



ECLEG MAY09'11 PM 3:14

COUNTY OF ERIE

MARTIN A. POLOWY
ACTING COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE

THOMAS F. KIRKPATRICK, JR.
ACTING FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert Graber, Clerk, Erie County Legislature

FROM: Thomas F. Kirkpatrick, Jr., Acting First Assistant County Attorney

DATE: May 4, 2011

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 sixteen (16) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Randall and Kerrie Bigler, as Admin. of Estate of Erin Bigler vs County of Erie
Mansoor Saleh vs County of Erie, Erie County Sheriff's Department, et al.
Darius Eady vs County of Erie, Erie County Sheriff's Department, et al.
Robert Y. Welch vs ECMCC and County of Erie
Shirley Tatar vs County of Erie
Travelers Ins. Co. obo Mark and Cynthia Hujer vs County of Erie
Michelle Jones vs County of Erie and ECMCC
Mark Fitzgerald vs Jacqueline Kretzman, Commissioner Brian Fisher, et al.
Bobby Wayne Koonce vs Julie Curtis and Mid-Erie Human Service
Rickie Catham vs County of Erie
Justin Vazquez vs County of Erie
Branden Bibbes vs County of Erie
Cash Bynum vs County of Erie
Derrick Anderson vs County of Erie
Derek McIver vs County of Erie
Mark J. Ertel vs County of Erie

TFK/crj
Attachments



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

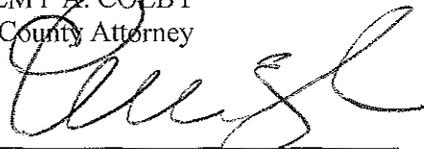
File Name:	<i>Bigler, Randall and Kerri L. as Administrators of the Estate of Erin Bigler vs County of Erie, New York</i>
Document Received:	Notice of Claim
Name of Claimant:	Randall Bigler 8825 Stahley Road Clarence Center, New York 14032
Claimant's attorney:	Michael J. Cooper, Esq. Cellino & Barnes, PC 2500 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By:


THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

RANDALL BIGLER and KERRIE L. BIGLER,
AS ADMINISTRATORS OF THE ESTATE
OF ERIN BIGLER,

Claimants,

NOTICE OF CLAIM

v.

COUNTY OF ERIE, NEW YORK

Respondent,

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondent, County of Erie, New York, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support there of, the claimant states:

1. Claimant's address is 8825 Stahley Road, Clarence Center, NY 14032.
2. The claimant is represented by Cellino & Barnes, P.C. with offices located at 451 Grider Street, Buffalo, New York 14215, telephone (716) 854-2020. The incident in which personal injuries were sustained by the claimant occurred on or about March 5, 2011 when a tree fell on the claimant's motor vehicle on Goodrich Road in the Town of Clarence, NY.
3. By virtue of the negligence of the employees, agents or servants of the County of Erie, claimant has incurred medical and hospital expenses, which are to

date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

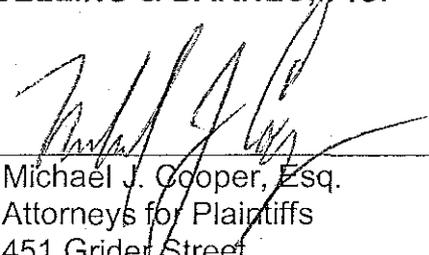
4. Upon information and belief, claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
March 28, 2011

Yours, etc.,

CELLINO & BARNES, P.C.

By: 

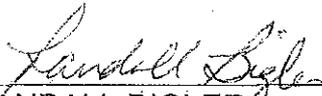
Michael J. Cooper, Esq.
Attorneys for Plaintiffs
451 Grider Street
Buffalo, NY 14215
(716) 854-2020

TO: COUNTY OF ERIE
69 Delaware Avenue, Suite 300
Buffalo, New York 14202

VERIFICATION

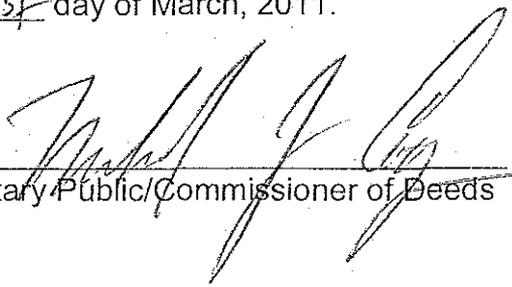
STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

RANDALL BIGLER, being duly sworn, deposes and says that he is the claimant in the within action; that he has read the foregoing Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.



RANDALL BIGLER

Sworn to before me this
31st day of March, 2011.



Notary Public/Commissioner of Deeds

MICHAEL J. COOPER, Esq.
Notary Public State of New York
Qualified in Erie County
My Commission Expires Feb. 23, 2015.



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Saleh, Mansoor vs County of Erie, Erie County Sheriff's Department, City of Lackawanna and Lackawanna Police Department</i>
Document Received:	Notice of Claim
Name of Claimant:	Mansoor Saleh 4408 Milestrip Road, Suite 124 Blasdell, New York 14219
Claimant's attorney:	Steven M. Cohen Hogan Willig 2410 North Forest Road Getzville, New York 14068

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By:


THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

STATE OF NEW YORK: COUNTY OF ERIE

In the Matter of the claim of

MANSOOR SALEH,

Claimant,

NOTICE OF CLAIM

**TO: County of Erie
Erie County Sheriff's Department
City of Lackawanna
Lackawanna Police Department**

PLEASE TAKE NOTICE the claimant herein hereby makes a claim and demand against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, CITY OF LACKAWANNA, and the LACKAWANNA POLICE DEPARTMENT as follows:

1. **The names and post-office addresses of the claimant and his attorneys are:**

CLAIMANT

Mansoor Saleh
4408 Milestrip Road, Suite 124
Blasdell, New York 14219

ATTORNEY

Steven M. Cohen
HOGANWILLIG
2410 North Forest Road, Suite 301
Getzville, New York 14068

2. **The nature of the claim:**

Action for the recovery and damages due to injuries sustained by the Claimant in an amount as yet to be determined, resulting from the assault and battery, intentional and negligent infliction of emotional distress, as well as use of excessive force, unreasonable seizure, deprivation of liberty without due process of law, and punishment without due process of law, all in violation of the Fourth and Fourteenth Amendment rights of the Claimant, as well as the negligence of the County of Erie, Erie County Sheriff's Department, City of Lackawanna, and the Lackawanna Police Department in the hiring, training, operation, management, supervision of the officers involved.

3. **The date, time when, the place where and the manner in which the claim arose is as follows:**

On or about January 28, 2011, in the early morning hours, certain officers of Erie County Sheriff's Department and Lackawanna Police Department, alleging possession of a valid search

HOGANWILLIG

Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

2011 APR - 8 AM 11:49
ERIE COUNTY SHERIFF
CIVIL DIVISION

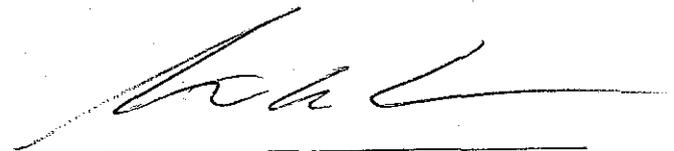
warrant, which was not contemporaneously or subsequently produced, conducted a search of the residence of 41 Donna Street, Lot 5, in the City of Lackawanna, New York 14218, at which time Claimant was lawfully on said premises, and during said search and contemporaneously therewith, did assault and batter Claimant, insofar as they threw him on the ground, zip-tied his hands, and lodged a firearm into his back, and subsequently, was threatened with physical harm, placing Claimant in fear of his life.

4. The items of damages or injuries claimed are:

The Claimant suffered cuts and bruises to his eye, face, back, shoulder, arms and wrists, as well as neck and back injuries, the full extent of which are unknown at present, emotional and psychological injuries, resulting from the violation of Claimants Fourth and Fourteenth Amendment rights, all in an amount to be determined. Said claim and demand is hereby presented for adjustment and payment.

PLEASE TAKE FURTHER NOTICE that by reason of the premises, in default of the County of Erie, Erie County Sheriff's Department, City of Lackawanna, and the Lackawanna Police Department to pay Claimant the sum to be determined within the time limited for the compliance with this demand by the said County of Erie, Erie County Sheriff's Department, City of Lackawanna and the Lackawanna Police Department pursuant to statutes in such cases made and provided, the Claimant intends to commence action against the County of Erie, Erie County Sheriff's Department, the City of Lackawanna, and the Lackawanna Police Department to recover said damages with interest and the costs of this action.

Getzville, New York
March 10, 2011



Steven M. Cohen, Esq.
HoganWillig
Attorneys for Claimant
2401 North Forest Road, Suite 301
Getzville, New York 14068
Telephone: (716) 636-7600

TO: COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, New York 14202

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

HOGANWILLIG
Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 Toll Free: 800.636.5255 Fax: 716.636.7606 www.hoganwillig.com

CITY OF LACKAWANNA
714 Ridge Road
Lackawanna, New York 14218

LACKAWANNA POLICE DEPARTMENT
714 Ridge Road
Lackawanna, New York 14218

HOGANWILLIG

Attorneys at Law

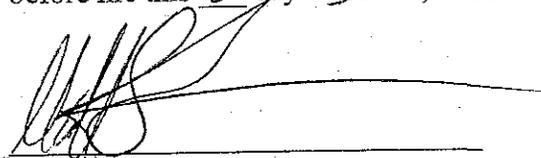
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 Toll Free: 800.636.5255 Fax: 716.636.7606 www.hoganwillig.com

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

MANSOOR SALEH, being duly sworn states that I am the Claimant in the within action. I have read the foregoing Notice of Claim and know the contents thereof. The contents are true to my knowledge, except as to matters therein stated to be alleged upon information and belief and to those matters; I believe them to be true.


Mansoor Saleh

Sworn to and subscribed
before me this 6 day of March, 2011



Notary Public

MATTHEW S. FELDMAN
Notary Public State of New York
Qualified in Niagara County
My Commission Expires April 26, 2014



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Eady, Darius vs County of Erie, Erie County Sheriff's Department, City of Lackawanna and Lackawanna Police Department</i>
Document Received:	Notice of Claim
Name of Claimant:	darius Eady 41 Donna Street, Lot 5 Lackawanna, New York 14218
Claimant's attorney:	Steven M. Cohen Hogan Willig 2410 North Forest Road Getzville, New York 14068

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

HOGAN WILLIG

Attorneys at Law

2410 North Forest Road - Suite 301 • Getzville, New York 14068
Phone: (716) 636-7600 • Toll Free: 1-800-636-5255 • Fax: (716) 636-7606

STATE OF NEW YORK: COUNTY OF ERIE

In the Matter of the claim of

DARIUS EADY,

Claimant,

NOTICE OF CLAIM

**TO: County of Erie
Erie County Sheriff's Department
City of Lackawanna
Lackawanna Police Department**

PLEASE TAKE NOTICE the claimant herein hereby makes a claim and demand against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, CITY OF LACKAWANNA, and the LACKAWANNA POLICE DEPARTMENT as follows:

- 1. The names and post-office addresses of the claimant and his attorneys are:

CLAIMANT

Darius Eady
41 Donna Street, Lot 5
Lackawanna, New York 14218

ATTORNEY

Steven M. Cohen
HOGANWILLIG
2410 North Forest Road, Suite 301
Getzville, New York 14068

2011 APR - 7 AM 10: 15
ERIE COUNTY SHERIFF
CIVIL DIVISION

- 2. The nature of the claim:

Action for the recovery and damages due to injuries sustained by the Claimant in an amount as yet to be determined, resulting from the intentional and negligent infliction of emotional distress, as well as unreasonable search unreasonable seizure, and deprivation of liberty without due process of law, all in violation of the Fourth and Fourteenth Amendment rights, of the Claimant, as well as the negligent conduct of the County of Erie, Erie County Sheriff's Department, City of Lackawanna, and the Lackawanna Police Department in the hiring, training, operation, management, supervision of the officers involved.

