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## 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

July 21, 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>Boyd, Annie v. County of Erie and Erie County Medical Center Corporation</i>
Document Received:	Notice of Claim
Name of Claimant:	Annie Boyd
Claimant's attorney:	Eugene C. Tenney Law Offices of Eugene C. Tenney 5 Niagara Square 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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

ANNIE BOYD  
17 Goulding Avenue  
Buffalo, NY 14208

Claimant

vs.

NOTICE OF CLAIM

COUNTY OF ERIE  
ERIE COUNTY ATTORNEY  
95 Franklin Street  
Buffalo, NY 14202

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

This paper received at the  
Erie County Attorney's Office  
from Steve Schulz on  
the 17 day of June, 2011  
at 11:43 a.m./p.m.  
Anthony G. Mazzei  
Assistant County Attorney  
ANTHONY G. MAZZEI

Respondents

TO: COUNTY OF ERIE  
ERIE COUNTY MEDICAL CENTER CORPORATION

ANNIE BOYD, for her Claim against the County of Erie and Erie County Medical Center Corporation, their agents, servants and employees, alleges as follows:

1. THE NAME OF CLAIMANT IS: Annie Boyd, 17 Goulding Avenue, Buffalo, New York 14208.
2. THE NAME OF CLAIMANT'S ATTORNEY FOR PURPOSES OF FILING THIS NOTICE OF CLAIM IS: Law Offices of Eugene C. Tenney, 5 Niagara Square, Buffalo, NY 14202. Phone (716) 853-1887
3. THE NATURE OF THE CLAIM: Negligence and medical malpractice arising out of the care and treatment rendered by Respondents, their agents, servants and employees, including, but not limited to, Timothy V. Jorden, M.D. to Claimant that

occurred on or about March 30, 2011 through April 5, 2011 at Erie County Medical Center, 462 Grider Street, Buffalo, New York.

4. THE TIME, PLACE AND MANNER IN WHICH THE CLAIM AROSE:

Upon information and belief, the claim arose on or about March 30, 2011 through April 5, 2011 in connection with preoperative, operative and postoperative care rendered to Claimant by Respondents, their agents, servants and employees relating to Claimant's laparoscopic cholecystectomy.

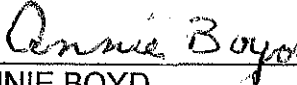
Upon information and belief, all of the documentation of the care is contained in the Respondents' records of such treatment. It will be claimed, upon information and belief, that Respondents were negligent, careless and departed from accepted standards of medical care in, among other things, failing to provide proper and adequate medical clearance for surgery; failing to properly and adequately evaluate Claimant pre-operatively; failing to provide proper and adequate pre-operative instructions; in providing Claimant with inappropriate pre-operative instructions; in failing to provide appropriate and necessary information to permit informed consent; in failing to provide appropriate medication management before, during and after surgery; in failing to take proper cognizance of Claimant's medical history including but not limited to history of stroke; in failing to properly address known medical history in management of pre-operative medication, including aspirin therapy; in exposing Claimant to undue risks associated with surgery, including stroke or cerebrovascular accident; in failing to timely take heed of signs and symptoms of stroke or cerebrovascular accident post-operatively; in failing to properly and timely treat Claimant's post-operative symptoms;

and in being otherwise negligent careless and departing from accepted standards of medical care.

Due to the time constraints requiring filing of this Notice of Claim within ninety (90) days, Claimant is filing this claim with the knowledge the Claimant has been able to obtain and the Claim is set forth in general terms and may not constitute a comprehensive recitation of each and every allegation of negligence, carelessness and medical malpractice.

5. INJURIES AND ITEMS OF DAMAGES: The full extent of damages and injuries sustained is not yet known. However, upon information and belief, Claimant, Annie Boyd, suffered a stroke and/or other acute cerebrovascular accident and consequences thereof, and subjecting her to otherwise unnecessary hospitalization, tests, procedures, use of medications, as well as other medical care; medical expenses; disability; pain and suffering and permanency of injuries.

DATED: BUFFALO, NEW YORK  
June 2, 2011

  
ANNIE BOYD

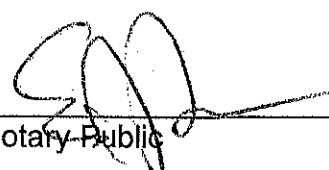
STATE OF NEW YORK )  
COUNTY OF ERIE )SS.:

ANNIE BOYD, being duly sworn, deposes and says that deponent is the Claimant and knows the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own

knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

  
ANNIE BOYD

Sworn to before me this  
18 day of June, 2011.

  
Notary Public

EDWARD J. SCHWENDLER, III  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires December 2, 2013



## 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

July 21, 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>Sowinski, Peter J. v. County of Erie, Erie County Holding Center and Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	
Claimant's attorney:	Jeffrey S. Krajewski 2956 Union Road Cheektowaga, New York 14225

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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

-----  
IN THE MATTER OF THE CLAIM OF:

PETER J. SOWINSKI  
25 CLEMO STREET  
BUFFALO, NEW YORK 14206

Claimant

v.

NOTICE OF CLAIM

COUNTY OF ERIE  
95 FRANKLIN STREET  
BUFFALO, NEW YORK 14202

ERIE COUNTY HOLDING CENTER  
40 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202

ERIE COUNTY SHERIFF'S OFFICE  
10 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202

Respondents  
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TO: OFFICE OF THE ERIE COUNTY ATTORNEY  
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SIRS:

PLEASE TAKE NOTICE, that the undersigned, PETER J. SOWINSKI, claims from the ERIE COUNTY HOLDING CENTER, COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE, damages for pain and suffering sustained by reason of the wrongful, negligent and careless acts and/or omissions of the ERIE COUNTY HOLDING CENTER, COUNTY OF ERIE and ERIE COUNTY SHERIFF'S OFFICE, their agents, servants and/or employees and in support thereof, the Claimant sets forth the following:

1) The claimant, PETER J. SOWINSKI resides at 25 Clemo Street, Buffalo, New York.

