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COUNTY OF ERIE

MARTIN A. PCLOWY
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., Second Assistant County Attorney

DATE: August 19, 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 thirteen (13) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Erika Tuttle vs County of Erie, et al.
Robert T. Dombrowski vs County of Erie
Tedderick Gilmer vs County of Erie
Darryl J. Nance vs County of Erie
William J. Yuszyk vs County of Erie
Trone Walthour vs County of Erie
Robert Pope vs County of Erie
Jessie R. Pugliese vs County of Erie
Marc A. Lococo vs County of Erie and Erie County Correctional Facility
Carol Baker vs County of Erie and town of Clarence
Lynne and Ronald Nieswiadomy vs County of Erie
Derrick Anderson vs County of Erie
State Farm Insurance as subrogee of James R. Carr vs County of Erie

TFK/crj
Attachments

cc: Jeremy A. Colby, Erie County Attorney



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

August 18, 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>Tuttle, Erika vs City of Lackawanna, Jeremy A. Colby, Esq., John Crangle, Jr., et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Erika Tuttle 1436 Ridge Road, Room #2 Lackawanna, New York 14218
Claimant's attorney:	John Lloyd Egan, Jr., Esq. Law Offices of John Lloyd Egan 905 Convention Towers 43 Court 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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

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

Erika Tuttle

Claimant,

vs.

NOTICE OF CLAIM

**Arc Petricca, Esq.
Department of Law
City of Lackawanna
714 Ridge Road, Room 313
Lackawanna, New York 14218**

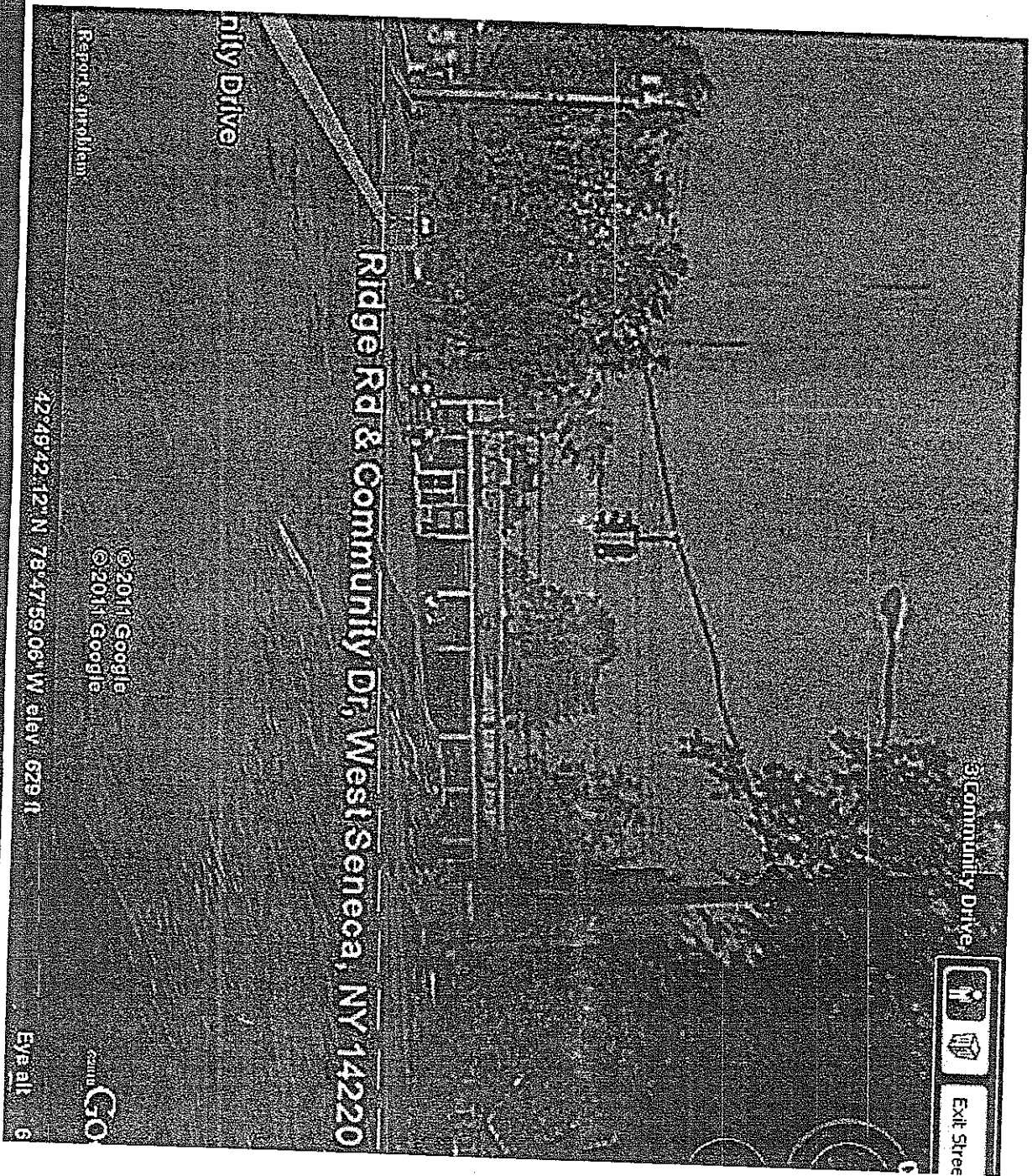
**Jacqueline A. Caferro, City Clerk
City of Lackawanna
714 Ridge Road
Lackawanna, New York 14218**