- 3. The date, time when, the place where and the manner in which the claim arose is as follows:

On or about January 28, 2011, in the early morning hours, certain officers of Erie County Sheriff's Department and Lackawanna Police Department conducted a search of the residence of 41 Donna Street, Lot 5, in the City of Lackawanna, New York 14218, without possession of a

HOGANWILLIG

Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

valid warrant and without exigent circumstances, at which time Claimant was lawfully on said premises, and during said unreasonable search of Claimants home and property and contemporaneously therewith, did unreasonably seize Claimant by placing him in zip-ties and subsequently handcuffs and transporting him to the Lackawanna police station.

4. The items of damages or injuries claimed are:

The Claimant suffered property damage in the form of broken door frames on both the front and back doors to his residence, as well emotional and psychological injuries resulting from the intentional and negligent infliction of emotional distress, as well as the unreasonable search of his home and property, deprivation of liberty without due process, and unreasonable seizure of his person in violation of his Fourth and Fourteenth Amendment rights, all in an amount to be determined. Said claim and demand is hereby presented for adjustment and payment.

PLEASE TAKE FURTHER NOTICE that by reason of the premises, in default of the County of Erie, Erie County Sheriff's Department, City of Lackawanna, and the Lackawanna Police Department to pay Claimant the sum to be determined within the time limited for the compliance with this demand by the said County of Erie, Erie County Sheriff's Department, City of Lackawanna and the Lackawanna Police Department pursuant to statutes in such cases made and provided, the Claimant intends to commence action against the County of Erie, Erie County Sheriff's Department, the City of Lackawanna, and the Lackawanna Police Department to recover said damages with interest and the costs of this action.

Getzville, New York
March 10, 2011



Steven M. Cohen, Esq.
HoganWillig
Attorneys for Claimant
2401 North Forest Road, Suite 301
Getzville, New York 14068
Telephone: (716) 636-7600

TO: COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, New York 14202

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

HOGANWILLIG
Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 Toll Free: 800.636.5255 Fax: 716.636.7606 www.hoganwillig.com

2

CITY OF LACKAWANNA
714 Ridge Road
Lackawanna, New York 14218

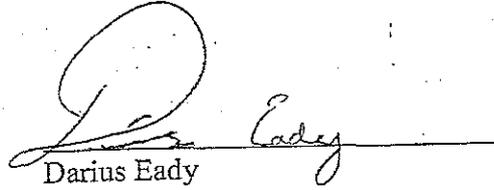
LACKAWANNA POLICE DEPARTMENT
714 Ridge Road
Lackawanna, New York 14218

HOGANWILLIG
Attorneys at Law

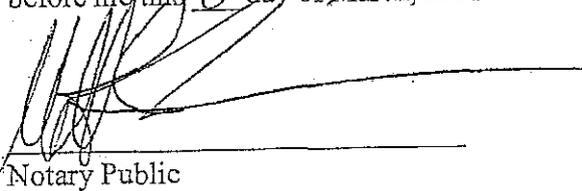
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 Toll Free: 800.636.5255 Fax: 716.636.7606 www.hoganwillig.com

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

Darius Eady, being duly sworn states that I am the Claimant in the within action. I have read the foregoing Notice of Claim and know the contents thereof. The contents are true to my knowledge, except as to matters therein stated to be alleged upon information and belief and to those matters; I believe them to be true.


Darius Eady

Sworn to and subscribed April
before me this 6 day of March, 2011


Notary Public

MATTHEW S. FELDMAN
Notary Public State of New York
Qualified in Niagara County
My Commission Expires April 26, 2014



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Welch, Robert Y. vs Erie County Medical Center Corporation and the County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Robert Y. Welch 66 Custer Street, Apt. 251 Buffalo, New York 14214
Claimant's attorney:	Sean E. Cooney Cantor, Lukasik, Dolce & Panepinto, PC 1600 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 

THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF

ROBERT Y. WELCH

Claimant

Notice of Claim

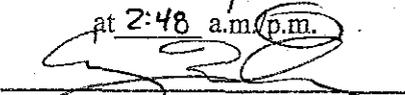
v.

ERIE COUNTY MEDICAL CENTER CORPORATION, AND
THE COUNTY OF ERIE,

Respondents.

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

THE COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, NY 14202

This paper received at the
Erie County Attorney's Office
from Madeline Miranich
the 11th day of April, 20 11
at 2:48 a.m./p.m.

Assistant County Attorney

PLEASE TAKE NOTICE, that the Claimant hereby makes a claim and demand against
the ERIE COUNTY MEDICAL CENTER CORPORATION and THE COUNTY OF ERIE, as
follows:

1. The Claimant resides at 66 Custer Street, Apartment #251, Buffalo, New York
14214.
2. The attorney for the Claimant herein is Sean E. Cooney, Esq., and his post office
address and telephone number are 1600 Main Place Tower, 350 Main Street, Buffalo, New York
14202, (716) 852-1888.

3. The time when, and the place where, and the nature of the claim are as follows:
Upon information and belief, on or about January 24, 2011 while approaching the main entrance
to the Erie County Medical Center hospital at 462 Grider Street, Buffalo, New York, the claimant

was caused to slip and fall on snow and ice while walking upon the sidewalk toward the entrance and suffered injury as a result. Upon information and belief, the subject premises was owned, controlled, and/or maintained by the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE.

4. The Claimant immediately reported the injury to employees of the respondents.

5. The Claimant alleges that the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE were negligent in that they failed to maintain their property in a reasonably safe condition, allowing the presence of snow and ice on the main entrance sidewalk, failed to warn him of the snow and ice, and failed to otherwise provide a safe means of entering the hospital.

6. Therefore, the Claimant files a damages claim for serious and permanent personal injuries, economic loss, conscious pain and suffering, and changes in his lifestyle, all of which stem from the alleged negligence of the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE and its agents, contractors, servants, and employees.

7. The injuries sustained by Claimant, Robert Y. Welch, are as follows:

- a. right knee injury with tendon tears
- b. cervical fracture and herniation/bulge

8. The claimant will also seek damages for such other and further injuries as may be determined by the treating physicians, rehabilitation therapists and other qualified medical personnel.

9. Upon information and belief, the total claim of the claimant, Robert Y. Welch, is \$1,000,000.00.

Dated: Buffalo, New York
April 11, 2011



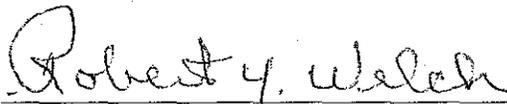
Sean E. Cooney, Esq.
Cantor, Lukasik, Dolce & Panepinto
Attorneys for Claimant
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888

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

THE COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, NY 14202

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

Robert Y. Welch, being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing 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, deponent believes it to be true.



Robert Y. Welch

Sworn to before me this

11 day of April, 2011



SEAN E. COONEY
Notary Public, State of New York
No. 01CO6185338
Qualified in Erie County
Commission Expires April 14, 2012



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Tatar, Shirley vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Shirley Tatar 8493 Boston State Road, Apt. 2 Boston, New York 14025
Claimant's attorney:	Patrick J. Brown, Esq. LoTempio & Brown, P.C. 181 Franklin Street One Franklin Court Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

IN THE MATTER OF THE CLAIM OF SHIRLEY TATAR

Vs.

THE COUNTY OF ERIE

NOTICE OF CLAIM

TO: The County of Erie

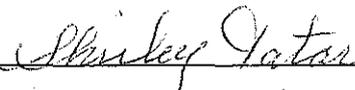
PLEASE TAKE NOTICE, that the Claimant, Shirley Tatar, alleges the following:

1. The Claimant's name is Shirley Tatar who resides at 8493 Boston State Road, Apartment 2, Boston, New York 14025. Her attorneys are LoTempio & Brown P.C., 181 Franklin Street, Buffalo, New York 14202

2. This is a claim for personal injuries, pain and suffering and medical expenses.

3. The claim arose at approximately 1:30 P.M. on March 25, 2011 at the premises known as the Erie County Auto Bureau located at Erie County Community College, South Campus, Building 7, 4041 Southwestern Blvd., Orchard Park, New York. The Claimant exited the Auto Bureau and was outside of the building in an area of the parking lot immediately in front of the building when she was caused to fall on an accumulation of ice and snow. The area where the Claimant fell is located immediately in front of the building where a series of rubber bumpers protrude from a concrete wall.

4. As the result of falling the Claimant has suffered injuries to her head, neck and back and has been caused to endure severe pain, dizziness and numbness and has required medical treatment and incurred medical expenses.



Shirley Tatar

Dated: Buffalo, New York
April 11, 2011

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

INDIVIDUAL VERIFICATION

Shirley Tatar, being duly sworn deposes and says: that deponent is the Claimant of the within action; that deponent has read the foregoing 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 deponent believes it to be true.

Sworn to before me this 7 day of April, 2011

Shirley Tatar
Shirley Tatar

Nancy Heigl
My commission exp. 6.30.2014
Notary Public, Erie Co., NY;
Commissioner of Deeds, Bflo., NY-

HENRY HEIGL
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES JUNE 30, 2014

CORPORATION VERIFICATION

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

, being duly sworn, deposes and says: that deponent is the _____ of _____, the corporation named in the within action; that deponent has knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. this verification is made by deponent because _____ is a _____ corporation; deponent is an officer thereof, to wit: _____ the grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this _____ day of _____,

My commission exp. _____
Notary Public, Erie Co., NY; Commissioner of Deeds, Bflo., NY

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the court of New York State, certifies that the _____ has been compared by the undersigned with the original and found to be a true and complete copy.

DATED: _____

AFFIRMATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of the State of New York State, shows: that deponent(s) is (are) the attorney(s) of record for _____ in the within action; that deponent has read the foregoing _____ and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matter 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 _____ is that there is no officer presently in Erie County.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under penalty of perjury.

DATED: _____



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

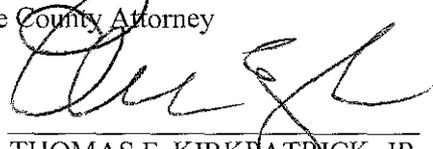
File Name:	<i>Travelers Insurance Company obo Hujer, Mark and Cynthia vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Mark Hujer
Claimant's attorney:	Travelers Home and Marine Insurance Company One Tower Square Hartford, CT 06183

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By:


THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

In the matter of the claim

HHP9501-KW

NOTICE OF CLAIM

OF: Mark Hujer
Against: Erie County

Please take notice that the undersigned, pursuant to the statutes in such cases made and provided, hereby makes claim against Erie County for the sum of \$957.62 (with possible outstanding items)

1. The corporate name is Travelers Insurance Company, located at 60 Lakefront Boulevard, Buffalo, NY 14240.
2. This claim is one against Erie County.
3. The time when the damages arose and the time the damages, hereinafter alleged where sustained was Approximately 7:20pm (AM/PM), on March 10, 2011.
4. The particular place of the sustaining of such damage was on Armour Duells Road, Orchard Park NY.
5. The said damages sustained by the Travelers Insurance Company and for which it makes claims Consists of the following: \$457.62

Plus \$500 deductible paid by our Insured

Wherefore, the Travelers Insurance Company respectfully requests that this claim be allowed and paid By the said Erie County.

Dated: March 14, 2011

State of New York



Kimberly Walker

ERIE COUNTY

Kimberly Walker, being duly sworn, says that she is the duly sworn representative of the claimant named in the foregoing claim that she had read the same and knows the contents thereof. The same is true to her knowledge, except to matters alleged upon information and belief, and as to these matters he believes to be true.

