof Claimant alleges:

1. That the undersigned Claimant, JONATHAN MAPPS, residing at 525 Winslow Avenue, Buffalo, NY 14211, by and through his attorneys, ALICE A. TROY and WILLIAM K. MATTAR, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against COUNTY OF ERIE, for personal injuries, pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, medical expenses, and property damages sustained by claimant JONATHAN MAPPS.

2. That the said injuries were sustained by JONATHAN MAPPS on January 9, 2018 closely before the intersection of E. Ferry and Kehr in the CITY OF BUFFALO and COUNTY OF ERIE at approximately 4:22 PM. JONATHAN MAPPS was caused to sustain injuries to left leg when as a pedestrian, he was walking eastbound heading to make a right on to

Kehr, when he was struck by a vehicle while walking on the shoulder of the road before an abandoned building at E. Ferry and Kehr, as the sidewalks were not plowed. Despite the fact that there was very large accumulations of snow on the sidewalk the sidewalks had not been plowed. Said sidewalk is owned, inspected, controlled, and maintained by the CITY OF BUFFALO and/or the COUNTY OF ERIE.

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, JONATHAN MAPPS, by the CITY OF BUFFALO and/or the COUNTY OF ERIE, their servants, agents or employees in failing to clear the sidewalk for safe passage, in failing to provide a safe roadway for transit, despite the fact that there was a large accumulation of snow on the sidewalk.

4. That the aforesaid CITY OF BUFFALO and/or COUNTY OF ERIE by and through their 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, JONATHAN MAPPS, sustained very serious injuries, including a fractured left leg which required surgery. Some of these injuries will be of a permanent or indefinite duration, and Claimant, JONATHAN MAPPS, 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/or the COUNTY OF ERIE and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, JONATHAN MAPPS requests that her claim be allowed and paid by the Respondents, and each of them.

PLEASE TAKE FURTHER NOTICE that unless said claim is paid and adjusted by the Respondents and each of them within thirty (30) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against the CITY OF BUFFALO and the COUNTY OF ERIE for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
March 13, 2018

Alice A. Troy, Esq.
WILLIAM MATTAR, P.C.
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

JONATHAN MAPPS, being duly sworn, deposes and says 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.

JONATHAN MAPPS

Sworn to before me this
13th day of March, 2018

Notary Public

ALICE A. TROY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02TR6345919
Qualified in Erie County
Commission Expires August 1, 2020

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 5, 2018

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 No. 306 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:	*Jones, Phillip v. ECC*
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Phillip Jones 40 Lasalle Avenue Buffalo, New York 14214
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 Parker
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 520-2017-03064

New York State Division Of Human Rights and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.): Mr. Phillip Jones

Home Phone (Incl. Area Code): (716) 228-5565

Date of Birth:

Street Address: 40 Lasalle Avenue, Buffalo, NY 14214

City, State and ZIP Code:

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name: ERIE COMMUNITY COLLEGE

No. Employees, Members: 500 or More

Phone No. (Include Area Code): (716) 851-1322

Street Address: 4140 Southwestern Boulevard, Orchard Park, NY 14127

City, State and ZIP Code:

Name:

No. Employees, Members:

Phone No. (Include Area Code):

Street Address:

City, State and ZIP Code:

RECEIVED MAR 06 2018 E.E.O.C. BUFFALO

DISCRIMINATION BASED ON (Check appropriate box(es).)

[ ] RACE [ ] COLOR [X] SEX [ ] RELIGION [ ] NATIONAL ORIGIN

[X] RETALIATION [ ] AGE [ ] DISABILITY [ ] GENETIC INFORMATION

[ ] OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: 03-02-2017 Latest: 03-02-2017

[ ] CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a male. I have worked for Respondent since 2009. On or about May 28, 2015, I filed EEOC Charge of Discrimination 525-2015-00618 alleging gender/sexual orientation discrimination. I believe that I continue being discriminated because of my sexual orientation and for having filed a previous charge of discrimination.

I have been subjected to a pattern of retaliatory actions. The most recent discriminatory actions occurred in October 2016 when I was not promoted to the position of Full-Time Biology Instructor. I was more experienced than the individual selected. On or about January 2017, I received an unfair peer review (from Yolanda Lugo, the wife of the individual selected for the FT Biology Instructor position.) In April 2017, I was denied another promotion to Full-Time Biology Instructor. Mrs. Lugo was part of the hiring committee. Upon information and belief, she was aware that I filed a discrimination charge against Respondent.

I believe that I have been discriminated against because of my gender/male and my sexual orientation, and in retaliation for having filed a previous charge of discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

03/06/2018 — Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 6, 2018

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 No. 306 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:	*Leddick, Edward J., Jr. v. ECMCC and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Edward J. Leddick, Jr. 161 Clover Place Cheektowaga, New York 14225
Claimant's attorney:	Shawn W. Carey, Esq. The Carey Firm, LLC 1730 Grand Island Boulevard Grand Island, New York 14072

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

STATE OF NEW YORK
SUPREME COURT :: COUNTY OF ERIE

This paper received at the
Erie County Attorney's Office
from Karen Turner on
the 28 day of March, 2019
at 4:27 a.m./p.m.
Assistant County Attorney

In the Matter of the Claim of

EDWARD J. LEDDICK, JR.

Claimant

NOTICE OF CLAIM

against

ERIE COUNTY MEDICAL CENTER CORPORATION

and

COUNTY OF ERIE

Respondents

TO: ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

MICHAEL P. KEARNS, ERIE COUNTY CLERK
92 Franklin Street
Buffalo, New York 14202

MICHAEL A. SIRAGUSA, ERIE COUNTY ATTORNEY
Department of Law
95 Franklin Street, Rm. 1634
Buffalo, New York 14202

PLEASE TAKE NOTICE, that the Claimant, EDWARD J. LEDDICK, JR., by and through his attorneys, THE CAREY FIRM, LLC, and/or SHAWN W. CAREY, ESQ., in accordance with the requirements of the New York General Municipal Law §50-e, states, claims and demands against the Respondents, ERIE COUNTY MEDICAL CENTER CORPORATION [hereinafter "ECMCCC"] and the COUNTY OF ERIE [hereinafter the "County"], the following:

1. The post office address of Edward J. Leddick, Jr. is 161 Clover Place, Cheektowaga,

New York 14225.

2. The office/ post office address of the claimant's attorneys is The Carey Firm, LLC, 1730 Grand Island Blvd., Grand Island, New York 14072. The telephone number is 716-773-3304.

3. This claim arises from the negligent acts or omissions and the medical malpractice of ECMCC, its agents, servants and/or employees during and/or after right ankle surgery performed on the Claimant at Erie County Medical Center [hereinafter "ECMC"] on December 29, 2017.

4. Upon information and belief, on December 29, 2017, Claimant was scheduled for and received open reduction and internal fixation of a right lateral malleolus fracture at ECMC, a hospital facility in Buffalo, New York owned and operated by ECMCC. **(See operative report attached hereto as Exhibit A).**

5. Upon information and belief, on January 11, 2018, Claimant was scheduled for his first post-operative visit for cast and suture removal at ECMC's Department of Orthopedics. **(See photographs attached hereto as Exhibit B).**

6. Upon information and belief, on February 5, 2018, Claimant's significant other emailed ECMC's Department of Orthopedics office with concerns to be addressed at Claimant's next post-operative appointment scheduled for February 8, 2018. In response to said email, Claimant was advised to immediately go to ECMC's Emergency Department for treatment. **(See email & medical record of February 5, 2018 attached hereto as Exhibit C).**

7. Upon information and belief, on February 8, 2018, Claimant attended his six-week post-operative visit at ECMC's Department of Orthopedics. **(See medical report dated February 8, 2018 and progressive wound photographs attached hereto as Exhibit D).**

8. Upon information and belief, Claimant was then scheduled to return for another evaluation on March 8, 2018. In the time between February 8th and March 8th,

Claimant's right ankle wound was still not healing properly and he decided to seek treatment with a wound care specialist.