2) The name and address of the Claimants' attorneys are, LAW OFFICE OF JEFFREY S. KRAJEWSKI, 2956 UNION ROAD, CHEEKTOWAGA, NY, attorneys of record for said Claimant, PETER J. SOWINSKI.

3) Upon information and belief, the date of the happening of the incident in which the serious injuries were sustained by PETER J. SOWINSKI, and the time when such claim arose was on or about the 26TH day of March 2011 at or about 4:00 a.m.

4) Upon information and belief, the happening of the said accident, resulting in injuries hereinafter alleged occurred at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York, or in close proximity thereof.

5) Upon information and belief, the claim of PETER J. SOWINSKI, arose in the following manner:

At the aforementioned time and place, Peter J. Sowinski, was an inmate at the Erie County Holding Center. While in the care, custody and control of the defendants, their agents, servants or employees, the said Peter J. Sowinski was brutally and viciously attacked and assaulted by Matthew Heath, another inmate at the Erie County Holding Center.

6) Upon information and belief, the accident was caused by the wrongful, negligent and careless acts and/or omissions of the ERIE COUNTY HOLDING CENTER, COUNTY OF ERIE and ERIE COUNTY SHERIFF'S OFFICE, their agents, servants and/or employees acting in the scope and course of their employment. The acts of negligence include, but are not limited to:



- a. Failing to provide for and ensure the safety of the claimant while the claimant was in the care, custody and control of the defendants;
- b. Negligently allowing another inmate to strike and assault the claimant;
- c. Failing to provide a safe area for the Claimant while the Claimant was in the care, custody and control of the defendants;
- d. Negligently failing to take the appropriate steps to ensure the safety of the claimant;
- e. Negligently allowing an inmate to perform a physically violent act upon the claimant.

7) As a result of said incident, PETER J. SOWINSKI sustained serious injuries, including both physical and psychological injuries, as well as pain and suffering, including fractures of the anterior and lateral wall of the right maxillary sinus with fractures of the right lateral orbital wall and possible right orbital floor including a non-displaced fracture of the posterior aspect of the right zygomatic arch suggesting right tripod fracture; facial lacerations and other various contusions, abrasions, swelling, hematoma and hemorrhage.

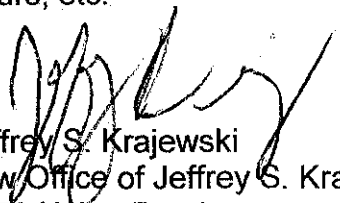
8) This notice is made and served on behalf of said PETER J. SOWINSKI, in compliance with the provisions of 50-h of the General Municipal Law and such other laws and statutes as are in the case made and provided.

9) You will take further notice that Claimant, PETER J. SOWINSKI, demands payment of said claim and unless said claim is paid within a reasonable time, it is the intention of the Claimant to commence suit against the ERIE COUNTY HOLDING CENTER, COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE, including any applicable agents, servants or employees associated with this incident.

DATED:

Cheektowaga, New York  
June 6, 2011

Yours, etc.

A handwritten signature in black ink, appearing to read 'Jeffrey S. Krajewski', written over the printed name and address.

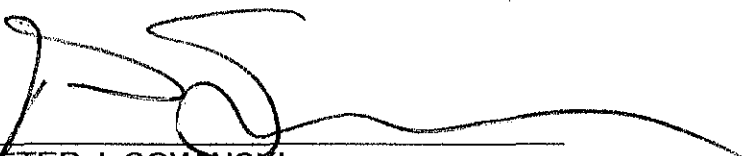
Jeffrey S. Krajewski  
Law Office of Jeffrey S. Krajewski  
2956 Union Road  
Cheektowaga, NY 14227  
(716) 681-3355

VERIFICATION

STATE OF NEW YORK  
COUNTY OF ERIE


}  
} SS:

PETER J. SOWINSKI, being duly sworn deposes and says that he is the CLAIMANT in the foregoing NOTICE OF CLAIM, that he has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief, and as to those matters, he believes them to be true.

  
\_\_\_\_\_  
PETER J. SOWINSKI

Sworn to before me this

7 day of June, 2011.

  
\_\_\_\_\_  
NOTARY PUBLIC



## 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

July 21, 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>Blum, Rachel v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Rachel Blum
Claimant's attorney:	John Feroletto, Attorneys at Law 910 Main Court Building 438 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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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RACHEL BLUM,

*Claimant,*

v.

CITY OF BUFFALO,  
COUNTY OF ERIE,

*Respondents.*

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This paper received at the  
Erie County Attorney's Office  
from Bre. Jamison on  
the 8<sup>th</sup> day of July, 2011  
at 11:21 a.m./p.m.  
Kesselle M. Kucala  
Assistant County Attorney

**NOTICE OF CLAIM**

**PLEASE TAKE NOTICE**, that RACHEL BLUM, the Claimant, hereby makes claim against the CITY OF BUFFALO and the COUNTY OF ERIE, STATE OF NEW YORK, for damages sustained by her as follows:

1. Claimant resides at 79 Cheltenham Drive, Buffalo, New York 14216.
2. The date upon which the incident complained of occurred was the 19th day of June, 2011 at approximately 6:00 p.m.
3. The injuries sustained by the claimant by reason hereof are more particularly described as injuries to her face, including laceration, right upper extremity, including fracture and legs, more particularly in the area of the knees and the natural sequence in Sequela of said injuries.
4. For the injuries complained or sustained as a result of the negligence and mismanagement of said city and county, its agents, employees and servants in its care and management of an area commonly known as the bicycle path located near the Niagara River in the proximity of the north end of the parking lot near Ontario Street at said area west of Briggs Avenue near a concrete pylon. The defective sink hole was due

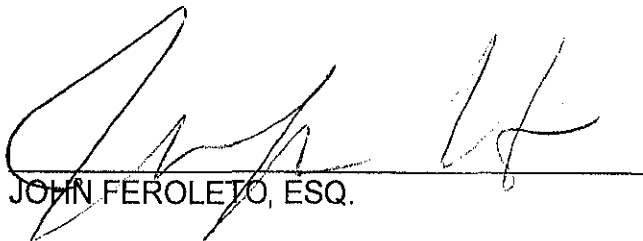
to the negligence, failure to repair, failure to correct and was created by the respondents, allowed to exist for an extended period of time by said respondents and the hazardous situation was caused to be made worse and exacerbated in that said entities their employees, agents and servants cut vegetation in said area and negligently and recklessly caused the vegetation and/or grass to cover up and hide said dangerous condition and defect creating a second and distinct hazard to the public, including claimant RACHEL BLUM.