Sworn to before me this 14th day of March 20.11



Cynthia J. Smith

NOTARY

CYNTHIA J SMITH

NOTARY PUBLIC-STATE OF NEW YORK

No. 01SM5013605

Qualified in Erie County

My Commission Expires July 15, 2011



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

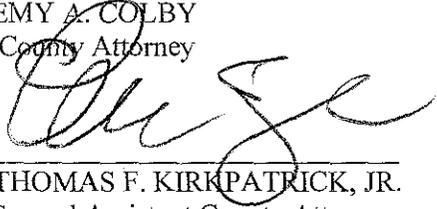
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Jones, Michelle M. vs County of Erie and ECMC</i>
Document Received:	Notice of Claim
Name of Claimant:	Michelle M. Jones 122 Berkshire Avenue Buffalo, New York 14215
Claimant's attorney:	Robert A. Scalione Cellino & Barnes, P.C. 2500 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MICHELLE M. JONES,

Claimant,

NOTICE OF CLAIM

v.

Index No.

COUNTY OF ERIE and
ERIE COUNTY MEDICAL CENTER,

Respondents

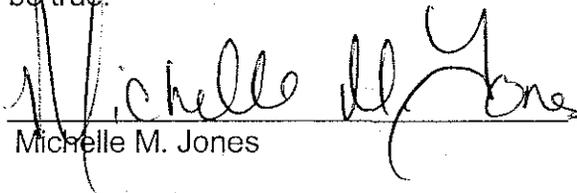
PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, ERIE COUNTY and ERIE COUNTY MEDICAL CENTER, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support there of, the claimant states:

1. Claimant's address is 122 Berkshire Avenue, Buffalo, NY 14215.
2. The claimant is represented by Cellino & Barnes, P.C. with offices located at 2500 Main Place Tower, 350 Main Street Buffalo, New York 14202, telephone (716) 854-2020.
3. The incident in which personal injuries were sustained by the claimant occurred on or about January 14, 2011 at approximately 3:30 p.m. inside the foyer to the main entrance of ERIE COUNTY MEDICAL CENTER. Specifically, the claimant slipped and/or tripped and fell on a rug or mat within the foyer that was saturated and/or overflowing with water.

VERIFICATION

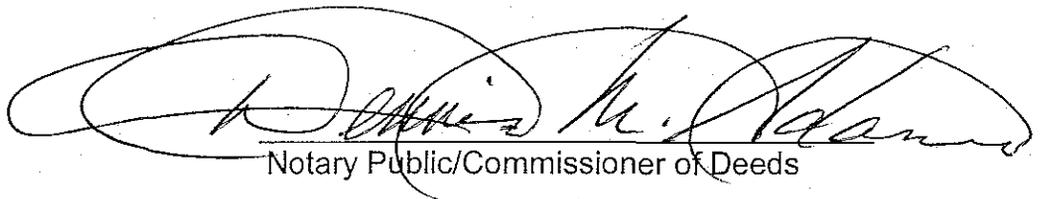
STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)

Michelle M. Jones, being duly sworn, deposes and says that she is the claimant in the within action; that she has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to the knowledge of the 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.


Michelle M. Jones

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

On the 5th day of April, in the year 2011 before me, the undersigned, personally appeared Michelle M. Jones, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public/Commissioner of Deeds

DENNIS M ADAMS
Notary Public, State of New York
Qualified in Erie County
Reg# 01AD5028214
My Commission Expires May 23, 20 14



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY
THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

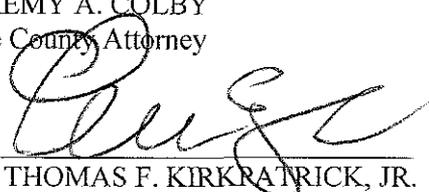
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Fitzgerald, Mark vs Jacqueline Kretzmon, Commissioner Brian Fisher, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	Mark Fitzgerald P.O. Box 128 Mayville, New York 14757
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

UNITED STATES DISTRICT COURT

for the

Western District of New York

MARK FITZGERALD
Plaintiff

v.

JACQUELINE KRETZMAN
Defendant

Civil Action No. 11-CV-6014EJS

US MARSHALS SERVICES
WESTERN DISTRICT OF NEW YORK
2011 APR 14 PM 3:04

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Jacqueline Kretzman
16 Delaware Ave
Buffalo, NY 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mark Fitzgerald
PO Box 428
Mayville, NY 14757

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Michael J. Roemer

Signature of Clerk or Deputy Clerk

Date: APR 13 2011

Civil Action No. 11-CV-5014-CJS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

-PS-0-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARK FITZGERALD,

Plaintiff,

-v-

11-CV-6014CJS
ORDER

Commissioner BRIAN FISCHER,
Superintendent BRUCE YELICH,
Superintendent CARL HUNT,
Superintendent DARWIN LACLAIR,
Superintendent MALCOM CULLY and
Lieutenant JACQUELINE KRETZMON
in there offical capacities

Defendants.

Plaintiff Mark Fitzgerald, who was an inmate of Collins Correctional Facility at the time he filed this action, but has now been released from State custody, has submitted to the Court a complaint and an affidavit of poverty seeking permission to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

Plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: March 9, 2011
Rochester, New York

Mark Fitzgerald
Plaintiff,

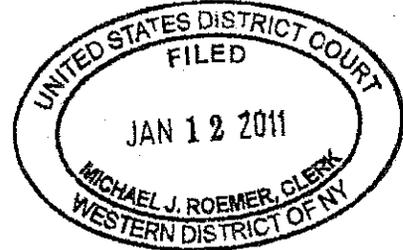
V.

Commissioner Brian Fischer,
Superintendent Bruce Yelich,
Superintendent Carl Hunt,
Superintendent Darwin LaClair,
Superintendent Malcom Cully,
Lieutenant Jacqueline Kretzmon,
in their official capacities,
Defendants,

COMPLAINT

Civil Action No. 11CV60143 (JRS)

Jury Trial Demand



I. COMPLAINT

1. Plaintiffs, Mark Fitzgerald, pro se, for their complaint state as follows:

II. JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to 42 U.S.C. section 1983 to remedy the deprivation, under color of state law, of rights guaranteed by Eighth Amendments to the United States Constitution. This Court jurisdiction over this action pursuant to 28 U.S.C. section 1331 and 1343.

3. Plaintiff's claim for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.

4. This cause of action arose in the Western District of New York. Therefore, venue is proper under 28 U.S.C. section 1361(b).

III. PARTIES

5. Plaintiff Mark Fitzgerald was, at all times relevant hereto, a prisoner in the custody of New York State Department of Correctional Services ("NYSDOCS"). At time of the events Mark Fitzgerald was incarcerated in Bare Hill, Groveland, Franklin, and Collins. Plaintiff is currently incarcerated at Collins located at PO Box 340 Collins, NY 14034.

6. Plaintiff Mark Fitzgerald is, and was at all times mentioned herein, an adult citizen of the United States and resident of the State of New York.

7. Defendant Brian Fischer was, at all times relevant thereto, the commissioner of Department of Correctional Services for the State of New York. Located at 1220 Washington Ave Bldg 2 Albany, NY 12226.

8. Defendant Bruce Yelich was, at all times relevant hereto, the warden of Bare Hill Correctional Facility for NYSDOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at Caller Box 20 181 Brand Rd Malone NY 12953.

9. Defendant Carl Hunt was, at all times relevant thereto, the warden of Groveland Correctional Facility for NYSDOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at PO Box 50 Sonyea, NY 14555.

10. Defendant Darwin La Clair was, at all times relevant thereto, the warden of Franklin Correctional Facility for NYSDOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located PO Box 10 Malone, NY 12953.

11. Defendant Malcolm Cully was, at all times relevant hereto, the warden of Collins Correctional Facility for NYSDOCS. As superintendent defendant oversees day-to-day operations and executes policies. Located at PO Box 340 Collins, NY 14034.

12. Defendant Jacquelin Kretzman was, at all times relevant thereto, the lieutenant for the Sheriffs of Erie County office. As lieutenant defendant oversees all records on inmates and jail time. Located at 10 Delaware Ave Buffalo, NY 14202.

IV PREVIOUS LAWSUITS BY PLAINTIFF

13. Plaintiff has not filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Plaintiff has filed grievance against this claim. The grievance counsel sided with defendant due to there was no other choice by them in this case as to it is not a grievable issue. Was told can not appeal this decision due to it not being grievable.

At all relevant times herein, Defendants was "person" for purposes of 42 U.S.C. § 1983 and acted under color of law to deprive Plaintiffs of their federal rights, as set forth fully below:

VI. FACTS

15. On or about September 25, 2006 Plaintiff was sentenced to 6 months and 10 years probation, which has completed jail time.

16. On or about March 20, 2008 Plaintiff was arrested for a federal complaint, which resulted in violating probation, which remained pending till federal sentence was finished.

17. On or about December 15, 2008 Plaintiff was sentenced to 14 months and 5 years supervise release. Dated from March 20, 2008 to March 26, 2009.

18. On or about May 7, 2009 Plaintiff was sentenced to 1-3 years for violation due to federal charge, during sentencing Hon. Michael Piersoska ordered that the state sentence be run concurrently with any other sentence.

19. Upon Plaintiff entering NYSDOCS, he was informed that sentence had been credited with federal jail time from 4/22/08 to 12/22/08.

20. Plaintiff has written commissioner on the fact on this, which has not gotten a reply.

21. On or about January 10, 2010 Plaintiff supplied inmate records at Bare Hill Correctional Facility with a certified computation of federal sentence.

22. On or about January 14, 2010 inmate records responded back stating that NYSDOCS was bound by jail time certificates.

23. On or about March 20, 2010 Plaintiff wrote to inmate records at Bare Hill asking how NYSDOCS has federal records but does not credit plaintiff with full amount of time, which they again stated that NYSDOCS is bound by jail time certificates.

24. On or about June 15, 2010 Plaintiff wrote to Erie County Holding Center, where Plaintiff was incarcerated before entering NYSDOCS, and asked them for an amended jail time certificate with additional jail time added.

25. On or about June 28, 2010 Erie County Holding Center replied back stating that they can not supply an amended jail time certificate, due to the time in question is federal and not county.

26. Plaintiff has wrote to Bureau of Prisons along with FCI Elkton for any other supporting documents for jail time, which has responded back stating they have the computation verified on January 23, 2009 and should be enough for NYSDOCS and will forward them a copy.

27. On or about November 13, 2010 wrote to inmate records at Franklin and supplied them with a copy of certified record and explained what the law states to do in my case as directed by them to find out, again got told to get an amended certified jail time certificate from county jail.

28. On or about November 14, 2010 Plaintiff also wrote to superintendent Darwin LaClair at Franklin and stated the same law and supplied a certified record, asking to investigate this matter.

29. On or about November 24, 2010 the superintendent of Franklin responded to my letter stating he has asked inmate records to investigate this matter. Which they have found some jail time from 3/26/08 to 4/21/08 and 12/22/08 to 1/23/09, an additional 59 days out of the 126 days owed.

30. On or about December 3, 2010 Sheriff of Erie County wrote to me stating they will supply NYSDOCS with all federal incarcerated time and let NYSDOCS decide if they will apply it. As of 1/4/11 none has been added.

31. On or about December 13, 2010 Plaintiff supplied Collins Correctional Facility inmate records and superintendent with certified records and stated about how Franklin has helped so far. Inmate records wrote back with no response; just sent back letter, certified record, and copy of jail time sheet. Superintendent forward his copy to inmate records.

32. On or about January 4, 2011 Sheriff of Erie County responded to another attempt to get a jail time certificate. They stated that from 3/20/08 to 3/26/08 and 1/24/09 to 3/25/09, according to NYSDOCS can not be applied as jail time because I was under a federal sentence at that time.

Count One: False imprisonment due to the fact that Plaintiff should have been maxed out and release around November 18, 2010 and due to the failure of Defendants, he was not released until January 23, 2011.

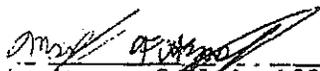
Count Two: Failure to procedural due process of law, due to Defendants did not make the obligations to make a reasonable investigation of claims of illegal detention.