**Jeremy A. Colby, Esq.
Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202**

**John Crangle Jr
Interim Erie County Clerk
92 Franklin Street
Buffalo, New York 14202**

**Gerard J. Sentz, PE
Commissioner of Public Works
Erie County Department of Public Works
Division of Highways
95 Franklin Street, 14th Floor
Buffalo, New York 14202**

**Steve Canestrari
District Manager
Erie County Sewer District
Erie County Division of Sewer Management
S3690 Lakeshore Drive
Buffalo, New York 14219**



FOLD TO THIS LINE

STATE OF NEW YORK
COUNTY OF Erie
City OF Buffalo

ss.:

INDIVIDUAL VERIFICATION

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

Sworn to before me, this 27th day of June
Susan L. Richardson My Commission Expires,
Notary Public State of New York;
Originally Qualified in _____ County.

SUSAN L. RICHARDSON
Notary Public State of New York
No. 01R16192327
Qualified in Erie County
My Commission Expires: Aug. 25, 2012

Erika Tuttle
Deponent's Signature - Type Name Below Line.

STATE OF NEW YORK
COUNTY OF _____
OF _____

ss.:

CORPORATION VERIFICATION

, being duly sworn, deposes and says: that deponent is _____ of _____ the corporation named 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 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: its

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 Expires,
Notary Public State of New York;
Originally Qualified in _____ County.

Deponent's Signature - Type Name Below Line.

CERTIFICATION BY ATTORNEY

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

DATED: _____

AFFIRMATION BY ATTORNEY

Deponent's Signature - Type Name Below Line.

The undersigned, an attorney admitted to practice in the Courts of New York State, shows: that deponent(s) is (are) 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 matters therein stated to be alleged upon 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, 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: _____

Deponent's Signature - Type Name Below Line.

STATE OF NEW YORK
COUNTY OF _____
OF _____

ss.:

AFFIDAVIT OF PERSONAL SERVICE WITH DESCRIPTION

, being duly sworn, deposes and says: that he (she) is eighteen years of age, or more, and not a party to the action; that he (she) served the annexed _____ on the defendant, named herein, personally delivering to and leaving a true copy thereof with _____, on _____, at _____ A.M. (P.M.) and that he/she knew the person so served to be the person described as the Defendant therein. The description of the person served above is: Sex _____; Skin color _____; Hair color _____; Approx. age _____; Approx. wt. _____; Approx. ht. _____ Other identifying features _____

to my best knowledge information and belief, the said Defendant, at the time of service, was not engaged in the military service of the United States.

Sworn to before me, this _____ day of _____

Comm. 18D-8

Page 9 of 230



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

August 18, 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>Dombrowski, Robert T. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Robert T. Dombrowski ICN 81691 c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York
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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

ROBERT T. DOMBROWSKI,
CLAIMANT,

X NOTICE OF
CLAIM

-VS-

THE COUNTY OF ERIE,
DEFENDANT.