5. As a result of the negligence the claimant suffered injuries to her face, right upper extremity and legs, more particularly in the area of the knees and the natural sequence in Sequela of said injuries.

6. The claimant has sustained medical expenses in an amount yet to be determined, along with lost wages in an amount of approximately 500.00 dollars and disability, scarring, pain and physical injury in the amount of 125, 000.00 dollars.

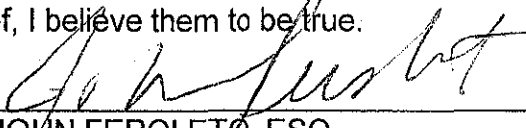
**WHEREFORE**, the claimant requests compromise of this claim and if such claim is not paid within a reasonable period of time, it is the intention of the claimant to commence an action against the City of Buffalo and the County of Erie.

DATED: Buffalo, New York  
June 30, 2011

  
JOHN FEROLETO, ESQ.

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

JOHN FEROLETO, ESQ., being duly sworn, deposes and says that I have read the foregoing notice of claim and I believe the contents thereof to be true and as to those matters alleged upon information and belief, I believe them to be true.

  
\_\_\_\_\_  
JOHN FEROLETO, ESQ.

Sworn to before me this 30<sup>th</sup>  
day of June 2011.

  
\_\_\_\_\_  
Notary Public

PAUL B. BECKER  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires ~~July 19, 2011~~ March 15, 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

July 21, 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>Stapleton, Ryan, Individually and as Parent and Natural Guardian of Grace Neighbors v. County of Erie, Erie County Department of Social Services and County Attorney for the COE</i>
Document Received:	Notice of Claim
Name of Claimant:	
Claimant's attorney:	Shaw & Shaw, P.C. 4819 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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney



STATE OF NEW YORK

---

RYAN STAPLETON

Claimant

-vs-

COUNTY OF ERIE

ERIE COUNTY DEPARTMENT OF  
SOCIAL SERVICES

COUNTY ATTORNEY FOR  
THE COUNTY OF ERIE

Respondents

---

TO: County of Erie  
95 Franklin Street  
Buffalo, New York 14202

Erie County Department of Social Services  
Erie County Office Building  
158 Pearl Street  
Buffalo, New York 14202

County Attorney For  
The County of Erie  
95 Franklin Street  
Room 1634  
Buffalo, New York 14202

**PLEASE TAKE NOTICE**, Claimant herein claims damages against  
Respondents and in accordance with the requirements of General Municipal Law § 50-e,  
state as follows:

This paper received at the  
Erie County Attorney's Office  
from Louise Baker on  
the 13<sup>th</sup> day of June, 2011  
at 12:18 a.m./p.m.  
Lissette M. Rudolph  
Assistant County Attorney

**NOTICE OF CLAIM**

**SHAW SHAW, PC**  
ATTORNEYS AND COUNSELORS AT LAW

4819 South Park Avenue, Hamburg, New York

14075 \* (716) 648-3020 Telephone \* (716) 648-3730 Telecopier  
Comm. 18D-1  
Page 17 of 55

1. Claimant resides at 4218 North Buffalo Street, Orchard Park, New York 14127.

2. Claimant is represented by Shaw & Shaw, P.C., 4819 South Park Avenue, Hamburg, New York 14075, (716) 648-3020 Telephone, (716) 648-3730 Telecopier.

3. This claim is for personal injuries, economic damages, attorneys fees, and/or other damages generally sustained by Claimant, Ryan Stapleton as a result of the negligence, carelessness, recklessness, and violation of Claimant's Claimant's Federal Civil Rights and Due Process rights by the County of Erie, its agents, servants and/or employees; the Erie County Department of Social Services, their agents, servants and/or employees; and the County Attorney for the County of Erie, its agents, servants and/or employees when they failed to provide him with notice and opportunity to be heard concerning his infant daughter, Grace Neighbors, when they failed to notify him of neglect proceedings concerning Natalie Neighbors and when they removed Claimant's infant daughter, Grace Neighbors, from the custody of her defacto primary residential parent, Natalie Neighbors, and placed into foster care.

4. The date when the aforementioned claim arose and injuries and damages herein alleged were sustained was March 21, 2011. The approximate time is unknown.

5. The incident aforesaid and injuries and resulting damages were caused wholly and solely by the negligence, carelessness, recklessness, and intentional actions of the County of Erie, its agents, servants and/or employees, the Erie County



Department of Social Services, their agents, servants and/or employees; and the County Attorney for the County of Erie, its agents, servants and/or employees in that said Respondents exercised their authority in an intentionally malicious and careless manner, causing serious and permanent injuries and/or damages to Claimant Ryan Stapleton.

6. That the aforesaid incident and the injuries and damages resulting therefrom occurred by reason of the fault, neglect, carelessness, and recklessness of the County of Erie, its agents, servants and/or employees; the Erie County Department of Social Services, their agents, servants and/or employees; and the County Attorney for the County of Erie, its agents, servants and/or employees, and that said Respondents failed to properly and adequately provide notice and opportunity to be heard to Claimant Ryan Stapleton, before placing his infant daughter, Grace Neighbors, into foster custody, and that Respondents, their agents, servants and/or employees were otherwise careless, negligent, and reckless.