Count Three: Violated Eighth amendment, inflicted cruel and unusual punishment due to if Defendants had corrected jail time, then Plaintiff would not of had to be incarcerated beyond his release date due to constitutional violations.

WHEREFORE, name prays for judgment in his favor and damages in his favor against all defendants in an amount sufficient to compensate him for normal, compensatory, and punitive damages against defendants in their official captives, but in not even less than \$20,000 together with his court cost, and such additional relief as the court may deem just and proper.

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

Executed on 1/10/11


Signature of Plaintiff Pro Se

Mark Fitzgerald
09B2765
P.O. Box 340
Collins, NY 14034

Mark Fitzgerald
Plaintiff,

V.

Commissioner Brian Fischer,
Superintendent Bruce Yelich,
Superintendent Carl Hunt,
Superintendent Darwin LaClair,
Superintendent Malcom Cully,
Lieutenant Jacqueline Kretzmon,
in their official capacities,
Defendants,

COMPLAINT

Civil Action No. _____

Jury Trial Demand

I. COMPLAINT

1. Plaintiff, Mark Fitzgerald, prose, for their complaint state as follows:

II. JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to 42 U.S.C. section 1983 to remedy the deprivations under color of state law, of rights guaranteed by Eighth Amendments to the United States Constitution. This court has jurisdiction over this action pursuant to 28 U.S.C. Section 1331 and 1343

3. Plaintiff's claim for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.

4. This cause of action arose in the Western District of New York. Therefore, Venue is proper under 28 U.S.C. Section 1391 (b).

III. Parties

5. Plaintiff Mark Fitzgerald was, at all times relevant here to, a prisoner in the custody of New York State Department of Correctional Services ("NYS DOCS"). At time of the events Mark Fitzgerald was incarcerated in Bare Hill, Groveland, Franklin, and Collins. Plaintiff is currently incarcerated at Collins located at PO Box 340 Collins, New York 14034.

6. Plaintiff Mark Fitzgerald is, and was at all times mentioned herein, an adult citizen of the United States and resident of the State of New York.
7. Defendant Brian Fischer was, at all times relevant hereto, the commissioner of Department of Correctional Services for the State of New York. Located at 1220 Washington Ave Bldg 2 Albany, NY 12226.
8. Defendant Bruce Yelich was, at all times relevant thereto, the warden of Bare Hill Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at Caller Box 20 181 Brand Rd Malone, NY 12953.
9. Defendant Carl Hunt was, at all times relevant thereto, the warden of Groveland Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at PO Box 50 Sonyea, NY 14556.
10. Defendant Darwin LaClair was, at all times relevant thereto, the warden of Franklin Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at PO Box 10 Malone, NY 12953.
11. Defendant Malcom Cully was, at all times relevant thereto, the warden of Collins Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at PO Box 340 Collins, NY 14034.
12. Defendant Jacquelin Kretzman was, at all times relevant thereto, the lieutenant for the sheriffs of Erie County office. As lieutenant defendant oversees all records on inmates and jail time. Located at 10 Delaware Ave Buffalo, NY 14202.

IV. PREVIOUS LAWSUITS BY PLAINTIFF

13. Plaintiff has not filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment.

(2)

4. Plaintiff has filed grievance against this claim. The grievance counsel sided with defendant due to there was no other choice by them in this case as to it is not a grievable issue. Was told can not appeal this decision due to it not being grievable.

At all relevant times herein, Defendant was "person" for purposes of 42 U.S.C. § 1983 and acted under color of law to deprive Plaintiff's of their federal rights, as set forth fully below:

VI. FACTS

15. On or about September 25, 2006 Plaintiff was sentenced to 6 months and 10 years probation, which has completed jail time.
16. On or about March 20, 2008 Plaintiff was arrested for a federal complaint, which resulted in violating probation, which remained pending till federal sentence was finished.
17. On or about December 15, 2008 Plaintiff was sentenced to 14 months and 5 years supervise release. Dated from March 20, 2008 to March 26, 2009.
18. On or about May 7, 2009 Plaintiff was resentenced to 1-3 years for violation due to federal charge, during sentencing Hon. Michael Pietruszka ordered that the state sentence be ran concurrently with any other sentence.
19. Upon Plaintiff entering NYS DOCS, he was informed that sentence had been credited with federal jail time from 4/22/08 to 12/22/08.
20. Plaintiff has written commissioner on the fact on this, which has not gotten a reply.
21. On or about January 10, 2010 Plaintiff supplied inmate records at Bare Hill Correctional Facility with a certified computation of federal sentence.
22. On or about January 14, 2010 inmate records responded back stating that NYS DOCS was bound by jail time certificates.
23. On or about March 20, 2010 Plaintiff wrote to inmate records at Bare Hill asking how NYS DOCS has federal records but does not credit Plaintiff with full amount of time, which they again stated that NYS DOCS is bound by jail time certificates.
24. On or about June 15, 2010 Plaintiff wrote to Erie County Holding Center, where Plaintiff was incarcerated before entering NYS DOCS, and asked them for an amended jail time certificate with additional time added.
25. On or about June 28, 2010 Erie County Holding Center replied back stating that they can not supply an amended jail time certificate, due to the time in question is federal and not County.
26. Plaintiff has wrote to Bureau of Prisons along with FCI Elkton for any other supporting documents for jail time, which has responded back stating they have the computation certified on January 23, 2009 and should be good enough for NYS DOCS and will forward them a copy.
27. On or about November 13, 2010 wrote to inmate records at Franklin and supplied them with a copy of certified record and explained what the law states to do in my case as directed by them to find out, again got told to get an amended certified jail time certificate from County jail.
28. On or about November 14, 2010 Plaintiff also wrote to superintendent Darwin Lalhair at Franklin and stated the same law and supplied a certified record, asking to investigate this matter.

Mark Fitzgerald
Plaintiff,

COMPLAINT

Civil Action No. _____

v.

Jury Trial Demand

Commissioner Brian Fischer,
Superintendent Bruce Yelich,
Superintendent Carl Hunt,
Superintendent Darwin LaClair,
Superintendent Malcom Cully,
Lieutenant Jacqueline Kretzmar,
in their official capacities,
Defendants,

I. COMPLAINT

1. Plaintiffs, Mark Fitzgerald, prose, for their complaint states as follows:

II. JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to 42 U.S.C. section 1983 to remedy the deprivation, under color of state law, of rights guaranteed by Eighth Amendments to the United States Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Section 1331 and 1343.

3. Plaintiff's claim for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.

4. This cause of action arose in the Western District of New York. Therefore, venue is proper under 28 U.S.C. section 1391(b).

III. PARTIES

5. Plaintiff Mark Fitzgerald was, at all times relevant hereto, a prisoner in the custody of New York State Department of Correctional Services ("NYS DOCS"). At the time of the events Mark Fitzgerald was incarcerated at Bare Hill, Groveland, Franklin, and Collins. Plaintiff is currently incarcerated at Collins located at PO Box 340 Collins New York 14034.

6. Plaintiff Mark Fitzgerald is, and was at all times mentioned herein, an adult citizen of the United States ~~of America~~ and resident of the State of New York.

7. Defendant Brian Fischer was, at all times relevant hereto, the commissioner of Department of Correctional Services for the State of New York. Located at 1220 Washington Ave ~~Blldg 2~~ Albany, NY 12226.

8. Defendant Bruce Yelich was, at all times relevant hereto, the warden of Bare Hill Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at Caller Box 20 181 Brand Rd Malone, NY 12953.

9. Defendant Carl Hunt was, at all times relevant hereto, the warden of Groveland Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at PO Box 50 ~~Malone, NY 12953~~ Sonyea, NY 14556

10. Defendant Darwin LaClair was, at all times relevant hereto, the warden of Franklin Correctional Facility for NYS DOCS. As superintendent defendant oversees day-to-day operations and executes its policies. Located at PO Box 10 Malone, NY 12953.

11. Defendant Malcolm Lully was, at all times relevant here to, the warden of Collins Correctional Facility for NYS DDCS. As superintendent defendant oversees day-to-day operations and executes policies. Located at PO Box 340 Collins, NY 14034.

12. Defendant Jacqueline Kretzman was, at all times relevant here to, the lieutenant for the Sheriff's of Erie County office. As lieutenant defendant oversees all records on inmates and jail time. ~~credit~~ Located at 10 Delaware Ave Buffalo, NY 14202.

IV. PREVIOUS LAWSUITS BY PLAINTIFF

13. Plaintiff has not filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. ~~Plaintiff has filed no other lawsuits dealing~~ Plaintiff has filed grievance against this claim. The grievance counsel sided with defendant due to there was no other choice by them in this case as it is not a grievable issue. Was told cannot appeal this decision due to ~~the~~ it not being grievable.

At all relevant times herein, Defendants was "person" for purposes of 42 U.S.C. § 1983 and acted under color of law to deprive Plaintiffs of their federal rights, as set forth fully below:

VI. FACTS

15. On or about September 25, 2006 Plaintiff was sentenced to 6 months and 10 years probation, which has completed jail time.

16. On or about March 20, 2008 Plaintiff was arrested for a federal complaint, which resulted in violating probation, which remained pending till federal sentence was finished.

17. On or about December 15, 2008 Plaintiff was sentenced to 14 months and 5 years supervise release. Dated from March 20, 2008 to March 26, 2009.

18. On or about May 7, 2009 Plaintiff was resentenced to 1-3 years for violation due to federal charge, during sentencing Hon. Michael Pietruszka ordered that the state sentence be ran concurrently with any other sentence.

19. Upon plaintiff entering NYS DDCS, he was informed that sentence had been credited with federal jail time from 4/22/08 to 12/22/08.

20. Plaintiff has written Commiss. oner on the fact on this, which has not gotten a reply.

21. On or about January 10, 2010 Plaintiff supplied inmate records at Bare Hill Correctional Facility with a certified computation of federal sentence.

22. On or about January 14, 2010 inmate records responded back stating that NYS DDCS was bound by jail time certificates.

23. On or about March 20, 2010 Plaintiff wrote to inmate records at Bare Hill asking how NYS DDCS has federal records but does not credit me with full amount of time, which they again stated that NYS DDCS is bound by jail time certificates.

24. On or about June 15, 2010 Plaintiff wrote to Erie County Holding Center, where Plaintiff was incarcerated before entering NYS DDCS, and asked them for an amended jail time certificate with additional jail time added.

(2)

25. On or about June 28, 2010 Erie County Holding Center replied back stating that they cannot supply an amended jail time certificate, due to the time in question is federal and not County.
26. Plaintiff has wrote to Bureau of Prisons along with FCI Elktion for any other supporting documents for jail time, which has responded back stating they have the computation certified on January 23, 2009 and should be good enough for NYS DOCS and will forward them a copy.
27. On or about November 13, 2010 wrote to inmate records at Franklin and supplied them with a copy of certified record and explained what the law states to do in my case as directed by them to find out, again got told to get an amended certified jail time certificate from County jail.
28. On or about November 14, 2010 Plaintiff also wrote to superintendent Darwin La Clair at Franklin and stated the same law and supplied a certified record, asking to investigate this matter.
29. On or about November 24, 2010 the superintendent of Franklin responded to my letter stating he has asked inmate records to investigate this matter. Which they have found some jail time from 3/26/08 to 4/22/08 and 12/22/08 to 1/23/09, an additional 59 days out of the 126 days owed.
30. On or about December 3, 2010 sheriff of Erie County wrote to me stating they will supply NYS DOCS with all federal incarceration time and let NYS DOCS decide if they will apply it. As of 1/4/11, none has been added.
31. On or about December 13, 2010 Plaintiff supplied Collins Correctional Facility inmate records and superintendent with certified records and stated about how Franklin has helped so far. Inmate records wrote back with no response; just sent back letter, certified record, and copy of jail time sheet. Superintendent forward his copy to inmate records.
32. On or about January 4, 2011 sheriff of Erie County responded to another attempt to get a jail time certificate. They stated that from 3/20/08 to 3/26/08 and 1/24/09 to 3/25/09, according to NYS DOCS cannot be applied as jail time because I was under a federal sentence at that time.