9. Claimant treated February 23 and March 9, 2018 with Lee Ruotsi, M.D., at the Advanced Wound Healing Center located at 2625 Harlem Rd., Ste. 120, Cheektowaga, New York 14225 for treatment of his surgical wound issues and learned Claimant's surgical wound was extensively infected.

10. By reason of the negligence and medical malpractice of ECMCC, its agents, servants and/or employees, the Claimant underwent a unnecessarily protracted period of excruciating pain and suffering from the inadequate closure of Claimant's post-surgical wound and protracted healing, infection and scarring of same as a result of the negligent acts and omissions in performing the open reduction and internal fixation of the right lateral malleolus fracture on December 29, 2017, in the process of wound closure and post-surgical wound care and treatment of same.

11. By reason of the forgoing, the Claimant sustained damages in an amount which may not be set forth in this notice pursuant to Gen. Mun. Law §50-e (2).

12. This claim accrued on and after the 29th day of December, 2017 and this Notice is served within 90 days thereof.

WHEREFORE, Claimant respectfully requests this claim be allowed and paid by ECMCC and/or the COUNTY OF ERIE.

DATED: March 28, 2018
Grand Island, New York

SHAWN W. CAREY, ESQ.
THE CAREY FIRM, LLC
Attorneys for Claimant
1730 Grand Island Blvd.
Grand Island, New York 14072
(716)773-3304
(716) 773-3307

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

EDWARD J. LEDDICK, JR., being duly sworn, deposes and says that he is the Claimant above named; he has read the foregoing Notice of Claim and knows the contents thereof; the same is true to the knowledge of the Claimant except for matters alleged to be upon information and belief, and as to those matters, he believes them to be true.

EDWARD J. LEDDICK, JR.

Sworn to before me this
28th day of March, 2018

Notary Public

SHAWN W. CAREY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Mar. 24, 20 19

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

KAREN L. TURNER, being duly sworn, deposes and says:

1. I am not a party to this action, am 18 years of age or older, and reside at Cheektowaga, New York.

2. On March 28, 2018, I served a true copy of the annexed Plaintiff's Notice of Claim, by hand delivering the papers, addressed to the following addresses, which are designated by the addressees for the purpose or, if none is designated, which are the last known addresses of the addressees:

ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

MICHAEL P. KEARNS, ERIE COUNTY CLERK
92 Franklin Street
Buffalo, New York 14202

MICHAEL A. SIRAGUSA, ERIE COUNTY ATTORNEY
Department of Law
95 Franklin Street, Rm. 1634
Buffalo, New York 14202

KAREN L. TURNER

Sworn to before me this
28th day of March, 2018

Notary Public

SHAWN W. CAREY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Mar. 24, 20 19

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 6, 2018

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 No. 306 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:	*Darrell, Drew A. v. City of Buffalo, NFTA and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Darrell A. Drew 52 Jones Street Buffalo, New York 14206
Claimant's attorney:	Steven J. Schrader, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

New file

This paper received at the
Erie County Attorney's Office
from Monique Geisinger on
the 3rd day of April, 2018
at 2:25 a.m./p.m.
Michelle Parker
First Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

DARRELL A. DREW
52 Jones Street
Buffalo, NY 14206

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
50 Delaware Avenue
Buffalo, NY 14202

COUNTY OF ERIE
95 Franklin St, Room 1634
Buffalo, NY 14202

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
181 Ellicott Square
Buffalo, New York 14203

NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
181 Ellicott Street
Buffalo, New York 14203

Respondents.

PLEASE TAKE NOTICE that **DARRELL A. DREW**, hereby makes claim against the **CITY OF BUFFALO**, the **COUNTY OF ERIE**, and the **NIAGARA FRONTIER TRANSPORTATION AUTHORITY** and in support thereof Claimant alleges:

1. That the undersigned Claimant, **DARRELL A. DREW**, residing at 52 Jones Street, Buffalo, NY 14206, by and through his attorney, STEVEN J. SCHRADER, Esq., associate with

TRANSPORTATION AUTHORITY, for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by Cliamant, **DARRELL A. DREW**.

2. That the said injuries were sustained by **DARRELL A. DREW** on January 17, 2018, on Court Street, near its intersection with Main Street in the **CITY OF BUFFALO, COUNTY OF ERIE**, State of New York, between the times of 12:30 p.m. and 3:30 p.m., when the Claimant **DARRELL A DREW** slipped on ice located on a sidewalk at a **NIAGARA FRONTIER TRANSPORTATION AUTHORITY** bus stop, resulting in **DARRELL A. DREW** falling, resulting in damages and injuries. Photographs showing the area surrounding and the location of the slip and fall that forms the basis for this claim are attached as **ExhibitA**.

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, **DARRELL A. DREW,** by the **CITY OF BUFFALO**, the **COUNTY OF ERIE**, and the **NIAGARA FRONTIER TRANSPORTATION AUTHORITY** for their negligent design, construction, maintenance of the sidewalk at Court Street, near its intersection with Main Street, Buffalo, New York; in failing to provide a safe location to transit; in improperly designing the sidewalk; in improperly constructing the sidewalk; and in improperly maintaining the sidewalk; along with the other acts of negligence, carelessness, and recklessness.

4. That the aforesaid **CITY OF BUFFALO, COUNTY OF ERIE,** and **NIAGARA FRONTIER TRANSPORTATION AUTHORITY** by and through their agents, servants, and employees had actual or constructive notice of the dangerous condition and hazard caused by the aforementioned defect.

5. That as a result of the foregoing, the Claimant, **DARRELL A. DREW**, sustained very serious injuries, including shoulder injuries, among other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, **DARRELL A. DREW,** 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**, the **COUNTY OF ERIE**, and the **NIAGARA FRONTIER TRANSPORTATION AUTHORITY** and through their agents, servants, and employees and without any negligence on the part of the Claimant contributing thereto.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the **CITY OF BUFFALO**, the **COUNTY OF ERIE**, and the **NIAGARA FRONTIER TRANSPORTATION AUTHORITY** within thirty (30) days from the date service of the Notice of Claim, Claimant intends to commence an action in the Supreme Court of the State of New York against the Respondents, seeking a sum which exceeds the jurisdictional limits all lower courts which would otherwise have jurisdiction, together with interest, costs, and disbursements.

DATED: Williamsville, New York
March 16, 2018

Steven J. Schrader, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
Office and Post Office Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

DARRELL A. DREW, being duly sworn, deposes and says 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 deponent, 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.

Darrell Drew
DARRELL A. DREW

Sworn to before me this
21st day of March, 2018

Morgan S. Greene
Notary Public

MORGAN S. GREENE
No. 01GR6007802
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/26/2018

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 6, 2018

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 No. 306 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:	*Thompson, Ayden, an infant, by Anthony Thompson, png v. West Hertel Academy, Buffalo Board of Education, City of Buffalo, and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Anthony Thompson PNG of Ayden Thompson 32 Ullman Street Buffalo, New York 14207
Claimant's attorney:	Norton L. Lowe Andrews, Bernstein, Maranto & Nicotra PLLC 420 Franklin Street 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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

ANTHONY THOMPSON, for himself
and as parent and natural guardian of
AYDEN THOMPSON,
32 Ullman Street
Buffalo, New York 14207

Claimants,

vs.