7. As a result of the aforesaid conduct, Claimant Ryan Stapleton was caused to suffer severe and permanent psychological and emotional upset and depression; has been caused to suffer and sustain pain and suffering as to the past to the present and, upon information and belief, into the future; has suffered shock to the nerves and nervous system; together with internal injuries, emotional upset and depression; has incurred medical expenses related to his care, treatment and attempted cure of said injuries and residual effects thereof and, upon information and belief, will continue to incur said injury-related expenses in the future; has been and may be further subjected to impairment of earnings, future earnings and/or future earning capacity as a result of the injuries

sustained and/or the residual permanent effects relating thereto.

**WHEREFORE**, Claimant respectfully prays and requests that these claims, as set forth herein, be paid and allowed by the County of Erie, the Erie County Department of Social Services, and the County Attorney for the County of Erie as set forth herein.

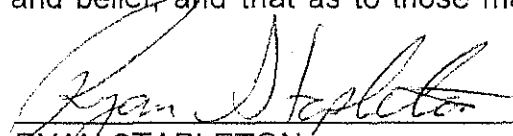
DATED: June 10, 2011  
Hamburg, New York

  
\_\_\_\_\_  
RYAN STAPLETON

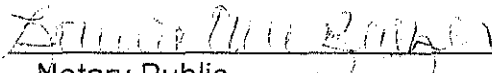
VERIFICATION

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

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

  
\_\_\_\_\_  
RYAN STAPLETON

Sworn to before me this  
10<sup>th</sup> day of June 2011

  
\_\_\_\_\_  
Notary Public

**LAURIE ANN BAKER**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Oct. 7, 2013

  
**SHAW SHAW, PC**  
ATTORNEYS AND COUNSELORS AT LAW

4819 South Park Avenue, Hamburg, New York

14075 \* (716) 648-3020 Telephone \* (716) 648-3730 Telecopier  
Comm. 18D-1  
Page 21 of 55



## 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

July 20, 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:

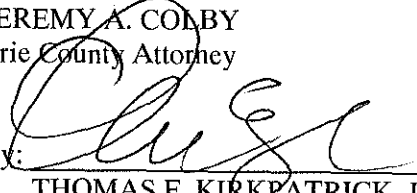
File Name:	<i>Sanchez, Michael v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	
Claimant's attorney:	Pro Se

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

*Michael Sanchez*

Claimant,

NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

Defendant.

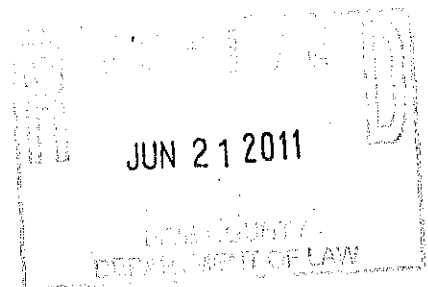
=====X

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

PLEASE TAKE NOTICE that *Michael Sanchez*, 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:  
*40 Delaware Avenue 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: IN ECHO SOUTH ON JUNE 8, 2011 IN 128 IN THE DAY RM AND WAS BIT BY SOME KIND OF INSECT. I CONTINUE TO ASK FOR MEDICAL HELP BECAUSE MY RIGHT SIDE OF MY FACE IS SWOLLEN AND I KEEP GETTING REFUSED. MY FACE IS HURTING AND ALL IM TOLD IS TO PUT A RAG ON IT. I CONTINUE TO ASK FOR SOME ANTI-BIOTIC CREAM TO PREVENT INFECTION OR POSSIBLE SPREAD OF INFECTION. AS IM TOLD BY OTHER STAFF MEMBERS IS THIS FACILITY HAS BROWN RECLUSE SPIDERS THAT COMES OUT IN THE SUMMER.

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 )

Michael Sanchez, 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.



Sworn to before me this 17  
day of June 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

July 20, 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>Wutz, Marie, Individually and as Parent and Natural Guardian of David Wutz v. Village of Hamburg and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	
Claimant's attorney:	Shaw & Shaw, P.C. 4819 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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK

MARIE WUTZ, Individually and  
as Parent and Natural Guardian  
of DAVID WUTZ, an Infant,  
6064 McKinley Parkway  
Hamburg, New York 14075

JUL 06 2011

Claimants

-vs-

NOTICE OF CLAIM

VILLAGE OF HAMBURG  
100 Main Street  
Hamburg, NY 14075

COUNTY OF ERIE  
25 Delaware Avenue  
Buffalo, NY 14202

Respondents

TO: Village of Hamburg  
100 Main Street  
Hamburg, NY 14075

County of Erie  
25 Delaware Avenue  
Buffalo, NY 14202

*PLEASE TAKE NOTICE*, that Claimants herein claim damages against

respondents and in accordance with the requirements of General Municipal Law § 50-a

state as follows:

This paper received at  
Erie County Clerk's Office  
on the 1 day of Jul 2011  
at 4:12 P.M.  
by *Deputy Clerk*  
Deputy Clerk

1. **CLAIMANTS:**

MARIE WUTZ, Individually and  
as Parent and Natural Guardian  
of DAVID WUTZ, an Infant  
6084 McKinley Parkway  
Hamburg, New York 14075

2. **CLAIMANTS' ATTORNEYS:**

Shaw & Shaw, P.C.  
Laurie A. Baker, Esq., of counsel  
4819 South Park Avenue  
Hamburg, New York 14075  
(716) 648-3020 Telephone  
(716) 648-3730 Telecopier

3. **NATURE OF CLAIM**

The claim of Claimants is one founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries and economic loss sustained by Infant Claimant, David Wutz, against the respondents, their agents, servants and employees, when the Infant Claimant was riding his bicycle on the public roadway and struck a pothole at or near 115 Martha Place, located in the Village of Hamburg, Erie County, New York, under the possession, control and ownership of the respondents, individually and/or jointly and severally and/or in concert with others.