Count One: false imprisonment due to the fact that plaintiff should have been maxed out and released around November 18, 2010 and due to the failure of Defendants, he was not released until January 23, 2011.

Count Two: failure to procedural due process of law, due to Defendants did not make the obligations to make a reasonable investigation of claims of illegal detention

Count Three: violated Eighth amendment, inflicted cruel and unusual punishment due to if the Defendants had corrected jail time, then Plaintiff would not of had to be incarcerated beyond his release date due to constitutional violations.



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

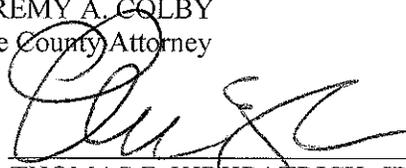
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Koonce, Bobby Wayne vs Julie Curtis and Mid-Erie Human Service</i>
Document Received:	Notice of Claim
Name of Claimant:	Bobby Wayne Koonce c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK
COURT OF CLAIMS

Bobby Wayne Koonce
Claimant

-against-

NOTICE OF INTENTION
TO FILE CLAIM

Julie Curtis/Mid-Erie Human Service
Respondents,

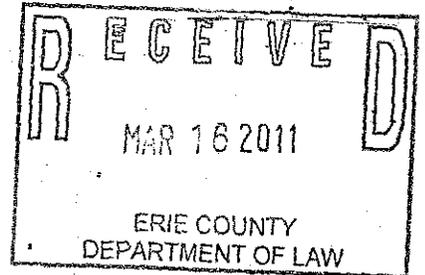
To the Clerk of the Court of Claims:

To the Attorney General of the State of New York

PLEASE TAKE NOTICE, that the undersigned, Bobby Wayne Koonce,
intends to file a claim against the State of New York, pursuant to Section 11
of the Court of Claims Act.

The Post Office Address of the claimant here is:

Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202



The time and place where such claim arose and the nature of the same are as follows: AT 11:35 A.M. January 18th, 2011 I was violated by the parole department at Buffalo Metro Parole Department as a result of statements made by Ms. Julie Curtis. Since 1999 to 2000, 2002, 2009, and 2011 I have been constantly harrassed by Ms. Julie Curtis an employee at Mid-Erie Human Service Agency located at 1131 Broadway Avenue, Buffalo, New York 14212. Ms. Curtis has been the author of four (\$) violations against me. Two of which was over turned by the courts and dismissed. At times Ms. Curtis forced me to lie.

This notice is filed within the time constraints set forth in Section 10 of the Court of Claims Act.

Bobby Koonce
Claimant pro se

Sylvia M O'Neal
2/15/11

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
in and For the City of Buffalo, Erie County, NY
My Commission Expires Dec 31, 2011

STATE OF NEW YORK
COURT OF CLAIM

Bobby Wayne Koonce
Claimant:

-against-

Julie Curtis/Mid-Erie Human Service
Respondents,

Notice of Intention
To File Claim
Continue

Continue The time and place where such claim arose and nature of the same are as follow:

As an Therapist, has used Lies, Threats, and Intimidation in her everyday use of Therapy toward me.

At times I have been forced to incriminate myself, which I know is unconstitutional. However, if I refused her request to lie on myself she in return would tell my Parole Office that I am refusing to participate in her program and therefore for be removed from the group and automatically violated.

This has happened many times and many times I have been sent back to prison on false statement made by Julie Curtis.

This Notice is filed within the time constraints set forth in Section 10 of the Court of Claim Act.

Bobby Wayne Koonce

Claimant pro se

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 20 12

Sylvia M O'Neal
2/15/11

VERIFICATION

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

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

Bobby Kame

Sworn to before me this 15
day of February 2011

Sylvia M. O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
in and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2012



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Catham, Rickie vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Rickie Catham c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

=====X

RICKIE LATHAM

Claimant,

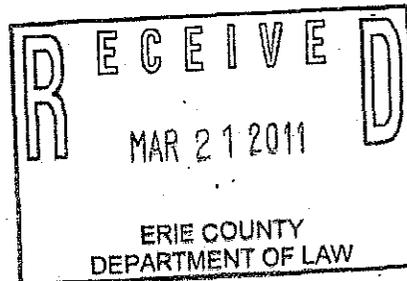
NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

Defendant.

=====X



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

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

1. The name and post office address of the claimant is:

*ERIE COUNTY HOLDING CENTER.
40 DELAWARE AVE. BUFFALO NEW YORK 14202;*

2. This claim is for damages sustained by the Claimant while

he was an inmate at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202-3999.

3. The wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows:

- (A) ON MARCH 3rd-2011 THE DENTIST AT THE ERIE COUNTY HOLDING CENTER IN BUFFALO, NEW YORK DID RE MOVE CLAIMANTS TEETH CAUSING SEVERE DAMAGE TO GUMS
- (B) THAT ON MARCH 9th 2011 EMERGENCY SURGERY WAS DONE ON CLAIMANTS MOUTH AT THE ERIE COUNTY MEDICAL CENTER DUE TO THE CARELESS ACTS OF THE DENTIST AT THE ERIE COUNTY HOLDING CENTER.

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



CLAIMANT
Rickie Latham

VERIFICATION

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

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

Rickie Catham
RICKIE CATHAM

Sworn to before me this 17
day of March 2011.
Sylvia M. O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2012



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

April 29, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Vazquez, Justin vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Justin Vazquez c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

=====X

Claimant,

Justin Vazquez
ICN# 95503

NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

Defendant.

=====X

TO: COUNTY OF ERIE
DEPARTMENT OF LAW
95 Franklin Street 7 Room 1634
BUFFALO, NEW YORK 14202

PLEASE TAKE NOTICE that Justin Vazquez # 95503, hereby claims and demands, pursuant to §50-e of the General Municipal Law, damages against the COUNTY OF ERIE for damages sustained by Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees; and in support thereof, the Claimant states:

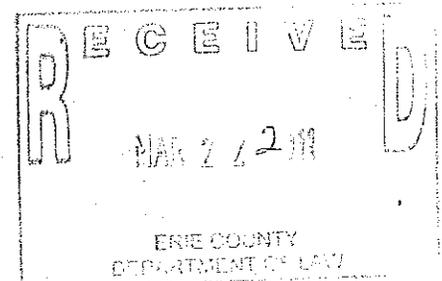
1. The name and post office address of the claimant is:

Justin Vazquez, ICN# 95503, ECHC - 40 Delaware Ave., Buffalo, N.Y. 14202

2. This claim is for damages sustained by the Claimant while

he was an inmate at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202-3999.

- 1 -



3. The wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees,

occurred as follows: On 2/7/11, while claimant was out to court, Daniel Cifacina whose the Porter/Trustee on Delta Long Block, stole claimants commissary and destroyed his cell, # 24, by launching unknown liquids into it causing claimants property, clothes, legal mail, paperwork, and bed linen to be irretrievable. When claimant returned from court, Sgt. Lysarz subsequently moved him to Delta Segregation Block, where high profile and murdered inmates were being housed. Claimants classification did not require him to be segregated from the rest of the inmate population by being placed on a seg unit. On 2/8/11, claimant was hospitalized and given sutures (stitches) and pain meds and antibiotics, because he was severely assaulted by Brian Talley, an inmate on the D-seg Unit. Claimant was subsequently sanctioned by Lt. Kretzman to 15 days Keep Lock No Privileges and a \$5.00 surcharge, whom in turn sanctioned 1/2 Talley to a verbal reprimand. Claimant was subsequently moved to Delta Short Block, where 1/2 Talley was later moved and made porter. On 2/26/11, claimant was assaulted again, with the facility broom by Robert Pope under direct visual surveillance of Deputy Stephen Kern, and again, Lt. Kretzman sanctioned claimant to 30 days Keep lock No Privileges, and a \$25.00. The commissary that claimant had was then taken from him by staff. On 3/14/11, claimant was deprived his visit with his mom and then he was roughed up by Deputies in the waiting room of the visiting area. On 3/16/11, claimant was beat up by Deputies Humber & Poles. Claimant has been moved numerous times throughout the facility and has been harassed by Deputies and inmates. Claimant is always constantly locked in his cell by staff and inmates, throw feces and urine on him. Mental & Medical Health staff have been neglecting claimants needs, treatment, medication, and attention. He is constantly denied meds, and treatment, as well as grievances when requested. All this is taking a toll on claimant and is causing him mental, emotional, and physical anguish. Claimant already has serious mental and medical disabilities.

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

J. Glasquez

CLAIMANT

VERIFICATION

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

Justin VAZQUEZ # 95503, being duly sworn, deposes and says that he is the claimant in the within proceeding and has read the foregoing Notice of Claim and knows the contents of same to be true to his own knowledge, save those matters therein alleged upon information and belief, and as to those matters, the same he believes to be true.

J. Vazquez

Sworn to before me this 18
day of March 2011
Sylvia M. O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2012



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

May 4, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

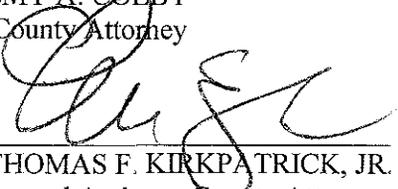
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Bibbes, Brandon vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Brandon Bibbes 111 East Morris Avenue Buffalo, New York 14214
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

=====X

Claimant,

NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

Defendant.

=====X

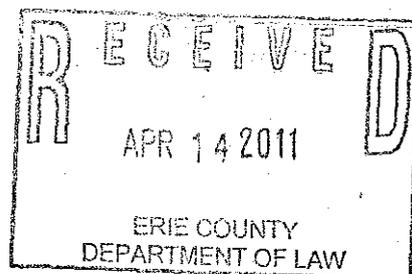
ERIE County
LAW DEPARTMENT
95 FRANKLIN ST
BUFFALO NY -
zip code 14202 3921

TO: ~~COUNTY OF ERIE~~
~~DEPARTMENT OF LAW~~
~~69 DELAWARE AVENUE, SUITE 300~~
~~BUFFALO, NEW YORK 14202~~

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

1. The name and post office address of the claimant is:
2. This claim is for damages sustained by the Claimant while he was an inmate at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202-3999.

- 1 - A



3. The wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows:

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

1 Randon Bilton
CLAIMANT

VERIFICATION

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

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

Branden Bibbes

Sworn to before me this _____
day of _____,

Notary Public

Attacked

Inmate Grievance Form

Grievance # G

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: Brandon Bibber ICN # 8659 HU # Gulf East 32

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached 2

I'm writing in regards to the incident that happened on Dec 6 2010 on the above and date was verbally and emotionally attacked by Deputy C. Mannos and Deputy Lelita and Sgt. T. Caldarella and I was told that I will not be getting my 15 mins time out or be going to the infirmary. Deputy Lelita and Deputy C. Mannos and Sgt. T. Caldarella is a vicious bigot and are monsters that is

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

I would like a full investigation into this matter and this Sgt. and Depts put on probation or administration leave. Untill they have completed some kind of counseling and some job training in a prison they needs to develop some kind of working and people skills for the job they hold as a Depts!

Grievant Signature: Brandon Bibber

Date/Time Submitted: 12/10 9:00 AM

Receiving Staff Signature: _____

Date/Time Received: _____

Summary of facility staff attempts to resolve (Attach relevant documentation) Number of Additional Sheets Attached ()

Officer/ Supervisor Signature _____

I accept this resolution

I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: _____ Date: _____ Time: _____

Forwarded to Grievance Coordinator

Officer/Supervisor Signature: _____ Date: _____ Time: _____

Received by Grievant Coordinator

Signature of Grievance Coordinator: _____ Date: _____ Time: _____

(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)

Inmate Grievance Form

Grievance # G

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: Brandon Bibbes ICN# 8659 HU# CELL 32
guilt E.