NOTICE OF CLAIM

WEST HERTEL ACADEMY
489 Hertel Ave.
Buffalo, New York 14207,

BUFFALO BOARD OF EDUCATION
Buffalo Public Schools
712 City Hall
65 Niagara Square
Buffalo, New York 14202,

CITY OF BUFFALO
1100 City Hall
65 Niagara Square
Buffalo, New York 14202,

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202,

Respondents.

PLEASE TAKE NOTICE, Claimant, ANTHONY THOMPSON, for himself and as parent and natural guardian of AYDEN THOMPSON, hereby intends to file a claim against the WEST HERTEL ACADEMY, the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the COUNTY OF ERIE and in support of said claim states the following:

1. The Post Office address of the Claimants, ANTHONY THOMPSON and AYDEN THOMPSON is 32 Ullman Street, Buffalo, New York 14207.

2. The attorneys for the Claimants are Andrews, Bernstein, Maranto, & Nicotra, PLLC, 420 Franklin Street, Buffalo, New York 14202, Telephone (716) 842-2200.

3. The Claim arose as follows: On January 3, 2018, Claimant AYDEN THOMPSON, was a child attending WEST HERTEL ACADEMY. Upon information and belief, Claimant AYDEN THOMPSON, and his class were left unattended allowing two other children to push and shove the claimant. As a result of the same, claimant was caused to sustain serious injuries including a sprained wrist, and upon information and belief developed and/or agitated juvenile idiopathic arthritis. Upon information and belief, WEST HERTEL ACADEMY is owned, operated, supervised and maintained by the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and/or the COUNTY OF ERIE.

4. This incident was caused by the negligence, carelessness, and recklessness on the part of the WEST HERTEL ACADEMY, the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the COUNTY OF ERIE, and/or their agents, servants and/or employees as follows:

a) The respondents were negligent, careless and reckless in failing to provide proper supervision over plaintiff and other students;

b) The respondents were negligent, careless and reckless in their supervision of the subject area;

c) The respondents were negligent, careless and reckless in failing to provide proper care and supervision to the plaintiff;

d) The respondents were negligent, careless and reckless in failing to

monitor the classroom;

e) The Respondents were otherwise negligent, careless and reckless.

5. This claim is for personal injuries, conscious physical, and emotional pain and suffering, medical expenses, as well as consequential damages.

6. By virtue of the negligence, carelessness and recklessness of the WEST HERTEL ACADEMY, the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and/or the COUNTY OF ERIE, Claimant, AYDEN THOMPSON, was caused to suffer serious, signification and permanent injuries from this incident, including a sprained wrist, and upon information and belief developed and/or agitated juvenile idiopathic arthritis. Claimant, AYDEN THOMPSON, also suffered other injuries and complications as yet undetermined as a result of this accident, and by reason of the same, Claimants sustained damages in an amount which cannot be reasonably calculated at this time.

7. By virtue of the negligence, carelessness, and recklessness of the WEST HERTEL ACADEMY, the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and/or the COUNTY OF ERIE, Claimants have also incurred hospital and medical expenses, loss of income and other necessary related expenses, the amount of which is undetermined to date.

WHEREFORE, claimants request that the WEST HERTEL ACADEMY, the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and/or the COUNTY OF ERIE compensate Claimant, AYDEN THOMPSON, for his injuries, and Claimant, ANTHONY THOMPSON, for his loss.

Dated: Buffalo, New York
March 19, 2018

Yours, etc.,

By: _____

Norton T. Lowe, Esq.
ANDREWS, BERNSTEIN & MARANTO, LLP
Attorney for the Claimants
420 Franklin Street
Buffalo, New York 14202
(716) 842-2200

VERIFICATION

STATE OF NEW YORK :
COUNTY OF ERIE : ss.
CITY OF BUFFALO :

ANTHONY THOMPSON, being duly sworn, deposes and says that he is the Claimant in this action for himself and as parent and natural guardian of Claimant, AYDEN THOMPSON; that he has read the foregoing Notice of Claim in this action and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes them to be true.

ANTHONY THOMPSON for himself and as parent and natural guardian of AYDEN THOMPSON

Sworn to before me this 26th

day of March, 2018

Notary Public

NORTON T LOWE
NOTARY PUBLIC, STATE OF N.Y.
COUNTY OF ERIE
MY COMM EXPIRES 10/22/20

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 6, 2018

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 No. 306 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:	*Peppers, Berena v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Berena Peppers 417 Lisbon, Lower Buffalo, New York 14215
Claimant's attorney:	Peter M. Kooshoian, Esq. Rosenthal, Kooshoian & Lennon, LLP 300 Main Street Buffalo, New York 14202-4003

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of
BERENA PEPPERS
417 Lisbon, Lower
Buffalo, New York 14215,

Claimant,

v.

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, New York 14202

ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, New York 14202

ERIE COUNTY CORRECTIONAL FACILITY
11581 Walden Avenue
Alden, New York 14004,

Respondents.

NOTICE OF INTENTION TO FILE CLAIM

This paper received at the
Erie County Attorney's Office
from Angelin Wright on
the 20th day of March, 20 18
at 2:14 a.m./p.m.
Assistant County Attorney
Michael J. Lyczewska

TO: COUNTY OF ERIE,
ERIE COUNTY SHERIFF'S OFFICE and
ERIE COUNTY CORRECTIONAL FACILITY

PLEASE TAKE NOTICE that I, BERENA PEPPERS, pursuant to the statutes and in such cases made and provided, intends to file claim against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE and ERIE COUNTY CORRECTIONAL FACILITY and pursuant to the municipal laws of the State of New York do hereby state the following:

1. The Claimant, BERENA PEPPERS, resides at 417 Lisbon, Lower, Buffalo, New York 14215.

2. The Claimant is represented by Rosenthal, Kooshoian & Lennon, LLP, Peter M. Kooshoian, Esq. of Counsel, 300 Main Street, Buffalo, New York 14202.

Rosenthal, Kooshoian & Lennon, LLP
ATTORNEYS AND COUNSELORS AT LAW / 300 MAIN STREET / BUFFALO, NEW YORK 14202 / (716) 854-1300

3. This claim is one for negligence on the part of the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY through their agents, servants and employees for their actions and omissions to act in the ownership, construction, design, care, custody, control, maintenance and supervision of the sidewalk at the ERIE COUNTY CORRECTIONAL FACILITY in the Town of Alden, County of Erie and State of New York.

4. This claim arose on or about the 2nd day of January, 2018, at approximately 1:00 p.m., on the sidewalk of the ERIE COUNTY CORRECTIONAL FACILITY in the Town of Alden, County of Erie and State of New York

5. On the aforementioned date, time and place, BERENA PEPPERS, was lawfully and properly walking on the sidewalk when she slipped on ice causing her fall to the ground sustaining injuries to her left shoulder and wrist.

6. Upon information and belief, the aforementioned ice had existed for a substantial period of time prior to the happening of this accident and the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY through their agents, servants and employees knew or should have known that the dangerous and defective condition existed.

7. The COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY through their agents, servants and employees failed to take measures to warn people utilizing the aforementioned sidewalk of the dangerous condition which existed and failed to take any measures to remove or otherwise alleviate the dangerous condition on the aforementioned sidewalk.

8. Upon information and belief, the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY, through their agents, servants, contractors and/or employees, had a duty and responsibility to exercise reasonable care in the

construction, design, care, custody, control, inspection and maintenance of the parking lot, so as to provide a safe area for invitees and the people utilizing the sidewalk.