This claim is based, among other things, for damages resulting from personal injuries and/or economic damages sustained by said Claimants as a result of the negligence, carelessness and/or reckless disregard for the safety of others by respondent, its agents, servants, representatives, officials and/or employees as would relate, without limitation, to the improper design and maintenance of the aforesaid premises; carelessly and negligently designing the area where the incident occurred; failing to properly and adequately supervise and control the area where Infant Claimant was injured on the date of the incident; failing to take the necessary steps to fill in potholes and/or indentations in the roadway; failing to properly repair the roadway

SHAW, SHAW, P.C.  
ATTORNEYS AND COUNSELORS AT LAW

where the incident occurred, failing to take the necessary steps to provide adequate lighting and/or other warnings where the incident occurred, and failing to take the necessary steps and make necessary observations, which, if taken or made, would have avoided the said incident; and in that respondent, its agents, servants and/or employees were otherwise careless and negligent.

Said accident occurred solely and wholly through the negligence of the respondents and/or their agents, servants and/or employees herein, without any negligence on the part of the Claimants contributing thereto.

As a result of the within accident, Infant Claimant has suffered severe and permanent injuries including, but not limited to a serious laceration to the right knee requiring sutures; friction burns about his head and face, right side and right elbow; has been caused to suffer and sustain pain and suffering as to the past to the present and, upon information and belief, into the future; has suffered shock to the nerves and nervous system together with internal injuries, emotional upset and depression; has been deprived of the ability to enjoy a life and lifestyle that he was able to participate in and enjoy prior to the happening of said accident; has incurred medical and hospital expenses related to his care, treatment and attempted cure of said injuries and residual effects thereof and, upon information and belief, will continue to incur said injury related expenses in the future as a result of the injuries sustained and/or the residual permanent effects relating thereto.

5. DATE AND TIME INCIDENT AROSE

The time when the claim arose and the time when injuries and damages herein alleged were sustained was May 24, 2011 at approximately 10:15 p.m.

6. LOCATION OF INCIDENT

The incident occurred on the public roadway located at or near 115 Martha Place, Hamburg, Erie County, New York, under the possession, control, and ownership of respondent individually, and/or jointly and severally and/or in concert with others.

SHAW SHAW, PC  
ATTORNEYS AT LAW

4010 South Park Avenue, Tonawanda, New York

10755 177th Avenue, Tonawanda, 14150-6000  
10755 177th Avenue, Tonawanda, 14150-6000

7. **CAUSE OF INCIDENT**

That the cause of action which forms the substance of this claim arose in the following manner:

On May 28, 2011 at approximately 10:15 p.m., Infant Claimant, David Wutz, was riding his bicycle on the public roadway at or near 115 Martha Place and struck a pothole seriously injuring himself as herein set forth.

That Infant Claimant's injuries are the direct result of, among other things, the negligence, carelessness and/or reckless disregard for the safety of others by the respondents, their agents, servants, representatives, officials and/or employees as would relate, without limitation, to the improper design and maintenance of the aforesaid premises; carelessly and negligently designed the area on said premises where the incident occurred; failed to properly and adequately supervise and control the area where Infant Claimant was injured on the date of the incident; failed to take the necessary steps to fill in potholes and/or indentations in the roadway, failed to take the necessary steps to provide adequate lighting and/or other warnings where the incident occurred; and to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident, and in that the respondents, their agents, servants and/or employees were otherwise careless and negligent.

By reason of the aforesaid, the Infant Claimant sustained severe, painful and permanent injuries in and about his body including, but not limited to, his right knee, face and head, right side of body, and right elbow and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend large sums of money for hospital care, physicians' services, nursing care, X-rays and medical supplies, for which the exact amount of such expenses cannot be determined at the present time.

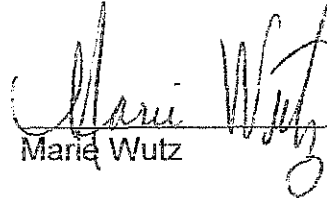
8. **DERIVATIVE CLAIM**

Claimant, Marie Wutz, has not sustained physical injury. However, under the laws of the State of New York, she makes a derivative claim for the loss of services, society and companionship of her son, Infant Claimant, David Wutz.

In addition, Claimant, Marie Wutz will make a claim for any and all expenses incurred as to the past, present and future, as will relate to the medical care, treatment and attempted cure of Infant Claimant for his injuries.

**WHEREFORE**, Claimants respectfully pray and request that these claims, as set forth herein, be paid and allowed by respondents.

DATED: June 28, 2011  
Hamburg, New York

  
Marie Wutz



## 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

July 21, 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>Karnath, James &amp; Kathy v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	James & Kathy Karnath
Claimant's attorney:	Stephen F. Pusatier Pusatier, Sherman, Abbott & Sugarman, LLP 2464 Elmwood Avenue Kenmore, New York 14217-2292

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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney



---

IN THE MATTER OF THE NOTICE OF  
CLAIM OF JAMES AND KATHY KARNATH  
159 WYETH DR. GETZVILLE, N.Y. 14068

---

NOTICE OF CLAIM

TO: ERIE COUNTY ATTORNEY'S OFFICE  
95 Franklin Street  
Buffalo, NY 14202

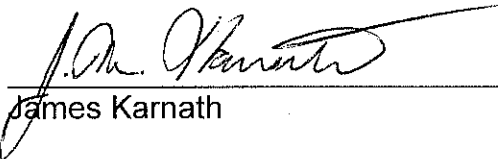
**PLEASE TAKE NOTICE** that JAMES KARNATH AND KATHY KARNATH pursuant to the statutes in such cases made and provided do hereby make claim against the County of Erie. The name of our attorney is Pusatier, Sherman, Abbott & Sugarman, LLP, Stephen F. Pusatier, Esq., of counsel, 2464 Elmwood Avenue, Kenmore, New York, 14217 and in support of such claim do state as follows:

1. Our post office address is 159 WYETH DR. GETZVILLE, NY 14068.
2. That this claim is against the County of Erie for personal injuries, pain and suffering and derivative cause of action on behalf of Kathy Karnath.
3. The claim arose on March 20, 2011 at approximately noon.
4. The claim arose in Como Park.
5. The manner in which the claim arose is that a speed bump was placed on a park road but was not marked or painted to make it noticeable to bicycle traffic. JAMES KARNATH was riding his bicycle in Como Park and struck the speed bump without warning and was caused to crash.
6. The said injuries and damage for which a claim is hereby made arose in the following manner, to wit: The aforementioned crash caused JAMES KARNATH physical injuries, pain and suffering and permanent disability.