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached 2 A

MY NAME IS BRANDON BIBBES. ON DECEMBER 11TH -
2010 AT ABOUT 5PM OR 5:30PM. I TRY TALKING TO
DEPUTY CARR. ABOUT MY DEIT TRAY. DEPUTY CARR
TOLD ME. HES NOT DOING NOTHING FOR ME ABOUT MY
DEIT TRAY. WHEN SERGEANT. MCMAHON CAME UP
MY DOOR HE TOLD ME TO GET MY FEET OUT THE DOOR,
BECAUSE I HAD MY FEET IN THE DOOR TO SEE HIM

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

TO SEE DEPARTMENT OF JUSTICE

Grievant Signature: _____ Date/Time Submitted: 1-4-11 HAPPEN
12-11-10

Receiving Staff Signature: _____ Date/Time Received: _____

Summary of facility staff attempts to resolve (Attach relevant documentation) Number of Additional Sheets Attached ()

Officer/ Supervisor Signature _____

 I accept this resolution I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: _____ Date: _____ Time: _____

Forwarded to Grievance Coordinator

Officer/Supervisor Signature: _____ Date: _____ Time: _____

Received by Grievant Coordinator

Signature of Grievance Coordinator: _____ Date: _____ Time: _____

(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)

78 2

Cell #

Brimmer Bill (8659) Gull East

Very truly your

Please help thanks very much

family call to tell them the complaint

Washington DC And I will have my wife and

this complaint us noy crt spi 950 Pennsylvania

help me on this or those matters or I can send

or harassment from these Dept's and sats please

have to be subjected to this toy and kind of treatment

towards me and others repeatedly don't think I should

for human life and has massive amounts of hatred

nervous that they made these people has no regards

feel like this but they verbal attack on me was so

feeling about me or just words in general could make me

thought that these people think and the thoughts and

feel hopeless and emotionally distressed I never

and my wife, And the comments they have left me

to kill me and my sons and play with my soul

think us and I keep playing games they are going

and historic and that they are different people from your

people killed your black leaders and we don't like that

said to me and I must remember how we as of white

and I'm struggling with the talk and things that's being

he shift but a ropes and that I am the fastside ropes

are going to kill me and I'm a loser and I will never

them they attacked me with racist comments and they

to another cell and when I tried to explain myself to

and the sgt and Dept's had a miss disagreement so we making

1 WHITE GRIBUANCE FORM NUMBER

to be working in correction, and this incident me

IN THE... TO SUPERINTENDENT

I BRANDED ON DECEMBER 11TH 2010.

TALKING TO DEPUTY CARP ABOUT MY DEPT TRAY

THAT I AM SUPPOSE TO HAVE TWO JUICE ON

MY TRAY. I ASK DEPUTY CARP TO CALL TO THE

KITCHEN. HE SAID HE WAS NOT GOING TO GO

NOTHING FOR ME. SO I PUT MY FOOT IN THE DOOR

AND SAID, PLEASE COULD I HAVE A GR'EVANCE

AND SEE A SERGEANT. NOW THE SERGEANT

CAME UP. SERGEANT MCGINNIS ASKED GET YOUR

FEET OUT THE DOOR, AND STOP ASKING LIKE A

BITCH. OTHER DEPUTY CAME RUNNING UP IN MY

CELL. FIRST I WAS SPRAY WITH MACE IN MY EYE

I THEN WENT DOWN TO THE FLOOR. WHERE I WAS

JUMP ON BY AT LEAST 7 OR 8 DEPUTY

STAMPED KICK IN THE BACK NECK AND LEGS

BY THE OFFICER. UNTO I KNOW FIVE OF THE

OFFICER. DEPUTY L. ROBERTS, DEPUTY K. CARP

-167. DEPUTY D. REISIO. SGT WEBSTER. SGT

-MCINNIS. THIS EVIDENCE IS ON CAMERA

THEY ALSO GAVE MY PHONE TIME FOR I CAN

NOT TALK TO MY FAMILY OR MY LAWYER

THEY DON'T WANT TO LET ME OUT FOR A

SHOWER. THE OFFICER IS TALKING WITH

MY MAIL. THE OFFICER, AND MEDICAL

STAFF HAVE DENIED ME MEDICAL

ATTENTION. AS SOON AS THEY JUMP

ON ME THEY TOOK ME TO THE MEDICAL

H



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

May 4, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Bynum, Cash vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Cash Bynum c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

=====X

Claimant,

NOTICE OF CLAIM

- VS -

THE COUNTY OF ERIE,

Defendant.

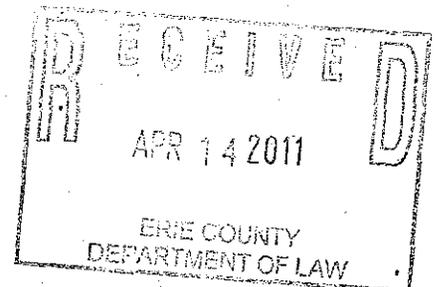
=====X

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

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

1. The name and post office address of the claimant is:
2. This claim is for damages sustained by the Claimant while he was an inmate at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202-3999.

- 1 -



3. The wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows: *Read The Attached Informal Complaint to The Superintendent*

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

CASH Bynum

CLAIMANT

VERIFICATION

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

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

CASH Bynum
Cash Bn

Sworn to before me this 11
day of April 2011,

Sylvia M. O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2012

4-8-11

Informal Complaint to Superintendent

To whom this may concern my name is Cash Bynum 84675 I am filing this complaint on 40 Delaware Ave Erie County Holding Center because they are violating my rights. I had an allergic issue and I'm suppose to get a special Tray Deputy Peterson tried to feed me the wrong Tray so I told about my issue he got mad and started disrespecting and threatening to start denying my visitors. Now because of his action I ask for an Grievance. Sgt. Webster claim he was going to take care of the issue and told me Deputy Peterson can't deny my visits. which was an lie because he started deny my visits. Now there blocking my numbers so I can't communicate with the outside world because I'm grieving this. The first grievance again was on 1-22-11 then 2-20-11, 2-28-11, 3-3-11 and 3-9-11 was all days they deny me or played with my visits. on 3-10-11 Sgt. Coastro try to cover up for the Deputy's so I grieve that also. They also told my girlfriend Latasha Fields to stop coming up here or she will be arrested every since then me and her has been suffering physically, mentally, & emotional distress behind this. I have not receive a response on my grievances about them blocking my phone numbers. These people working here feel they are above the law. a notice of claim will be filed they are trying to stop me from communicate with the outside world. I try to grieve this situation and hope something will be done about it but it's not. Since this deny situation has action my visitor

Come Down here as much because she doesn't want to
 be bother but these Deputy's she use to come down
 here atleast 2 or 3x a week now she come down about
 once a week. I've been threaten by Deputy's because I've
 been giving them my visitor been threaten by these Deputy
 I need to see the Dept. of Justice. I lost money on
 my phone card, phone numbers are been block, my phone
 on my housing unit been turned off for days. All because
 I am being threaten unfair and trying to bring it to
 the proper Authority attention. I cash bynum 84675 Ask
 for fairness and Justice. The Erie County halmen center
 have an history of violating people rights. There been assault
 on inmates handcuff and un-cuff, There even been mpression
 inmates. Deputy laying on inmates. I Ask Bynum Ask for
 the Dept of Justice. I feel there next step is to stop my
 incoming and out going mail or put there hands and feet on
 me, I'm trying to prevent that and follow the right step
 for these matter and it's like there not being heard. They
 have Denied Visits and block my phone numbers. I would
 like the Superintendent policy and procedure of Erie County
 Holmen center about this matter. I can very stress out
 Behind this matter also my family and friends are also.

THANK YOU
 Cash Bynum
 84675



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

May 4, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

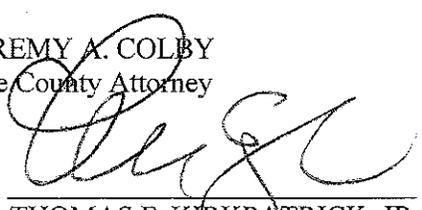
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Anderson, Derrick vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Derrick Anderson c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

=====X
DEVRICK ANDERSON

Claimant,

NOTICE OF CLAIM

- VS -

THE COUNTY OF ERIE, NURSE JOE

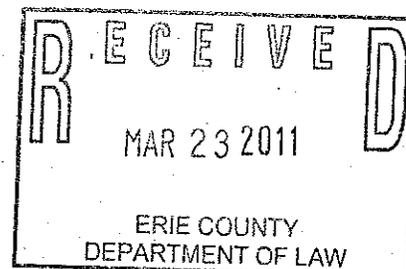
Defendant.
=====X

TO: COUNTY OF ERIE
DEPARTMENT OF LAW
69 DELAWARE AVENUE, SUITE 300
BUFFALO, NEW YORK 14202

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

1. The name and post office address of the claimant is:
2. This claim is for damages sustained by the Claimant while
he was an inmate at the Erie County Holding Center, 40 Delaware Avenue,
Buffalo, New York 14202-3999.

- 1 -

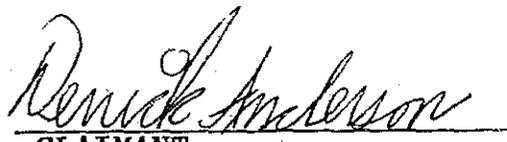


3. The wrongful, unlawful, negligent and careless acts and

omissions of the COUNTY OF ERIE, its agents, servants or employees,

occurred as follows: ON 3/11/11, AT APPROXIMATELY 10:45 AM, NURSE JOE CAME TO C-SEG WITHOUT MY DIABETES MEDICATION "METFORMIN". NURSE JOE FAILED TO USE SKILL, CARE, AND LEARNING THAT A COMPETENT NURSE WOULD EMPLOY IN DELIVERING MEDICATIONS, AND DEALING WITH PATIENTS. NURSE JOE FAILED TO USE COMMENDABLE SPEED OR SKILL IN DELIVERING CHRONIC ILLNESS MEDICATIONS TO MYSELF. INSTEAD OF MEETING HIS MORAL, MEDICAL, AND LEGAL RESPONSIBILITIES, FOR HIS OWN INTEREST, AND CONVENIENCE, HE BECAME UNPROFESSIONAL, AND VERBALLY ABUSIVE TO ME. NURSE JOE VIOLATED POLICY & PROCEDURE BY NOT SIGNING THE C-SEG LOGBOOK BEFORE PASSING OUT MEDICATIONS. NURSE JOE BROUGHT THE WRONG MEDICINE TRAY TO C-SEG, THEN STARTED A ARGUMENT WITH ME. "HE STATED, I'LL BRING YOUR MEDICATION WHEN I FEEL LIKE IT." HE STATED I BROUGHT THE WRONG TRAY AND YOU'LL GET YOUR MEDICATION WHEN I DECIDE TO BRING THEM. NURSE JOE NEVER CAME BACK WITH MY MEDICATION. NURSE JOE SHOWED A GRAVE INDIFFERENCE TO MY MEDICAL NEEDS. NURSE JOE GOT MAD BECAUSE OF HIS CARELESSNESS, AND UNPROFESSIONALISM. I ENDURED PAIN, AND SUFFERING. "HYPERGLYCEMIA (HIGH BLOOD SUGAR) DIZZINESS, BLURRED VISION, HEAVY PAINS, TROUBLE WALKING, AND "STROKE LIKE SYMPTOMS. NURSE JOE'S INABILITY TO LOCATE PATIENTS WITH THE CORRECT MEDICATION TRAY, AND CORRECT MEDICATIONS CREATES A HAZARDOUS, AND UNSAFE ENVIRONMENT. NURSE JOE BROUGHT THE WRONG MEDICINE TRAY WITH NO MEDICINE AT 10:45 AM (LUNCH TIME). THIS IS LIFE THREATENING. MY DIABETES MEDICATIONS ARE OUT WORK WHEN I EAT BEFORE I TAKE IT. I REQUEST FOR \$100,000 ACTUAL DAMAGES, AND \$500,000 PUNITIVE.