9. That because the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY failed to provide adequate warning signs, remove the ice or otherwise remedy the dangerous condition, the sidewalk was dangerous and hazardous.

10. Upon information and belief, the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY had actual and/or constructive notice of the dangerous and hazardous condition of the sidewalk prior to the happening of this accident, and failed to remedy, repair and/or mitigate the aforesaid condition on the sidwalk.

11. As a direct result of the negligence of the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY, through their agents, servants, contractors and/or employees, BERENA PEPPERS suffered severe permanent personal injuries including, but not limited to her left shoulder and wrist and injuries to other parts of her body all of which are believed to be severe and permanent in nature and have caused the Claimant disability, conscious pain and suffering, medical and hospital expenses, loss of enjoyment of life and possible future damages, including continued medical care, all of which based on the nature, extent and permanency of the injuries may continue into the future.

12. This Notice of Intention to File Claim is made and served on behalf of said Claimant in compliance with the provisions of the Court of Claims Act, and such other laws, statutes and such cases made and provided.

WHEREFORE, demand is hereby made for adjustment and payment of these claims, and in the event that due and adequate payment is not made by and on behalf of the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY within the time

Rosenthal, Kooshoian & Lennon, LLP
ATTORNEYS AND COUNSELORS AT LAW / 300 MAIN STREET / BUFFALO, NEW YORK 14202 / (716) 854-1300

limit for compliance with this demand by the statutes and such cases made and provided, it is my intention to commence an action against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY CORRECTIONAL FACILITY for monetary damages and/or other penalties provided by law.

Dated: Buffalo, New York
March 15, 2018

Berena Peppers
BERENA PEPPERS

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

On this 15 day of March, 2018, before me personally came BERENA PEPPERS to me known to be the person described herein, and who executed the foregoing release, and they acknowledged that they executed the same.

Notary Public

PETER MATTHEW KOOSHOIAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 8/15/21

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE)ss:

BERENA PEPPERS, being duly sworn, deposes and says: That your deponent is the Claimant in the within Notice of Claim and that she has read the foregoing Notice of Claim and knows the contents thereof to be true on her own knowledge except as to matters stated upon information and belief and as to those matters, she believes it to be true.

Berena Peppers
BERENA PEPPERS

Sworn to before me this 15
day of March, 2018.

Notary Public

PETER MATTHEW KOOSHOIAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 8/15/21

Rosenthal, Kooshoian & Lennon, LLP
ATTORNEYS AND COUNSELORS AT LAW / 300 MAIN STREET / BUFFALO, NEW YORK 14202 / (716) 854-1300

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 6, 2018

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 No. 306 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:	*Jones, Cathernie v. DSS - Adult Protective Services*
Document Received:	Notice of Claim
Name of Claimant:	Catherine Jones
Claimant's attorney:	Rochelle M. Jones, Esq. 69 Deerfield Avenue Buffalo, New York 14215

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

New file

RECEIVED
MAR 29 2018
ERIE COUNTY
DEPARTMENT OF LAW

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Erie X

In the Matter of the Claim of
Catherine Jones

- against-

NOTICE OF CLAIM

☐ Village ☐ Town ☒ City ☒ County of
Erie County Adult Protective Services X

TO: ☐ Village ☐ Town ☒ City ☒ County of Erie City of Buffalo

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against you as follows:

1. The name and post-office address of the claimant and of his/her attorney is:

Claimant	Claimant's Attorney
Catherine Jones	Rochelle Jones
Roosevelt Jones	Pro Se
Jamen Harris	Pro Se

2. The nature of the claim:
Catherine Jones was forced out of her home by Adult protective services + forced into emerald South Nursing home. Because a keeman named Shannon lied + said my mother hit her with a broom

3. The time when, the place where and the manner in which the claim arose: The incident occurred on Dec 27, 2017 at or about 1:30 ☐ a.m. ☒ p.m.,
Shannon + her subordinate went to Catherines Jones' house + called the Police + whispered to them so we could not hear. Internal affairs said my mother was accused of hitting them with a broom + biting them

4. The items of damage or injuries claimed are: She was forced into a ambulance by excessive force. She is being held against her will at Emerald South Nursing home,

That said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: JAN 29, 2018
Buffalo, New York

Rochelle Jones
Signature

Rochelle Jones
Print Name

STATE OF NEW YORK)
) ss.:
COUNTY OF)

I, Rochelle Jones, am the Claimant in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Rochelle Jones
Signature

Sworn to before me on this 29
day of Buffalo, 2018.

David G. Henry
Notary Public

DAVID G. HENRY
Notary Public, State Of New York
Qualified In Erie County
My Commission Expires July 14, 20__

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 17, 2018

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 No. 306 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:	*Biniecki, Renee v. County of Erie*
Document Received:	Order to Show Cause
Name of Claimant:	Renee Biniecki 47 S. Hedley Street Cheektowaga, New York 14206
Claimant's attorney:	Ethan W. Collins, Esq. Collins & Collins Attorneys, LLC 267 North Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

This paper received at the Erie County Attorney's Office from M. Hedden on the 11th day of April, 2018 at 10:38 a.m./p.m.
L. Petty - Fogg
Assistant County Attorney

RENEE BINIECKI
47 S. Hedley Street
Cheektowaga, New York 14206,

Petitioner,

v.

COUNTY OF ERIE,
92 Franklin Street, Suite 1634
Buffalo, New York 14202

Respondent.

ORDER TO SHOW CAUSE

Index No. 804939/2018

Upon reading the Petition in this matter, the Affidavit of the Petitioner, RENEE BINIECKI, and the Attorney's Affirmation of Ethan W. Collins, Esq. in support of Petitioner's Order to Show Cause made the 28th day of March, 2018, and on Motion of Collins & Collins Attorneys, LLC, attorneys for the Petitioner, it is

ORDERED, that Respondent, COUNTY OF ERIE, show cause at Part 21 of this Court to be held in and for the County of Erie at the Courthouse located at 25 Delaware Avenue Buffalo, New York on the 25th day of April, 2018 at 10:00 o'clock of the forenoon of that day or as soon thereafter as counsel can be heard why an Order should not be made pursuant to CPLR §3102(c) compelling pre-suit discovery from the Respondent to aid in bringing an action on behalf of Petitioner to include the following:

- Any and all incident reports generated as a result of the injuries sustained by Petitioner, RENEE BINIECKI, on or about September 25, 2017 at elevator number

6, located at Edward A. Rath County Office Building, 95 Franklin Street, Buffalo, New York 14202.

- All documents or information identifying the manufacturer of elevator number 6;
- All documents or information identifying which company, agency or department is responsible for maintaining, servicing, and/or inspecting elevator number 6;
- All rental/lease/service agreements with respect to elevator number 6;
- All work orders, purchase orders, and/or service orders with respect to elevator number six for the last three (3) years
- All inspection and/or testing logs from elevator number 6 for the last three (3) years
- All photographs taken of location where Petitioner's accident occurred;
- All digital and video footage, and or/photographs of the alleged incident captured by Respondent or by any contracting agency; and it is further

ORDERED, that service of a copy of this Order and the papers upon which it is granted upon Respondent, COUNTY OF ERIE, located at 92 Franklin Street, Suite 1634, Buffalo, New York 14202, by personal service at those offices on or before the 12 day of ~~March~~ April, 2018 shall be good and sufficient service.

Signed this 9TH day of APRIL, 2018 at Buffalo, New York.

HON. JOHN F. O'DONNELL, J.S.C.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

RENEE BINIECKI,

Petitioner,

v.

COUNTY OF ERIE,

Respondent.