7. The Claimant states that the County of Erie was negligent in maintaining the roads in Como Park by failing to properly mark and sign the roadways to alert users of the road that there was a severe bump in the road.

8. Claimant KATHY KARNATH is the spouse of JAMES KARNATH. As a result of the injuries to her husband she has lost his services, support and consortium.

9. We respectfully request that this Claim be allowed and paid by the County of Erie.

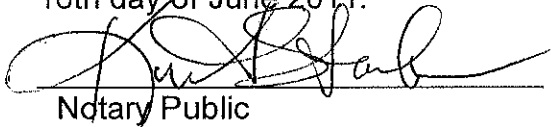
  
James Karnath

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

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



Sworn to before me this  
16th day of June 2011.

  
Notary Public

KAREN A. STACHURA  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires April 30, 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

July 21, 2011

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

Dear Mr. Graber:

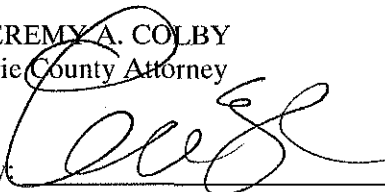
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Mertowski, Leonard John v. Erie County Correctional Facility</i>
Document Received:	Notice of Claim
Name of Claimant:	Leonard John Mertowski
Claimant's attorney:	<i>Pro Se</i>

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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

## In the Matter of the Claim of

LEONARD MERTOWSKI

VS

ERIE COUNTY CORRECTIONAL FACILITY

TO:

PLEASE TAKE NOTICE that the undersigned claimant(s) hereby make(s) claim and demand against you as follows:

1. The name and post-office address of each claimant and claimant's attorney is:

LEONARD JOHN MERTOWSKI

258 CURTISS ST.

SLOAN, N.Y. 14212

2. The nature of the claim:

SLIP / FALL

3. The time when, the place where and the manner in which the claim arose:

MARCH 25, 2011

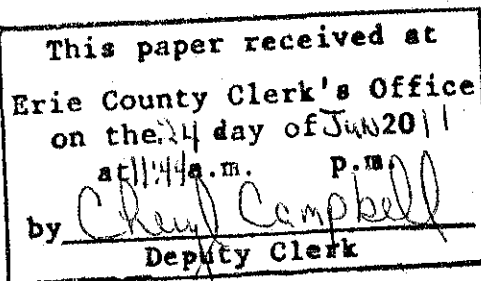
ERIE COUNTY CORRECTIONAL FACILITY

FELL WHILE GETTING DOWN FROM TOP BUNK BED.

4. The items of damage or injuries claimed are (do not state dollar amounts)

HEAD INJURY

ELBOW - RIGHT ARM



JUN 26 2011

The undersigned claimant(s) therefore present this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant(s) intend(s) to commence an action on this claim.

Dated:

*Leonard J. Mertowski*

The name signed must be printed beneath

LEONARD J. MERTOWSKI

The name signed must be printed beneath

Attorney(s) for Claimant(s)  
Office and Post Office Address, Telephone Number

CORPORATE VERIFICATION

State of New York, County of

ss.:

being duly sworn, deposes and says that deponent is the  
of

corporate claimant named in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof, and that the same is true to deponent's own 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 said claimant is a corporation, and deponent an officer thereof, to wit its

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

INDIVIDUAL VERIFICATION

State of New York, County of

ss.:

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

Sworn to before me, this  
day of

Sworn to before me, this  
day of

In the Matter of the Claim of

Notice of Claim Against

Attorney(s) for Claimant(s)  
Office and Post Office Address



## 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

July 21, 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>Burns, Linard v. County of Erie and Erie County Holding Center</i>
Document Received:	Notice of Claim
Name of Claimant:	Linard Burns
Claimant's attorney:	R. Colin Campbell, Esq. Campbell & Shelton LLP 8274 North Main Street Eden, New York 14057

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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

---

IN THE MATTER OF THE CLAIM OF  
LINARD BURNS

**NOTICE OF CLAIM**

-against-

COUNTY OF ERIE, NEW YORK and  
ERIE COUNTY HOLDING CENTER

---

TO: County Clerk, County of Erie, New York  
County Attorney, County of Erie, New York

***PLEASE TAKE NOTICE*** that the Claimant herein makes claim and demand  
against the County of Erie, New York and the Erie County Holding Center as follows:

- (1) The name and post office address of the Claimant is:

Linard Burns  
10990 Miland Road  
Clarence Center, NY 14032

- (2) The name and post office address of Claimant's attorney is:

R. Colin Campbell, Esq.  
CAMPBELL & SHELTON LLP  
8274 North Main Street  
Eden, New York 14057

- (3) Upon information and belief, the time of the happening of the occurrence  
in which Claimant was injured was on or about March 9, 2011 (we are awaiting the Holding  
Center's records to confirm this date).

- (4) The place of the happening of the incident was at the Erie County Holding  
Center, 40 Delaware Avenue, Buffalo, New York.

(5) The nature of this claim is that the County of Erie and the Erie County Holding Center, through their employees, agents and servants, failed to provide a proper shower facility for the Claimant, and/or other means to wash himself, who was confined to a wheelchair, and as a result, the Claimant fell over in his wheelchair and sustained bodily injuries.

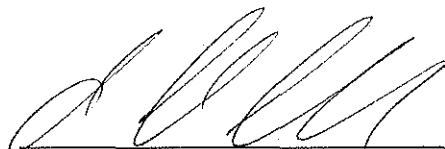
(6) The nature of this claim is that the County of Erie and the Erie County Holding Center, individually and /or through their employees, agents and servants, were negligent, careless and reckless as follows:

- in failing to provide the Claimant with safe and appropriate shower facilities and/or other means to wash himself;
- in creating dangerous conditions;
- in failing to properly modify, correct or repair the aforementioned conditions;
- in failing to provide Claimant with proper and necessary care, supervision and assistance;
- in failing to meet the requirements and standards required by applicable Federal, State and local laws, in connection with persons with physical disabilities.