X
TO: JEREMY A. COLBY, COUNTY ATTORNEY
COUNTY OF ERIE
DEPARTMENT OF LAW
95 FRANKLIN STREET, SUITE 1634
BUFFALO, NEW YORK 14202

PLEASE TAKE NOTICE that ROBERT T. DOMBROWSKI, hereby claims and demands, pursuant to Section 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, namedly DEPUTY SHERIFF Badge 969 PATTY LOGAN of ERIE COUNTY SHERIFF OFFICE at ERIE COUNTY HOLDING CENTER; and in support thereof, the Claimant alleges and states:

1. the name and post office address of the Claimant are: ⁽¹⁾ ROBERT T. DOMBROWSKI, ICN: 81691, ERIE COUNTY HOLDING CENTER, 40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202 (currently), (2) ROBERT T. DOMBROWSKI, P.O. Box 350, BUFFALO, NEW YORK 14207-0350 (mail receipt box).

2. This personal injury claim is for compensatory damages and special damages sustained by the Claimant while he was an inmate at ERIE COUNTY HOLDING CENTER, 40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202-3999 committed by Erie County Deputy Sheriff Patty Logan, Badge 969

3. The wrongful, unlawful, negligent and careless acts ~~and~~ and/or omissions of duty to care owed Claimant of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows: On April 22, 2011, approximately at 10:00 PM, at the Medical (Infirmary) Department area of Delta ~~Delta~~ Inmate housing floor of ERIE COUNTY Holding Center, Deputy Sheriff Patty Logan Badge 969 knowingly and intentionally interfered with Claimant's medical insulin treatment examination ~~by~~ conducted by a Registered Nurse to harass Claimant while he received healthcare services. The male elderly Registered Nurse performed the medical procedure (standard procedure) upon Claimant to measure blood glucose level necessary to determine insulin shot medical treatment. When the procedure was completed, Claimant removed the stick used in this procedure completed, and Deputy Sheriff ^{Badge No 969} Patty Logan abusing her authority orally ordered Claimant to be subjected...

... to a second insulin treatment procedure despite the Registered Nurse did not direct a 2nd treatment procedure was necessary and recorded the results of the 1st procedure.

4. that Deputy Sheriff Patty Logan recently in April 2011 on going ~~has~~ is assigned to security duty only on the 3PM to 11PM shift at ~~of the~~ Medical Department area on Delta (3rd Floor) Floor of ERIE County Holding Center; and Deputy Sheriff Patty Logan ^{Badge 969} at all times stated herein is not ~~not~~ authorized to interfere with healthcare services rendered to inmates, She is not authorized to make medical procedure result determinations, and She is not authorized to direct Erie County Holding Center Medical Department Registered Nurse(s) to redo medical examination procedures upon an inmate (Claimant).

5. that on May 7, 2011 approximately at 10:00PM at the ECHL Medical Dept. area, Deputy Sheriff ^{Badge 969} Patty Logan continues to directly interfere with Claimant's insulin medical treatment procedures conducted by Registered Nurse; Deputy Sheriff Patty Logan takes the evening sandwich (treatment) from the Nurse and hands it to Claimant in an intimidating manner harassing Claimant -- she abuses her authority involving herself in the ...

... medical treatment/examination procedures performed on Claimant by healthcare providers, ~~which~~ to harass Claimant with her intimidating behavior towards Claimant; Deputy Sheriff Badge 969 Patty Logan told Claimant she is going to fix his wagon (revenge/intimidation).

6. On May 9, 2011 approximately at 4:00pm at ECHC Medical Dept. Area, DEPUTY SHERIFF PATTY LOGAN continue to orally harass Claimant when receiving his insulin examination medical procedure by Nurse; She badgered verbally Claimant and She demanded Claimant to respond back to her ~~branded~~ harassment remarks and She threaten Claimant to speak to her or she will direct the Delta-Long Lowside inmate housing Deputy Sheriff on duty to lock Claimant in his cell (Location: Delta-Long - cell #14 - Lowside) as punishment because Claimant would not respond to her badgering and intimidating demands. Claimant remained silent ~~in~~ because he was afraid of Deputy Sheriff Patty Logan; Deputy Sheriff Patty Logan directed the on 3PM-11PM shift Delta-Long inmate housing Deputy Sheriff to keep Claimant locked in his cell; and this Deputy Sheriff did ~~not~~ keep Claimant locked in his cell. Claimant is terrified every time he goes to the Medical Dept; and

Deputy Sheriff Patty Logan is on duty at her regular duty ~~shift~~ post at the ECHC medical Dept. area. Deputy Sheriff Patty Logan repeatedly calls Claimant an "asshole," during these encounters; and she threatens to Claimant telling him she will get him," remarks terrorizing Claimant.