AFFIDAVIT OF PETITIONER

Index No.:

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

RENEE BINIECKI., being duly sworn, deposes and says:

1. I am the Petitioner in the instant motion for pre-suit discovery from the COUNTY OF ERIE.

2. On and before September 25, 2017, I was employed by the Erie County Department of Social Services in the Edward A. Rath County Office Building.

3. On September 25, 2017, I was lawfully present at work at the Edward A. Rath County Office Building in Buffalo, New York.

4. On September 25, 2017, while in the course of my employment, I was injured when elevator number 6 in the Edward A. Rath County Office Building malfunctioned and caused me to suffer serious personal injuries.

5. I am not sure who is responsible for servicing, maintaining or inspecting the elevator.

6. I have not seen any contracts that deal with servicing/inspecting the elevator or any incident reports regarding the incident of September 25, 2017.

Renee Biniecki
RENEE BINIECKI

Subscribed and sworn to before me
this 26 day of March 2018.

Melissa Newhouse
NOTARY PUBLIC

MELISSA M. NEWHOUSE
No. 01NE6261728
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 05/14/ 20

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

RENEE BINECKI,

Petitioner,

v.

COUNTY OF ERIE,

Respondent.

AFFIRMATION IN SUPPORT OF ORDER TO SHOW CAUSE

Index No.:

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

ETHAN W. COLLINS, ESQ., being duly sworn, deposes and says:

1. I am an attorney at law licensed to practice in the State of New York and am an attorney with the law firm of COLLINS & COLLINS ATTORNEYS, LLC, the attorneys for RENEE BINIECKI. As such, I am fully familiar with the facts and circumstances surrounding this matter.

2. This affirmation is submitted in support of Petitioner, RENEE BINIECKI's, Motion for Pre-Suit Disclosure from the Respondent, COUNTY OF ERIE, pursuant to CPLR § 3102(c).

3. On and before September 25, 2017, RENEE BINIECKI was employed by the Erie County Department of Social Services in the Edward A. Rath County Office Building.

4. Upon information and belief, the Respondent, COUNTY OF ERIE, is the owner of the Edward A. Rath County Office Building located at 95 Franklin Street, Buffalo, New York 14202.

5. On September 25, 2017, Petitioner, RENEE BINIECKI was lawfully present at work at the Edward A. Rath County Office Building in Buffalo, New York.

6. On September 25, 2017, while in the course of her employment, RENEE BINIECKI was injured when elevator number 6 in the Edward A. Rath County Office Building malfunctioned and caused her to suffer serious personal injuries.

7. Upon information and belief, the injuries suffered by RENEE BINIECKI were caused by the negligent maintenance, service, and/or inspection of elevator number 6 in the Edward A. Rath County Office Building.

8. To aid in the bringing of an action on behalf of RENEE BINIECKI, it is now necessary to obtain the following materials from the COUNTY OF ERIE.:

- Any and all incident reports generated as a result of the injuries sustained by Petitioner, RENEE BINIECKI, on or about September 25, 2017 at the aforementioned location.
- All documents or information identifying the manufacturer of elevator number 6;
- All documents or information identifying which company, agency or department is responsible for maintaining, servicing, and/or inspecting elevator number 6;
- All rental/lease/service agreements with respect to elevator number 6;
- All work orders, purchase orders, and/or service orders with respect to elevator number six for the last three (3) years
- All inspection and/or testing logs from elevator number 6 for the last three (3) years

- All photographs taken of location where Petitioner's accident occurred;
- All digital and video footage, and or/photographs of the alleged incident captured by Respondent or by any contracting agency

9. In support of this application, your affiant submits the affidavit of RENEE BINIECKI, the petitioner herein.

WHEREFORE, it is respectfully requested that an order be made granting RENEE BINIECKI's request for the foregoing disclosure from the COUNTY OF ERIE, together with such other relief as the Court deems proper.

DATED: March 28, 2018
Buffalo, New York

Respectfully submitted,

ETHAN W. COLLINS, ESQ.
COLLINS & COLLINS ATTORNEYS, LLC
Attorneys for Petitioner
267 North Street
Buffalo, New York 14201
(716) 885-9700

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 17, 2018

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 No. 306 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:	*Leon, Carmen v. Burgio, Charles and Kathy and Third-Party Action*
Document Received:	Statement of Bringing in of New Party and Change in Title of New Action
Name of Claimant:	Charles Burgio 1244 Brighton Avenue Tonawanda, New York 14150
Claimant's attorney:	Erica K. Fugelsang, Esq. Martyn and Martyn 330 Old Country Road Mineola, New York 11501

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

----------x

CARMEN LEON,

Plaintiff,

-against-

CHARLES BURGIO
KATHY BURGIO,

Defendants.

----------x

CHARLES BURGIO,

Third-Party Plaintiff,

-against-

TOWN OF TONAWANDA,

Third-Party Defendant.

----------x

CHARLES BURGIO,

Second Third-Party Plaintiff,

-against-

COUNTY OF ERIE,

Second Third-Party Defendant.

----------x

This paper received at the Erie County Attorney's Office from Ashley Czarnecki on the 13th day of April, 2018 at 2:36 a.m./p.m.
Assistant County Attorney

STATEMENT OF BRINGING IN OF NEW PARTY AND CHANGE IN TITLE OF NEW ACTION

Index No.: 802135/17E

3/30/18

S I R S :

PLEASE TAKE NOTICE, that the above named defendant/third-party plaintiff/second third-party defendant has been brought into this action pursuant to CPLR 1007 and the title of the action has been changed accordingly to read as above.

Dated: Mineola, New York
March 21, 2018

Yours etc.,

MARTYN and MARTYN
Attorneys for Defendant/Third-Party Plaintiff/
Second Third-Party Plaintiff
CHARLES BURGIO
330 Old Country Road
Mineola, New York 11501
516-739-0000

By: _____
Erica K. Fugelsang

TO: COUNTY OF ERIE
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, NY 14202

Cellino & Barnes, P.C.
Attorneys for Plaintiff
CARMEN LEON
2500 Main Place Tower
350 Main Street
Buffalo, NY 14202
(716) 888-8888

Bouvier Partnership, LLP
Attorneys for Third-Party Defendant
TOWN OF TONAWANDA
350 Main Street, Suite 1800
Buffalo, NY 14202
(716) 856-1344

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

----------x

CARMEN LEON,

Plaintiff,

-against-

CHARLES BURGIO
KATHY BURGIO,

Defendants.

----------x

CHARLES BURGIO,

Third-Party Plaintiff,

-against-

TOWN OF TONAWANDA,

Third-Party Defendant.

----------x

CHARLES BURGIO,

Second Third-Party Plaintiff,

-against-

COUNTY OF ERIE,

Second Third-Party Defendant.

----------x

SECOND THIRD-PARTY SUMMONS

Index No.: 802135/17E

TO THE ABOVE NAMED SECOND THIRD-PARTY DEFENDANT:

YOU ARE HEREBY SUMMONED and required to serve upon the attorneys for the defendant/third-party plaintiff/second third-party plaintiff upon you together with all prior pleadings in the action, within twenty (20) days after the service thereof, exclusive of the day of service, or within thirty (30) days after service is completed, if service is made by any method other than personal delivery to you within the State of New York. In case of your failure to

answer, judgment will be taken against you by default for the relief demanded in the third-party complaint.