(7) The items of damage and injuries sustained by Claimant, as has been ascertained at this juncture (we are still awaiting medical records from the County's facility, Erie County Medical Center), include a fractured right wrist requiring surgery, and injuries to the right shoulder and low back, resulting in unnecessary and extended pain and suffering; the need to seek treatment at a hospital; additional medical costs; and delayed healing. Claimant will seek damages for his pain and suffering, medical expenses and economic loss.

Dated: Eden, New York  
June 7, 2011





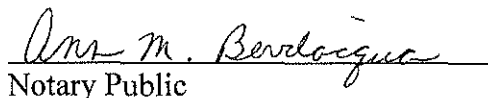
R. Colin Campbell, Esq., on Behalf of  
Claimant, *Linard Burns*  
CAMPBELL & SHELTON LLP  
8274 North Main Street  
Eden, New York 14057  
(716) 992-9300

STATE OF NEW YORK     )  
COUNTY OF ERIE        ) ss:

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

  
R. COLIN CAMPBELL

Sworn to before me this 7th  
day of June, 2011.

  
Notary Public

ANN M. BEVILACQUA  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires January 31, 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

July 21, 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>Zimmerman, Kevin v. County of Erie, Erie County Correctional Facility and Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	Kevin Zimmerman
Claimant's attorney:	Jeffrey S. Krajewski 2956 Union Road Cheektowaga, New York 14225

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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney

-----  
IN THE MATTER OF THE CLAIM OF:

KEVIN ZIMMERMAN  
ICN # 102678  
11581 WALDEN AVENUE  
ALDEN, NEW YORK 14004

Claimant

v.

**NOTICE OF CLAIM**

COUNTY OF ERIE  
95 FRANKLIN STREET  
BUFFALO, NEW YORK 14202

ERIE COUNTY CORRECTIONAL FACILITY  
11581 WALDEN AVENUE  
ALDEN, NEW YORK 14004

ERIE COUNTY SHERIFF'S OFFICE  
10 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202

Respondents

-----  
TO: OFFICE OF THE ERIE COUNTY ATTORNEY  
-----

SIRS:

PLEASE TAKE NOTICE, that the undersigned, KEVIN ZIMMERMAN claims from the ERIE COUNTY CORRECTIONAL FACILITY, COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE damages for pain and suffering sustained by reason of the wrongful, negligent and careless acts and/or omissions of the ERIE COUNTY CORRECTIONAL

FACILITY, COUNTY OF ERIE and ERIE COUNTY SHERIFF'S OFFICE, their agents, servants and/or employees, and in support thereof, the Claimant sets forth the following:

1) The claimant, KEVIN ZIMMERMAN resides at 11581 Walden Avenue, Alden, New York.

2) The name and address of the Claimants' attorneys are, LAW OFFICE OF JEFFREY S. KRAJEWSKI, 2956 UNION ROAD, CHEEKTOWAGA, NY, attorneys of record for said Claimant, KEVIN ZIMMERMAN.

3) Upon information and belief, the date of the happening of the accident in which the serious injuries were sustained by KEVIN ZIMMERMAN, and the time when such claim arose was on or about the 21st day of April 2011 at or about 4:15 p.m.

4) Upon information and belief, the happening of the said accident, resulting in injuries hereinafter alleged occurred at the Erie County Correctional Facility Annex Building / Yankee Building located at 11581 Walden Avenue, Alden, New York, or in close proximity thereof.

5) Upon information and belief, the claim of KEVIN ZIMMERMAN, arose in the following manner:

At the aforementioned time and place, Kevin Zimmerman was performing his duties as a Porter at Yankee 1 at the Erie County Correctional Facility when he was struck, assaulted or otherwise subjected to violent physical acts by various correctional officers, sheriff deputies and/or employees of the Respondents causing serious personal injury.

6) Upon information and belief, the accident was caused by the wrongful, negligent and careless acts and/or omissions of the ERIE COUNTY CORRECTIONAL FACILITY,

COUNTY OF ERIE and ERIE COUNTY SHERIFF'S OFFICE, their agents, servants and/or employees acting in the scope and course of their employment. The acts of negligence include, but are not limited to:

- a. Failing to provide for and ensure the safety of the Claimant while the Claimant was in the care, custody and control of the Respondents;
- b. Negligently allowing agents, servants and/or employees of the Respondents to cause physical injury to the Claimant while the Claimant was in the care, custody and control of the Respondents;
- c. Failing to provide a safe area for the Claimant to perform his work duties;
- d. Negligently failing to take the appropriate steps to ensure the safety of the Claimant.
- e. Striking, assaulting or otherwise coming into direct unwarranted physical contact with the Claimant.

7) As a result of said accident, KEVIN ZIMMERMAN sustained serious injuries, including both physical and psychological injuries, as well as pain and suffering, including injuries to his right arm, right forearm, right elbow and right infraorbital region, including various other contusions and abrasions.

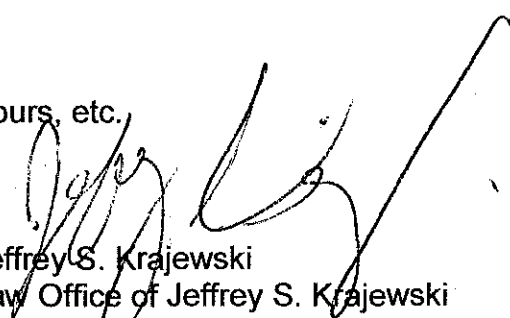
8) This notice is made and served on behalf of said KEVIN ZIMMERMAN, in compliance with the provisions of 50-h of the General Municipal Law and such other laws and statutes as are in the case made and provided.

9) You will take further notice that the Claimant, KEVIN ZIMMERMAN, demands payment of said Claim, and unless said Claim is paid within a reasonable time, it is the intention of the Claimant to commence suit against the ERIE COUNTY CORRECTIONAL

FACILITY, COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE.