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


CLAIMANT

VERIFICATION

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

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

Dewick Anderson

Sworn to before me this 3
day of

March 2011
Sylvia M O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2012



Grievance Form - Part II

Facility: Erie County Holding Center

Grievance #: 11G-017

Name of Inmate ANDERSON, DERRICK #149

Date Part I was received: 3/2/2011

Decision of the Grievance Coordinator:

Number of Additional Sheets Attached (Yes)

(Including specific facts and reasons underlying the decision)

Grievance sustained, action requested granted in part. Per our verbal discussion earlier this morning, your medical concerns were addressed to your satisfaction. Health Department Administration have been forwarded all information pertaining to this incident. Please note, I have included the two subsequent grievances you filed, as they were concerning the same issue. Please contact me immediately if there are any further issues.

Signature of Grievance Coordinator

[Handwritten signature]

Chief Thomas Diina

Date: 3/3/11

() I have read the above decision of the Grievance Coordinator

(X) I agree to accept the decision

() I wish to appeal to the Chief Administrative Officer

Date: 3/3/11

Grievant Signature:

[Handwritten signature]

[Handwritten signature] 3/3/11 1440

Date: 3/3/11

Decision of the Chief Administrative Officer

Number of Additional Sheets Attached ()

(including specific facts and reasons underlying the decision)

Signature of the Chief Administrative Officer:

Date:

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

() I have read the above decision of the Chief Administrative Officer

() I agree to accept the decision

() I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature:

Date:

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator:

Date:



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

May 4, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

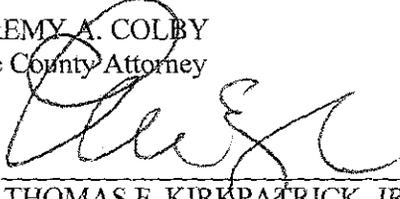
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>McIver, Derek vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Derek McIver c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

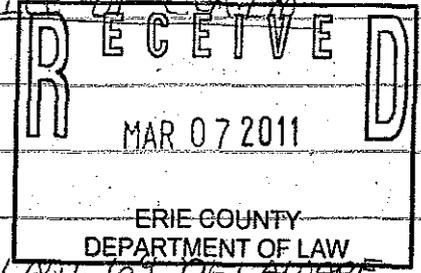
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

DEREK MCIVER,
Claimant,

- VS -

THE COUNTY OF ERIE,
Defendant.

NOTICE OF CLAIM



TO: COUNTY OF ERIE, DEPARTMENT OF LAW, 61 DELAWARE
AVENUE, SUITE 300, BUFFALO, N.Y. 14202

PLEASE TAKE NOTICE that Derek McIVER, Claimant, hereby claims and demands, pursuant to Section 50-e of the General Municipal Law, personal injury and property damages against the County of ERIE for damages sustained by Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of the county of Erie, Sheriff Deputy J. Barnes and Superintendent, its agents, servants or employees; and in support thereof, the Claimant states:

1. The name and post office address of the Claimant is DIN# 948231, GREAT MEADOW CORRECTIONAL FACILITY, 11739 STATE RTE. 22, Box 52, COMSTOCK, N.Y. 12821-0051, and Claimant's current residence is ICN: 126717, ERIE COUNTY HOLDING CENTER, 40 Delaware Avenue, Buffalo, N.Y. 14202-3999 in Erie County.

2. This claim is for damages sustained by the Claimant while he was an inmate at the Holding ERIE COUNTY HOLDING CENTER, 40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202-3999.

~~DEREK MCIVER~~

3. The wrongful, unlawful, negligent and careless acts and omissions of the ~~ERIE~~ COUNTY OF ERIE, Sheriff Deputy J. Barnas, Superintendent, its agents, servants or employees occurred as follows:

On Jan. 31, 2011 ~~approx~~ ^{after} 8:00 pm at Erie County Holding Center's Delta Short Lowside cell Block - Sheriff Deputy J. Barnas failed to protect Claimant from the assault of Inmate/Detainee Darra Hill prior to having prior knowledge of Detainee Hill's past assaults on this same cell block, witnessing a verbal argument between Claimant and Detainee Hill ~~before~~ long before Detainee Hill savagely attacked ~~assaulted~~ Claimant from behind, ~~and~~ Sheriff Deputy J. Barnes was on duty when when ~~the~~ on December 18, 2010 Detainee William Bell had fight with Detainee Darra Hill approx. after 5 pm on Delta Short, and on December 14, 2010 approx. after 5 pm at Delta Short cell Block Detainee Hill had verbal altercation with Claimant during lockdown where Sheriff Deputy J. Barnas ~~is~~ showed favoritism to ^{Detainee} Inmate Hill by directing Detainee Claimant alone to be quiet and let Detainee Hill verbally harass Claimant; and after Detainee Hill's savage assault attack upon Claimant Sheriff Deputy Barnas issued an false disciplinary report blaming Claimant as the aggressor to conceal Detainee Hill's guilty (Favoritism).

On Jan. 31, 2011 while Detainee Hill savagely assaulted Claimant, Sheriff Deputy Barnas deliberately let the assault of Detainee Hill continue for 5 minutes before signalling 10-40 alert to stop the assault by other Sheriff deputies ~~and~~

and Area Sgt. committing cruel and unusual punishment prohibited by Sheriff Deputy Barnes,

Further the Area Sgt. interviewed Claimant Later in Isolation cell # 3 on ground floor of the ERIE COUNTY HOLDING CENTER, Sgt. "L" threaten Claimant with being housed in the "smartbox" because Sheriff Deputy Barnes reported false information alleged Detainee Hill attacked Claimant because Claimant was pushing up on other Detainees for their canteen buys; Claimant denied Sheriff Deputy Barnes' false allegations; then this Sgt. "L" threaten Claimant that if he did not sign and date an pre made ERIE COUNTY ~~LIABILITY~~ WAIVER FORM he would make sure Detainee Hill presses charges against Claimant and Claimant would have to be held at ERIE COUNTY HOLDING CENTER longer subjected to further harassment by Deputy Sheriff's that run the jail. Claimant requested he is in too much pain, needed medical attention and in fear signed the waiver form under duress (Note Claimant's waiver form shows where Claimant erroneously dated it at the top of the form. Sgt. "L" admitted to knowledge of Detainee Hill's extensive assaultive history at ERIE ~~Holding~~ County Holding Center to Claimant; Claimant continued to tell Sgt. L that Detainee Hill attacked Claimant.

Finally later when Claimant has housed at Delta Long high side in Cell #15 that evening, an Sheriff deputy brought ³ clear plastic bags inside 1 plastic bag containing Claimant's personal property in Delta Short Lowside cell #42 packed up not in Claimant's presence. When Claimant...

... inventoried the bags, he found his canteen purchased

VO5 Shampoo, Coast Soap and Styling Gel products were stolen from his cell. Claimant immediately reported he had no linens, bedding and stolen canteen products (total value \$4.15). Minutes later Sheriff deputy Barnes came to Delta Long highside before Claimant's cell #15 delivering Claimant's cell bedding, and he told Claimant he saw Claimant push up on another detainee for canteen items (false allegation Sheriff Deputy Barnes did not include in his Disciplinary Report filed against Claimant); Claimant denied his claims. S.D. Barnes told Claimant he would have to get his lost property back when Claimant returns to Great Meadow C.F. Then S.D. Barnes told Claimant to file an investigation on his use of asthma inhaler medications.

S.D. Barnes allowed Delta Short Lowside Cell #38 Detainee "Ronald Green" ~~steal~~ to pack up Claimant's cell property when Claimant was in the Isolation Cell #3.

S.D. Barnes show Favorism to Detainee Green by doing nothing when Detainee Green takes of Detainees', housed on Delta Short Lowside, canteen purchased items. Detainee Green has no money in his trust fund account, but his cell #38 is full of ~~canteen~~ canteen purchased items. S.D. Barnes failed to protect Claimant's cell property from theft when Claimant was taken away to Infirmary and ~~hospital~~ Isolation cell #3; despite S.D. Barnes knew prior that Detainee Green assaulted and extorted canteen purchased items of Detainee Roger Zulrani when he housed in cell #37 on Delta Short Lowside whenever S.D. Barnes was on duty on December 9, 2000.

... 2010, On December 10, 2010 Morning, Detainee

Zulrani reported S.D. Barnas is allowing the Delta Short Lawside porter Detainee ("tone") and Detainee Green to get away with assaulting him and making Zulrani buy canteeni items which Detainee's "tone" and "Green" states (extortion). Zulrani filed ECHC-ILR Forms, Grievance Form against S.D. Barnas and Detainee's "tone" and "Green." Detainee Zulrani now is housed in Protective Custody housing at ERIE COUNTY HOLDING CENTER while amazingly Detainee ~~John~~ "Ronald ~~John~~ Green" ~~is~~ still remains housed at S.D. Barnas' Delta Short Lawside continuing to take other Detainee's canteeni purchased items. (breliation of S.D. Barnas' duty to protect detainees from obvious trouble making assualtive history Detainee's on his duty watch). S.D. Barnas allowed Detainee Ronald Green steal Claimant's cell canteeni items on Jan. 31, 2011.

Superintendent Donald J. Livingston have on file all the documents filed by Detainee Zulrani, could interview Detainee Zulrani, William Bell, and John Cozad, and Sheriff deputies and Sgt. mentioned herein. Erie County Holding Center's ~~failure~~ Superintendent, his agents and S.D. Barnas failure to protect Claimant ~~from~~ and his cell property from long ~~Term~~ Term Detainees who have a history of being assualtive to other Detainees on record is clear and evident by the ~~omission~~ omission of duty acts ^{lot} of S.D. Barnas on Delta Short cell block.

From Detainee Hill assault upon ~~the~~ Sheriff Deputy Botnas' omission of his duties ~~as~~ direct ~~as~~ result Claimant suffers injuries to his head, face, right toes, left wrist and chest right side and lost of property valued at \$4.15. Claimant continues to receive pain medication for injuries.

4. Take further notice that Claimant demands payment of his claim in the amount of \$15,004.15 (Fifteen thousand four dollars and Fifteen cents), and unless the claim is paid within a reasonable amount of time, it is the intention of the Claimant to commence a Lawsuit against the County of ERTE to recover sums claimed as to the damages and injuries sustained by them.

Berek Mocher
CLAIMANT

VERIFICATION

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

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

Derek Mciver
Claimant - Pro Se
DEREK McIVER, ICN: 126717

Sworn to before me this 2nd
day of February 2011

Sylvia M O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2012

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

DEREK MCIVER, CLAIMANT.
-VS-
THE COUNTY OF ERIE, DEFENDANT.

SUPPLEMENTAL
NOTICE OF INTENTION
LAW SUIT
RETALIATION

TO: COUNTY OF ERIE, DEPARTMENT OF LAW, ~~64~~
~~DELAWARE AVENUE, STE 300~~ 95 FRANKLIN ST. ROOM
BUFFALO, N.Y. 14202 1634

ERIE COUNTY DEPARTMENT OF LAW
RECEIVED
APR 14 2011

PLEASE TAKE NOTICE that DEREK MCIVER, Claimant, hereby claims ~~and~~ pursuant to Section 50-e of the Municipal Law that Deputy Sheriff J. Barnas is committing Lawsuit retaliation misconduct directing prisoners to assault Claimant and damage/steal Claimants' in cell property as detailed in the enclosed 4 page carbon copy letter document send to Deputy Superintendent Thomas DiMa; which includes wrongful acts of other deputy Sheriff officials.