Dated: Mineola, New York
March 21, 2018

Yours etc.,

MARTYN and MARTYN
Attorneys for Defendant/Third-Party Plaintiff/
Second Third-Party Plaintiff
CHARLES BURGIO
330 Old Country Road
Mineola, New York 11501
516-739-0000

By: _____
Erica K. Fugelsang

TO: COUNTY OF ERIE
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, NY 14202

Cellino & Barnes, P.C.
Attorneys for Plaintiff
CARMEN LEON
2500 Main Place Tower
350 Main Street
Buffalo, NY 14202
(716) 888-8888

Bouvier Partnership, LLP
Attorneys for Third-Party Defendant
TOWN OF TONAWANDA
350 Main Street, Suite 1800
Buffalo, NY 14202
(716) 856-1344

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

----------x

CARMEN LEON,

Plaintiff,

-against-

CHARLES BURGIO
KATHY BURGIO,

Defendants.

----------x

CHARLES BURGIO,

Third-Party Plaintiff,

-against-

TOWN OF TONAWANDA,

Third-Party Defendant.

----------x

CHARLES BURGIO,

Second Third-Party Plaintiff,

-against-

COUNTY OF ERIE,

Second Third-Party Defendant.

----------x

SECOND THIRD-PARTY COMPLAINT

Index No. :802135/17E

Defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, by his attorneys, MARTYN and MARTYN as and for a third-party complaint alleges upon information and belief as follows:

1. That the Complaint of the plaintiff, a copy of which is annexed hereto as Exhibit A, alleges that the accident referred to was a result of the negligence of the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO.

2. That on and prior to August 5, 2013, the second third-party defendant, COUNTY OF ERIE, was and still is the owner of a sidewalk area in front of the premises known as 1244 Brighton Road, Tonawanda, New York.

3. That at all times hereinafter mentioned, the second third-party defendant, COUNTY OF ERIE, operated the sidewalk area in front of the premises known as 1244 Brighton Road, Tonawanda, New York.

4. That at all times hereinafter mentioned, the second third-party defendant, COUNTY OF ERIE, maintained the sidewalk area in front of the premises known as 1244 Brighton Road, Tonawanda, New York.

5. That at all times hereinafter mentioned, the second third-party defendant, COUNTY OF ERIE, controlled the sidewalk area in front of the premises known as 1244 Brighton Road, Tonawanda, New York.

6. That if the plaintiff was caused to sustain the injuries claimed by any reason other than the plaintiff's own negligence, such injuries were caused by the active, affirmative and primary negligence of the second third-party defendant, COUNTY OF ERIE, in the ownership, operation, maintenance, and control of the aforesaid sidewalk.

7. That if the plaintiff recovers a judgment against the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, and in that event and by reason of the foregoing, said defendant/third-party plaintiff/second third party plaintiff will be entitled to judgment over and against the second third-party defendant, COUNTY OF ERIE, for the amount of such judgment together with the costs, disbursements and expenses of the defense of this action.

8. That if the plaintiff sustained alleged injuries in the manner and at the time and place claimed and if it is found that the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, is liable to the plaintiff herein, the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, on the basis of apportionment of responsibility for alleged accident, is entitled to contribution from and judgment over and against the second third-party defendant, COUNTY OF ERIE, for all or part of any verdict or judgment the plaintiff may recover against the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO.

WHEREFORE, the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, demands judgment dismissing the plaintiff's complaint as to it and further demands judgment over and against the third-party defendants or if judgment is rendered against the defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, they demand an apportionment of responsibility and judgment over and against the second third-party defendant, COUNTY OF ERIE, for all or part of any verdict or judgment that plaintiff may recover against said defendant/third-party plaintiff/second third-party plaintiff, CHARLES BURGIO, together with costs and disbursement of this action.

Dated: Mineola, NY
March 21, 2018

MARTYN and MARTYN
Attorneys for Defendant/Third-Party Plaintiff/
Second Third-Party Plaintiff
CHARLES BURGIO
330 Old Country Road
Mineola, New York 11501
516-739-0000

By: _____
Erica K. Fugelsang

L 78 R5 802135/17E

STATE OF NEW YORK: COUNTY OF NASSAU :SS.:

JANICE ESPOSITO being duly sworn, deposes and says, that she is not a party to this action; that she is over the age of 18 years and a clerk in the office of MARTYN and MARTYN, the attorneys for CHARLES BURGIO defendant herein; that on the _____ day of March, 2018, she served the annexed STATEMENT OF BRINGING IN OF NEW PARTY AND CHANGE IN TITLE OF NEW ACTION, SECOND THIRD-PARTY SUMMONS AND SECOND THIRD-PARTY COMPLAINT upon undersigned attorneys by mailing a true copy in a postpaid wrapper in a post office box maintained by the United States, directed to them at the addresses shown, heretofore designated by them for that purpose.

E-File

NAME AND ADDRESS	ATTORNEY FOR
COUNTY OF ERIE Edward A. Rath County Office Building 95 Franklin Street Buffalo, NY 14202	
Cellino & Barnes, P.C. 2500 Main Place Tower 350 Main Street Buffalo, NY 14202 (716) 888-8888	PLAINTIFF
Bouvier Partnership, LLP 350 Main Street, Suite 1800 Buffalo, NY 14202 (716) 856-1344	THIRD-PARTY DEFENDANT

Attorney Certification:

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief, and after reasonable inquiry, the contentions contained in the annexed document(s) are not frivolous.

ERICA K. FUGELSANG

Sworn to before me, this
day of March, 2018.

Janice Esposito

EXHIBIT A

DELIVER THESE PAPERS TO YOUR LIABILITY INSURANCE CARRIER IMMEDIATELY. YOUR FAILURE TO DO SO MAY RESULT IN THE LOSS OF COVERAGE.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

****

SUMMONS

CARMEN LEON

Plaintiff,

v.

CHARLES BURGIO
KATHY BURGIO

Defendants.

****

Index No.: 802135/2017

Date Filed: 2/14/2017

Plaintiff(s) designate(s) ERIE COUNTY as the place of trial.

The basis of venue is:
Plaintiff(s) residence
392 Genesee Street,
Apt, 212
Buffalo, NY 14204

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: Buffalo, New York
February 14, 2017

Yours, etc.,

CELLINO & BARNES, P.C.

By: _____
Christopher D. D'Amato, Esq.
Attorneys for Plaintiff
350 Main Street
2500 Main Place Tower
Buffalo, NY 14202
(716) 888-8888

CHARLES BURGIO
1244 Brighton Avenue
Tonawanda, NY 14150

KATHY BURGIO
1244 Brighton Avenue
Tonawanda, NY 14150

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE
****

CARMEN LEON

Plaintiff,

v.

CHARLES BURGIO
KATHY BURGIO

Defendants.

****

COMPLAINT

Index No. 802135/2017

Plaintiff, above-named, by her attorneys, CELLINO & BARNES, P.C., for her complaint against defendants, above-named, allege upon information and belief:

1. At all times herein relevant plaintiff has been a resident of the County of Erie and State of New York.

2. At all times herein relevant defendants CHARLES BURGIO and KATHY BURGIO have been residents of the County of Erie and State of New York.

3. At all times herein relevant defendants CHARLES BURGIO and KATHY BURGIO have been the owners of a certain premises commonly known as 1244 Brighton Avenue, Tonawanda NY.

4. At all times herein relevant it was the duty of the defendants CHARLES BURGIO and KATHY BURGIO to maintain the premises mentioned in Paragraph 3 above in a reasonably safe and suitable condition for pedestrians and guests.

5. On or about January 17, 2016, plaintiff was lawfully within the premises mentioned in the paragraphs above.

6. On or about January 17, 2016, plaintiff was caused to slip and fall on defendants CHARLES BURGIO and KATHY BURGIO's premises thereby sustaining injuries and damages as hereinafter alleged.