7. that at all times mentioned previously herein, Deputy Sheriff Patty Logan's abuse of her authority criminal interference ~~with~~ conduct whenever Claimant is at the ECHC medical Dept. area receiving healthcare services from medical staff; and she retaliated harassed Claimant having him confined to his cell when Claimant remained silent to her oral harassment threats and demands.

8. that due to Claimant's continued confinement at Erie County Holding Center and necessary need for medical health care ~~and the fact that~~ services at ECHC, Claimant is continually subjected to oral/verbal threats, badgering demands harassment ~~and~~ by Deputy Sheriff Patty Logan daily; and caused and causes Claimant to suffer ~~extreme~~ ~~in~~ intimidation fears so great he is afraid to file grievance complaint against her.

9. that Deputy Sheriff Patty Logan's actions...
Badge 969

... of abuse of her official duties discrediting the Public's confidence in the Erie County Sheriff's Office to use abusive language, threats of confinement punishment retaliation, causing her threats to come true arranging Claimant's cell housing confinement punishment, and intentional physical interference with Claimant's receipt of health ~~and~~ ^{by} services daily constitutes ~~violations~~ of New York State Penal Law Sections 240.70(1)(4a)(b), 240.72; New York State Patient Bill of Rights prohibiting retaliation upon an inmate patient requesting/obtaining health care services; New York State Civil Rights Law Sections ~~40-a, 41, 79-b~~; New York State Constitution Article 1 Section 5 (cruel and unusual punishment prohibited); Title 42 U.S.C. Section 1983 Civil Rights; and U.S. Constitution Amendment 8th. ~~et al.~~

10. that as a direct result of Defendant's ^{Badge #3769} employee Deputy Sheriff Patty Logan's repeated and continuing intentional harassment; retaliation intimidation tactics, confinement punishment and criminal interference with health ~~and~~ services conduct, Claimant suffered and continues to suffer aggravation of his mental health condition injuries that resulted in his current incarceration at ECHC, mental anguish fears and discouragement.

... when receiving health ~~and~~ services at ECHC Medical Department, and aggravation of pre-existing health conditions, and repeated violations of Claimant's Civil rights protected under New York State and Federal Laws; and continued violations committed by Deputy Sheriff ^{Badge 969} Patty Logan employed at ECHC; and future mental health treatment services expenses.

II. TAKE FURTHER NOTICE that Claimant demands payment of his claim in the sum of \$1,000,000.00, One Million Dollars (\$250,000 aggravation of mental health condition; \$250,000 aggravation of health condition; ~~and~~ \$250,000 mental anguish; \$250,000 for Civil rights violations) plus costs and interest, 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 compensatory and special damages and injuries sustained by them.

Robert T. Dombrowski

ROBERT T. DOMBROWSKI
CLAIMANT PRO SE

I have used the name Deputy Patty Logan Badge No. 969 because the deputy in question has NEVER worn a name badge is almost ALWAYS called Deputy Patty and I thought I heard her call ^{Comm. 18078} _{Page 19 of 200} ⁰¹⁰⁰ ₀₁₀₀

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

ROBERT T. DOMBROWSKI,
CLAIMANT,

SUPPLEMENTAL
NOTICE OF
CLAIM

-VS-

THE COUNTY OF ERIE,
DEFENDANT.

AUG 2 - 2011

TO: JEREMY A. COLBY, COUNTY ATTORNEY
COUNTY OF ERIE
DEPARTMENT OF LAW
95 FRANKLIN STREET, SUITE 1634
BUFFALO, NEW YORK 14202

PLEASE TAKE FURTHER NOTICE that ROBERT T. DOMBROWSKI, hereby claims and demands additionally, pursuant to Section 50-e of the General Municipal Law, damages against the County of ERIE for damages of retaliation harassment sustained by Claimant by reason of the wrongful, unlawful, negligent, careless abuse of official capacity acts and omissions to comply with New York State Laws/statutes/regulations and applicable Federal Constitution Laws prohibiting retaliation conduct for exercise of constitutional rights of the ERIE COUNTY Government, its agents, servants or employees; namely Erie County Deputy Sheriff ^{Badge # 969} PATTY LOGAN at the Erie County Holding Center; and in support thereof and of Claimant's original prior . . .