DATED: Cheektowaga, New York  
June 6, 2011

Yours, etc.

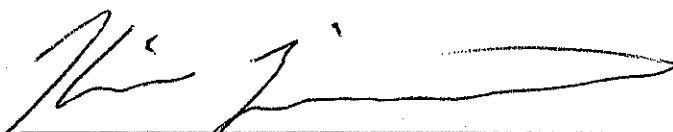


Jeffrey S. Krajewski  
Law Office of Jeffrey S. Krajewski  
2956 Union Road  
Cheektowaga, NY 14227  
(716) 681-3355

## VERIFICATION

STATE OF NEW YORK       }  
COUNTY OF ERIE        } SS:

KEVIN ZIMMERMAN, being duly sworn deposes and says that he is the CLAIMANT in the foregoing CLAIM, that he has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief, and as to those matters he believes them to be true.

  
\_\_\_\_\_  
KEVIN ZIMMERMAN

Sworn to before me this

6<sup>th</sup> day of June, 2011.

Charleen M. Willard  
NOTARY PUBLIC

CHARLEEN M. WILLARD  
COMMISSIONER OF DEEDS  
In and for the City of Buffalo, NY  
My Commission Expires Dec. 31, 2013  
*County of Erie*



## 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

July 21, 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>Rowley, Maureen v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Maureen Rowley
Claimant's attorney:	David W. Olson Brown Chiari, LLP 5775 Broadway Lancaster, New York 14086

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/dkw  
Enclosure

cc: JEREMY A. COLBY, Erie County Attorney



STATE OF NEW YORK:  
SUPREME COURT: COUNTY OF ERIE

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MAUREEN ROWLEY

Claimant

vs.

**NOTICE OF CLAIM**

COUNTY OF ERIE

Respondent

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TO: Martin A. Polowy, Esq.  
Erie County Attorney  
95 Franklin Street  
Buffalo, New York 14202

To Whom It May Concern:

PLEASE TAKE NOTICE, that the undersigned hereby makes claim against the County of Erie and submits the following in compliance with the applicable statutes of the State of New York.

1. The Claimant herein is MAUREEN ROWLEY, who resides at 6656 Wick Road, Lockport, New York 14094.
2. The Claimant herein is represented by the law firm of BROWN CHIARI LLP, 5775 Broadway, Lancaster, New York 14086-2360.
3. The subject claim is for personal injuries, medical expenses and lost wages sustained by reason of injury to MAUREEN ROWLEY.

- BROWN CHIARI LLP -

4. The incident giving rise to these damages occurred on June 18, 2011 while claimant was riding her bicycle on Porterville Road in the Town of Marilla, County of Erie, State of New York.

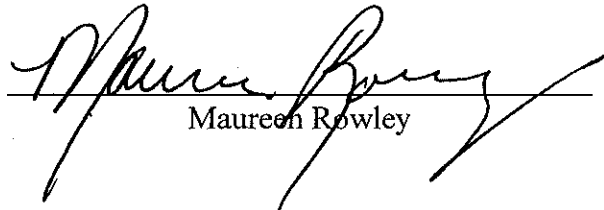
5. The said damages for which claim is hereby made arose in the following manner, to wit:

On or about June 18, 2011, claimant, Maureen Rowley, was riding her bicycle on Porterville Road in the Town of Marilla, County of Erie, when said bicycle hit a sink hole in the road adjacent to the driveway of the residence located at 1500 Porterville Road, East Aurora, NY 14052. (See photo attached). As a result of contacting the sink hole with her bicycle, claimant was thrown approximately 30 feet from her bicycle onto the road. The incident was caused by the negligence of the Respondent in failing to adequately and timely repair the sink hole; failing to warn bicycle and pedestrian traffic concerning the existence and location of the sink hole; failing to place a sign, cone, barrier, or other object in front of, or near, the sink hole to prevent bicycle traffic from driving on it; failing to take any other measures to adequately warn bikers and pedestrians of the dangerous condition on the road and protect them from same; and otherwise failed to properly design, construct, maintain and repair the premises at the above described location.

6. Claimant, MAUREEN ROWLEY, sustained severe and permanent injuries, including but not limited to a broken nose, severe facial lacerations and concussion.

7. The subject claim is for a sum of money to be determined by a jury.

DATED: June 27, 2011

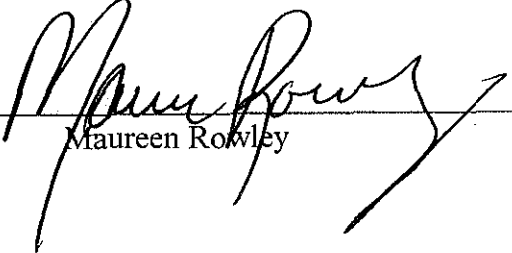
  
Maureen Rowley

STATE OF NEW YORK)  
COUNTY OF ERIE)

ss:

On the 27th day of June, 2011, Maureen Rowley, being duly sworn, deposes and says that she is the claimant in this matter; that she has read the foregoing Notice of Claim and knows the

contents thereof; that it is true to her personal knowledge, except as to matters stated to be upon information and belief, and as to those matters she believes to be true.

  
Maureen Rowley

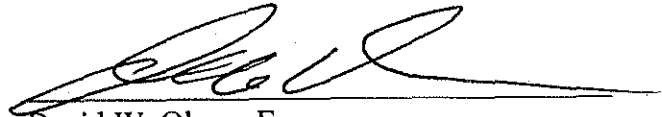
Sworn to before me on this  
27th day of June, 2011.

  
Notary Public

TANYA L. BLEYLE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BL6134653  
Qualified in Wyoming County  
My Commission Expires October 03, 2013

**CERTIFICATION**

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.

A handwritten signature in black ink, appearing to read 'David W. Olson', is written over a horizontal line.

David W. Olson, Esq.

BROWN CHIARI LLP

**Attorneys for**

5775 Broadway

Lancaster, New York 14086-2360

(716) 681-7190