7. Plaintiff's injuries and damages referred to herein were caused solely by defendants CHARLES BURGIO and KATHY BURGIO's negligence by permitting a dangerous condition within said premises, namely an accumulation of ice and snow and/or an uneven sidewalk, which the defendants knew, or should have known, existed and continued to exist within said premises and/or by failing to warn plaintiff of said dangerous condition(s).

8. The aforementioned incident occurred solely as a result of defendants CHARLES BURGIO and KATHY BURGIO's negligence without any negligence attributable in any measure to plaintiff.

9. As a result of the negligence of the defendants CHARLES BURGIO and KATHY BURGIO, as alleged above, plaintiff was injured and has suffered damages in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts and Plaintiff demands such other, further and different relief as

the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: Buffalo, New York
February 14, 2017

Yours, etc.,

CELLINO & BARNES, P.C.

By: _____
Christopher D. D'Amato, Esq.
Attorneys for Plaintiff
350 Main Street
2500 Main Place Tower
Buffalo, NY 14202
(716) 888-8888

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

May 3, 2018

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 No. 306 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:	*Meadows, Carolette v. County of Erie, et al.*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Carolette D. Meadows 281 Barnard Street Buffalo, New York 14206
Claimant's attorney:	Anna Marie Richmond, Esq. 2500 Rand Building 14 Lafayette Square Buffalo, New York 14203-1295

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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of CAROLETTE MEADOWS, Complainant, v. ERIE COUNTY, SHAWN P. HENNESSY, ESQ., MICHELLE M. PARKER, ESQ., Respondents.	VERIFIED COMPLAINT Pursuant to Executive Law, Article 15 Case No. **10194303**

I, Carolette Meadows, residing at 281 Barnard Street, Buffalo, NY, 14206, charge the above named respondents, whose address is 95 Franklin St., Buffalo, NY, 14202 with an unlawful discriminatory practice relating to public accommodation in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, disability, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 1/4/2018.

SEE ATTACHED

New York State Division of Human Rights
Complaint Form

CONTACT INFORMATION

My contact information:

Name: _Carolette_Meadows

Address:_281 Barnard St._____ Apt or Floor #:_____

City: ___Buffalo _____ State: __NY__ Zip: 14206____

REGULATED AREAS

I believe I was discriminated against in the area of:

- ☐ Employment
- ☐ Apprentice Training
- ☒ Public Accommodations *(Restaurants, stores, hotels, movie theaters amusement parks, etc.)*
- ☐ Education
- ☐ Boycotting/Blacklisting
- ☐ Housing
- ☐ Commercial Space
- ☐ Volunteer firefighting
- ☐ Credit
- ☐ Labor Union, Employment Agencies
- ☐ Internship

I am filing a complaint against:

Company or Other Name: ____Erie County

Address: ____95 Franklin St_

City: ___Buffalo_____ State: __NY___ Zip: _14202____

Telephone Number: ___ _____ _____
(area code)

Individual people who discriminated against me:

Name: __Sean Hennessy
Title: Assistant County Attorney
_____

Name: ___Michelle Parker
Title: First Asst. County Attorney
_____

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: Jan (month) 4 (day) 2018 (year)

BASIS OF DISCRIMINATION

Please tell us why you were discriminated against by checking one or more of the boxes below.

You do not need to provide information for every type of discrimination on this list. Before you check a box, make sure you are checking it only if you believe it was a reason for the discrimination. Please look at the list on Page 1 for an explanation of each type of discrimination.

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and Domestic Violence Victim Status is a basis only in Employment complaints). These exceptions are listed next to the types of discrimination below.

I believe I was discriminated against because of my:

☐ **Age** *(Does not apply to Public Accommodations)* Date of Birth:	☐ **Genetic Predisposition** *(Employment only)* Please specify:
☐ **Arrest Record** *(Only for Employment, Licensing, and Credit)* Please specify:	☐ **Marital Status** Please specify:
☐ **Conviction Record** *(Employment and Credit only)* Please specify:	☐ **Military Status:** Please specify:
☐ **Creed / Religion** Please specify:	☐ **National Origin** Please specify:
☐ **Disability** Please specify:	☐ **Race/Color or Ethnicity** Please specify:
☐ **Pregnancy-Related Condition:** Please specify:	☐ **Sex** Please specify: ☐ **Female** ☐ **Male** ☐ **Pregnancy** ☐ **Sexual Harassment**
☐ **Domestic Violence Victim Status:** *(Employment only)* Please specify:	☐ **Sexual Orientation** Please specify:
☐ **Familial Status** *(Does not apply to Public Accommodations or Education)* Please specify:	☒ **Retaliation** *(if you filed a discrimination case before, or helped someone else with a discrimination case, or reported discrimination due to race, sex, or any other category listed above)* Please specify: 101888088

Before you turn to the next page, please check this list to make sure that you provided information ***only*** for the type of discrimination that relates to your complaint.

DESCRIPTION OF DISCRIMINATION - for all complaints *(Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)*

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory.
PLEASE TYPE OR PRINT CLEARLY.

On August 1, 2017, I filed SDHR Complaint No. 1088808 alleging discrimination in public accommodation on the basis of race and disability in the Rath County Office Building. August 2017.

On August 24, 2017, I went to the Rath County Office Building to attend to business at the Child Support Collection Unit on the 7th Floor. Because I had previously been told by Sheriif's Deputies that the County Executive's Assistant could only authorize me to use the restroom on the 16th ffloor, I went to the 16th floor to use the restroom. I politely asked for the restroom key and received it. When I exited the restroom, I found myself face-to-face with Assistant County Attorney Sean Hennessy, who was taking a video of me with a cell phone. I was startled, embarrassed and intimidated to be photographed leaving a restroom, and reacted to his action non-verbally. Mr. Hennessy and I exchanged words: he repeatedly yelled at me to "get out of here" as he followed me to the elevator, and threatened to drag me out. I told him only a "badge" could forcibly evict me from the Building.

Mr. Hennessey summoned Sheriff's Deputies and directed them to escort me out of the Buildling. As the officers were escorting me out, one of them told me, "If you are suing us, you can't be in the building. I learned from the County's Response to Complaint No. 10188808, dated August 30, 2017, that Mr. Hennessy had designated me as "dangerous," filed an incident report, and arranged for me to only conduct business in the Building with a security escort.

On October 20, 2017, I again had business at the Child Support Collection Unit in the Rath Building. I was in the waiting room, awaiting service, and observed a white woman cussing out the staff and making obscene gestures. Sheriff's Deputies arrived. They observed the woman, who by that time was sitting down, agitated, and cussing to herself. She approached the officer, who spoke to her calmly. She put her head on his shoulder, and then went back to her chair and sat down quietly. The Officer then went from observing her to following me into the back room, where he remained during my entire meeting with a Child Support Specialist.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. ***PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.***

Carolette Meadows
Retaliation Complaint

Description of Discrimination (p. 8) continued

On January 4, 2018, I again needed to conduct business with the Child Support Collection Unit in the Rath Building. Because of my prior experiences being harassed and kept under police surveillance when I was in the Building, I telephoned the County Attorney's office and asked about what I needed to do to conduct my business. I received a letter from First Assistant County Attorney Michelle M. Parker, advising me that I require an appointment in order to enter the Rath Building, in addition to being escorted by building security. See Exhibit A.

I telephoned the child support customer service number listed in Ms. Parker's letter. The woman to whom I spoke told me that she could not make any appointments for me; she could only provide the address for the "walk-in" center in Erie County. I attempted to send an email to the address in Ms. Parker's letter (cseweberie@dtf.state.ny.us). Later the same day, the email bounced back.