Please further Take Notice that Claimant request you to inform Erie County Sheriff and Deputies to cease and desist (stop) committing acts of Lawsuit and grievance retaliation upon Claimant; and the County of Erie shall be liability for any injuries to Claimant and his property as a result of fighting with ~~an~~ said stated inmates following Deputy Sheriff directions in retaliation.

Respectfully Submitted,
Derek Mciver

cc: File.
Enclosures.

[Faint, illegible handwritten text covering the majority of the page]

TO: Thomas Diina, DSP
ERIE COUNTY SHERIFF OFFICE
JAIL MANAGEMENT DIVISION
TEN DELAWARE AVENUE
BUFFALO, N.Y. 14202-3999

DATE: APRIL 12, 2011

FROM: DEREK McIVER, ICN: 126717, Loc: D-LG-15-1

SUBJECT: Deputies directing other Inmates to harass and assault me because I file grievances and Lawsuit (Retaliation conduct).

I am requesting and giving notice to you to get your assistance to direct Deputy J. Barnas to stop telling inmates (Cell # 26 the Porter, Cell # 28 inmate and Cell # 17 inmate) on Delta-Long highside to harass me with words threatening to fight me and trying to assault at my cell # 15.

On 3/10/11 I received notice of my lawsuit against Deputy J. Barnas' misconduct committed on Jan. 31, 2011.

On March 12, 2011 Joseph Licata Cell # 18 informed me Deputy Barnas offered the Delta-Long highside porter trustee Daniel S. inmate cigarettes if he fights me or throws piss/water on my bed harassment upon me. I told inmate Daniel S. to leave me alone on March 13, 2011.

On 4/4/11 Deputy Anderson worked a double shift he was upset with me because I wanted a grievance to complaint about Nurses denying me my medications and forcing me to take medications not spaced out 8 hours between dosages; he gave me a grievance at late night during lockdown.

On April 5, 2011 morning I gave Deputy Anderson my completed medical Nurse misconduct grievance; he became enraged at me. Deputy Anderson then did a morning walk round complaining to other inmates about cells being in compliance or he will keep lock inmates because he is angry about my filing a grievance. Immediately Inmate Daniel S. Cell # 26 and Inmate Hernandez Cell # 17 came to my cell # 15 that cutting me to fight me, assault me if I didn't stop filing grievances because I am making Deputy Anderson angry. After I returned from the law library, Inmate Porter trustee Daniel S. and cell # 17 Hernandez threw a liquid wetting my bed and bedding sheets and blanket harassment. Deputy Anderson makes rounds and I reported to him this harassment of my bedding sheets and blanket being soaked wet by inmates. I told Inmate Daniel S. to stop harassing me because I agreed not to file grievance.

On April 10, 2010 at dinner chow time I heard and seen Deputy J. Barnas speaking with the Inmate Cell # 28 who to fight me and Deputy J. Barnas will see to it this inmate will not get in trouble. So when I received my Double portion dinner meal, I make cell # 28 threaten to take my food away from me if I didn't tell him how to get double portion meals telling him my medical condition. I told him No. I will not tell you my medical condition so he can lie to the Doctor and get medical double portion meals. Inmate Cell # 28

... then threaten to fight (assault) me over my food. I stood my ground telling him to leave me alone. He continued to walk to my cell speaking threats of doing me physical harm and stealing my cell property. I told him not to speak to me and leave me alone. Then inmate Daniel S. loudly told inmate cell #28 to (assault) fight me (encouraging a fight). I told inmate Daniel S. to leave me alone.

On April 11, 2010 morning cell #28 inmate came to my cell speaking threats of assaulting (fighting) me. I stood my ground in my cell telling him to leave me alone; and he backed down. I told him not to speak to me and leave me alone. Then inmate Daniel S. comes to my cell accusing my cell of smelting food with cell #17 inmate backing him harassing me together. Later that evening both inmate cell #28 and inmate cell #26

Daniel S. come to my cell speaking to me threats of assaulting me. Inmate cell #28 threaten to knock me out and Daniel S. said he got cell #28's back. If I defend myself; both confessed Deputy J. Barnes and Deputies on Delta-Longhighside will keep them from getting in trouble. if they assault me. I request your assistance to direct Delta

Longhighside Deputies to order inmates cell #26 Daniel S., cell #28 inmate and inmate cell #17 to leave me alone and my cell property/reading alone. ~~Deputies~~ and direct Deputy J. Barnes to stop...

... retaliating against me because I intend to
file lawsuit against Deputy J. Barnes.

I cannot be housed in the Pod room locations
because that room environment aggravates my mental
health and medical health problems being closed in.
I cannot to moved to Delta Short because Deputy
J. Barnes is on regular duty there and he will
cause me problems with other inmates. I can be
housed on Delta - Long outside away from inmates
on the highside threatening to assault me (the 3 inmates)
if Deputies are unable to have these three inmates
leave me alone.

If these inmates assault me (fight me) I intend
to press criminal charges against the 3 of them.
I want Deputy J. Barnes and any other Deputies
to stop retaliating against me because I file
grievances and intention to file lawsuit against Deputy
J. Barnes.

I hope you can do something to protect me from
being harassed and with threats to fight me and
liquid being throw on my bed further before these
inmates assault me at the direction of Deputy J. Barnes.
This is my grievance complaint for document
purposes. Thank you for your time and assistance
consideration.

Respectfully Submitted,
David Mechen

CC: File
ERIC COUNTY DEPARTMENT OF LAW



COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY
THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

May 4, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

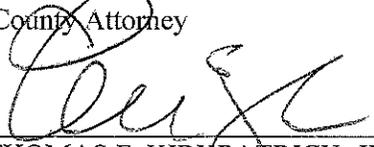
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Ertel, Mark J. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Mark J. Ertel 176 Grace Street, Apt. 2, upper Buffalo, New York 14207
Claimant's attorney:	Eric P. Doherty, Esq. 6161 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

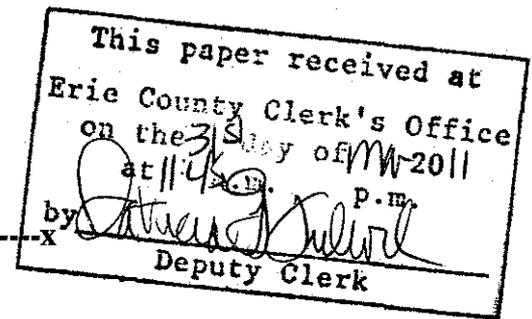
JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

State of New York :
County of Erie :



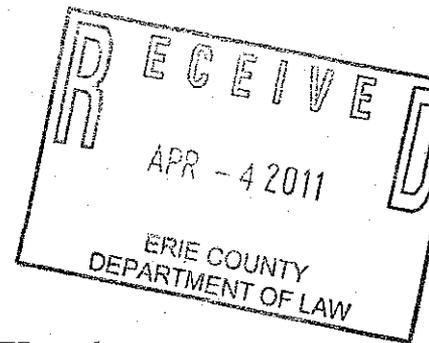
In the matter of the Claim(s) of
MARK J. ERTEL
176 Grace Street #2 (Upper Apt)
Buffalo, NY 14207

-- against --

NOTICE OF CLAIM

The County of Erie, NY

-----X
To: County of Erie
Erie County Clerk's Office
Kathy Hochul, Erie County Clerk
92 Franklin Street, Buffalo, New York 14202
Tel.: (716) 858-8865 / Fax: (716) 858-6550



PLEASE TAKE NOTICE: the undersigned, **MARK J. ERTEL**, makes claim and demands against you and each of you (Erie County) jointly and severally as follows:

1. **The name and post-office address of the claimant(s) and his/her attorney(s) is:**
Mark J. Ertel, 176 Grace Street Apt #2 / Upper Buffalo, NY 14207, and his attorney is DENNIS C. GAUGHAN, ESQ. ATTORNEY AT LAW (By: Eric P. Doherty, Esq.) 6161 South Park Avenue, Hamburg NY 14075, (716) 648-8000.
2. **The nature of the claim is** (a) conversion and/or unlawful detainer of claimant's property; (b) negligence in the care and custody of claimant's personal property; (c) malicious prosecution of criminal charges later disposed "in favor of" the claimant as provided under the NY penal law; and (d) defamation, libel and

Dennis C. Gaughan, Esq., Attorney at Law, 6161 South Park Avenue, Hamburg, New York 14085
Telephone (716) 648-8000 ~ Facsimile (716) 649-7672*
hamburglaw@gmail.com* (not for service)

DEPT. OF JUSTICE
COMMUNICATIONS SECTION
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

slander in intentionally releasing false information via the *Buffalo News* newspaper and TV news broadcasts damaging to claimant's reputation on one or more occasions (between on or about November 6 and November 18, 2008 in Buffalo, NY, in which it was stated that the claimant was found in possession at his above-stated address of "stolen goods valued at \$100,000" (see Exhibit A *Buffalo News* two "police & courts" reports).

3. **The time, when, place where, and manner in which the claim arose is:** Beginning on 11-6-2008 and continuously to the date of this claim, the Erie County Sherriff has seized and has detained Claimant's personal property. The City of Buffalo Court per Hon. Jeannette Ogden, Judge, at the instance of one or more deputized Erie County Sheriffs, on November 6, 2008 at 50 Delaware Avenue, issued a search warrant, for a search then conducted by Deputy Detective Al Rozansky and others of the Erie County Sherriff's Department, of the Claimant's home and apartment at 176 Grace Street Upper, Buffalo NY 14207. Between November 6, 2008 and November 10, 2010, the Erie County Sheriffs involved in this search and prosecution maintained or caused to be maintained criminal charges against the Claimant in Supreme Court, Erie County, without basis or sufficient probable cause, which, on November 10, 2010 were disposed "in favor of the accused" the claimant herein. Thereupon, Claimant has made repeated request for return of seized property himself and via his defense attorney in that case. The County or its agents has either declined refused or has neglected the ability to return the requested Claimant's property.
4. **Items of damage are:** (a) Loss of personal property seized and now illegally retained in an amount not less than \$5,000 and not more than \$100,000, as established by the

Dennis C. Gaughan, Esq., , Attorney at Law, 6161 South Park Avenue, Hamburg, New York 14085
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hamburglaw@gmail.com* (not for service)

County Deputy's own statements; (b) damage to reputation to be set by the adjustment of this claim or the trier of fact from defamation, libel and slander related to untrue publicly published statements made by the County or its agents concerning the Claimant; and (c) consequential damages and legal costs from baseless prosecution in an amount not less than \$10,000 nor more than \$100,000 for damages and costs related to defense of baseless charges lacking sufficient probable cause and later disposed in Claimant's favor.

5. The undersigned claimant therefore presents this claim for adjustment and payment.
6. 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 11, 2011
Hamburg, NY

Signatures:



Mark J. Ertel
Claimant

Verification

STATE OF NEW YORK)
COUNTY OF ERIE)

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

MARK ERTEL

Sworn to before me this 11th day
of March, 2011

Maria C. Clark
Notary Public

MARIA C. CLARK
No. 01CL4874884
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2014

Proof of service of notice of claim:

STATE OF NEW YORK)
COUNTY OF Erie)

ERIC P. DOHERTY, affirms and says: deponent is an Attorney admitted to practice within the State of New York, and is over the age of 18 years; that on the 11th day of March, 2011, at the US Post Office located at US Post Office 5501 Camp Road, Hamburg, Erie County, NY State, deponent served the within Notice of Claim of MARK J. ERTEL upon the following persons or parties addressed as follows:

County of Erie by Erie County Clerk Kathy Hochul
92 Franklin Street, Buffalo, New York 14202

by depositing the aforesaid document in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service for mailing by Certified Mail Return Receipt Requested.

Affirmed this 11th day of March, 2011

Eric P. Doherty
Eric P. Doherty

NO COMMISSION Expires April 30, 2019
Offered in Full Cash
Model 1700C 2000 of 10000
NO 0107010000
MODEL C 1700C