On January 9, 2018, because I was unable to make an appointment, I went to the Rath Building to try to find out why the Child Support Collection Unit had placed a lien on my retirement account after I had paid the child support arrears. I was admitted to the building and went to the Child Support Collection Unit. When the workers in that unit recognized me, they contacted Sheriff's deputies, who came to the unit and escorted me out of the building. The deputies gave me a copy of Ms. Parker's letter and told me I could not be in the building without an appointment. I tried to tell them that I could not make an appointment, and they told me they didn't care.

I found a different email address for Erie County DSS: cseweberie@dfa.state.ny.us. I sent an email to the dfa address, and received the enclosed response. Exhibit C. I finally was contacted by DSS and scheduled for appointment approximately a week later, at which time I resolved my issue.

I believe that the restrictions on my access to the Erie County Office Building have been imposed in retaliation for the filing of SDHR No. 10188808.

Settlement Conditions (p. 11)

To settle this case, I would accept:

- Unrestricted access to Rath Building commensurate with access granted to all Erie County residents;
- $75,000.00, and
- Written apologies from Sean Hennessy personally, and from the County.

Additional Details, p. 12

On January 11, 2018, my attorney sent a letter to Michelle Parker. See Attached Exhibit B.

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

May 7, 2018

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 No. 306 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:	*Aja, Bernadette v. Richter, Hans v. County of Erie; COE is third-party defendant*
Document Received:	Third-Party Summons & Complaint
Name of Claimant:	Hans Richter 6 Fairwoods Drive Williamsville, New York 14221
Claimant's attorney:	Paul F. Hammond, Esq. Bouvier Partnership, LLP 350 Main Street, Suite 1400 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
Michelle.Parker@erie.gov

MMP:dld
Enc.

95 FRANKLIN STREET, ROOM 1634, BUFFALO, NEW YORK 14202 – PHONE: (716) 858-2200 – WWW.ERIE.GOV

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

----------x

HANS RICHTER, Defendant/Third-Party

Plaintiff/Petitioner,

- against -

COUNTY OF ERIE, Third-Party

Defendant/Respondent.

----------x

Index No. 802117/2017TP

This paper received at the Erie County Attorney's Office from Daniel Harwood on the 30 day of April 2018 at 10:20 a.m./~~p.m.~~

Assistant County Attorney

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efile-unrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: April 28, 2018 4-27-18

Paul F. Hammond, Esq.	350 Main Street, Suite 1800
Name	Address
BOUVIER LAW LLP	Buffalo, New York 14202
Firm Name	
pfhammond@bouvierlaw.com	716-856-1344
E-Mail	Phone

To: COUNTY OF ERIE

95 Franklin Street

Buffalo, New York 14202

12/14/17

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

BERNADETTE AJA,

Plaintiff,

vs.

HANS RICHTER,

Defendant.

THIRD-PARTY SUMMONS

Index No. 802117/2017

HANS RICHTER
6 Fairwoods Drive
Williamsville, New York 14221

Defendant/Third-Party Plaintiff,

vs.

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Third-Party Defendant.

TO THE ABOVE NAMED THIRD-PARTY DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the third-party complaint in this action and to serve a copy of your answer, or, if the third-party complaint is not served with this summons, to serve a Notice of Appearance on the third-party plaintiff's attorney within twenty (20) days after the service of this third-party summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this third-party summons is not personally delivered to you within the State of New York). In case of your failure to appear or answer,

judgment will be taken against you by default for the relief demanded in the third party Complaint. Erie County is designated as the place of trial on the basis of residence of plaintiff.

DATED: April 25, 2018
Buffalo, New York

Yours, etc.,

Paul F. Hammond, Esq.
BOUVIER LAW LLP
Attorneys for Defendant/Third-Party Plaintiff
350 Main Street, Suite 1800
Buffalo, New York 14202
(716) 856-1344

TO: **THIRD-PARTY DEFENDANT**

cc: Robert D. Berkun, Esq.
Law Offices of Robert D. Berkun
Attorneys for Plaintiff
43 Court Street, Suite 930
Buffalo, New York14202
(716) 856-4080

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

BERNADETTE AJA,

Plaintiff,

vs.

HANS RICHTER,

Defendant.

THIRD-PARTY COMPLAINT

Index No. 802117/2017

HANS RICHTER

Defendant/Third-Party Plaintiff,

vs.

COUNTY OF ERIE

Third-Party Defendant.

Defendant/Third-Party Plaintiff, HANS RICHTER, by his attorneys, BOUVIER LAW LLP, as and for its third-party complaint against the third-party defendant, COUNTY OF ERIE, alleges upon information and belief:

PRELIMINARY ALLEGATIONS

1. That upon information and belief, and at all times hereinafter mentioned, the defendant/third-party plaintiff, HANS RICHTER, was and is a resident of the County of Erie and State of New York.

2. That upon information and belief, and at all times herein after mentioned, the third-party defendant, COUNTY OF ERIE, was and still is a Municipal Corporation organized and existing under the laws of the State of New York.

3. It is alleged in plaintiff's complaint (attached hereto as **Exhibit "A")** that on April 16, 2016, the plaintiff was injured as a result of a fall that allegedly occurred on the public sidewalk adjacent to and/or appurtenant to the real property located at 6 Fair Woods Drive, in the Village of Williamsville, New York.

4. Defendant, HANS RICHTER's has denied the allegations in said complaint relative to his negligence as more particularly set forth in the defendant/third-party Answer to this Complaint is attached hereto as **Exhibit "B"**.

5. If the plaintiff sustained injuries and damages through any carelessness, recklelessness and/or negligence or culpable condcut other than that of the plaintiff, such injuries and damages were sustained in whole or in part by reason of the primary carelessness, recklessness and negligence of the third-party defendant, its agents, servants, employees and/or subcontractors without any such carelessness on the part of the defendant/third-party plaintiff.

5. If the plaintiff recovers judgment against the defendant/third-party plaintiff, then the third-party defendant shall be liable to the defendant/third-party plaintiff and the defendant/third-party plaintiff is entitled to contribution and indemnification from and judgment over and against the third-party defendant for all or part of any verdict or judgment which the plaintiff may recover against the defendant/third-party plaintiff.

6. Upon information and belief, said public sidewalk was and is erected, owned, maintained, repaired, controlled, and/or inspected by Defendant, COUNTY OF ERIE, its servants, agents, employees and/or contractors who had a legal duty to maintain, repair, control

and/or inspect accordingly. As evidenced from the survey attached hereto as **Exhibit "C"**, the area where the plaintiff allegedly fell is clearly bounded on the east and west line by lands of the County of Erie and not to the defendant/third-party plaintiff's property.

7. The third-party defendant is obligated to defend and indemnify the defendant/third-party plaintiff by reason of ownership and is liable to the defendant/third-party plaintiff for all inherent costs and incidental expenses, including disbursements, attorney's fees, and any judgment or verdict by the plaintiff against the defendant/third-party plaintiff, and must immediately defend and indemnify the defendant/third-party plaintiff for all claims brought by the plaintiff in this action.

WHEREFORE, the defendant/third-party plaintiff, HANS RICHTER, demands judgment against the third-party defendant, COUNTY OF ERIE, its servants, agents, employees and/or contractors for or part of any judgment that the plaintiff may recover from the defendant/third-party plaintiff, HANS RICHTER, together with the costs, disbursements, expenses and attorneys' fees incurred by third-party plaintiff "" in this action.

DATED: April 25, 2018
Buffalo, New York

Yours, etc.,

Paul F. Hammond
BOUVIER LAW LLP
Attorneys for Defendant/Third-Party Plaintiff
350 Main Street, Suite 1800
Buffalo, New York 14202
(716) 856-1344