... NOTICE OF CLAIM 7 Page Document, the Claimant alleges and states:

1. The name and post office address of the Claimant are: (currently) ROBERT T. DOMBROWSKI, ICN: 81691, ERIE COUNTY HOLDING CENTER, 40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202-3999; and (2) ROBERT T. DOMBROWSKI, P.O. BOX 350, BUFFALO, NEW YORK 14207-0350.

2. This supplemental Notice of Claim is for personal constitutional tort injuries 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 abuse of authority charged and omission compliance to Lawful duty prohibiting harassment retaliation conduct by Erie County Sheriff's employees of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows: On June 18, 2011 approximately 4:00pm at the Medical Department area, Delta building floor of the Erie County Holding Center, Erie County Deputy Sheriff PATTY LOGAN (Badge # 969) harassed Claimant by grabbing his fingers (holding a cannister) suddenly without warning...

... causing Claimant alarm for his safety, during Claimant's regular insulin measure medical treatment procedure. Claimant asked ECHC Deputy Patty Logan ^{Badge 969} to please not touch him; and she, Deputy Patty Logan ^{Badge 969}, yelled threateningly at Claimant saying "I'll smack you in the Face!" harassment. Nurse Riley witnessed the harassment incident and another older age male Nurse witnessed this incident.

4. that ECHC Deputy PATTY LOGAN, ^{Badge 969} on the same material time and date mentioned in paragraph number 3, ~~and~~ continued her harassment of Claimant by her action to conceal her harassment (retaliation) by reporting False misbehavior conduct accused of Claimant to the 3PM-11PM Shift Duty Area Sergeant; and She threatened to have Claimant Locked in his housing room at housing Location Delta-North East cell room number 80. ECHC Deputy Sheriff Patty Logan ^{Badge 969} made this same threat of cell confinement ~~and~~ punishment and carried out her threat upon and to Claimant prior stated in Claimant's original claim. (harassment retaliation).

5. that ECHC Deputy Sheriff Patty Logan ^{Badge 969} concealed her harassment retaliation conduct continued against Claimant by filing a False...

... accusations against Claimant of alleged misbehavior Disciplinary Report to ECHC superior authorities; she continues to unlawfully, criminally, interfere in an intimidation manner with Claimant receiving his daily insulin medical treatment procedures on 6/18/11 and on-going causing Claimant to be fearful ~~of~~ every time daily he participates in his necessary medical treatment procedures on-going mental anguish suffering. Deputy Sheriff Patty Logan ^{badge 969} in her written disciplinary report alleged Claimant received notice not to touch the ~~can~~ bottle/cannister, prior, threatening manner behavior and bottle contamination charges; but none of the witnessing ECHC Medical Department Nurses co-signed the Disciplinary Report ~~the~~ against Claimant to support ECHC Deputy Sheriff Patty Logan's accusations substantiating their uncredibility. Further ~~the~~ ECHC Lt. Harris determined Claimant would only be verbally reprimanded not to touch the bottle and substantiates ECHC Deputy Sheriff Patty Logan Filed charged accusations were not credible. ^{badge 969}

6. that ECHC Deputy Sheriff Patty Logan's ^{badge 969} continued unlawfully interference with Claimant receiving health care services at ECHC in an intimidating manner of assault threats and subjecting false...

80d, 969 ... accusations of misbehavior Disciplinary punishment upon Claimant when ECHC ~~Deputy~~ Deputy Sheriff Patty Logan is on ~~on~~ duty at ECHC Medical Dept. harassment conduct are violations of Claimant's Lawfully rights under New York State Penal Law Sections 240.70(1)(a)(b), 240.72; Inmate Patient Bill of Rights prohibiting discipline punishment of inmate seeking medical treatment services; Civil Rights Law Sections 40-d, 41, 71-b prohibiting discrimination of equal protection of Law rights; New York State Constitution Article I Sections 5, 6, 11; Title 42 U.S.C. Section 1983 Civil Rights; and U.S. Constitution Amendments 8, 14th.

7. that As a direct result of Defendant's employed public servant ^{80d, 969} ERIE COUNTY Government's Deputy Sheriff Patty Logan's continued abuses of official authority entrusted to effect personal self-gratification fear upon Claimant by ~~the~~ assault threats, wrongful discipline punishments, and criminal interference with health reproductive services, Claimant suffers aggravation of ~~ph~~ mental anguish of previous existing mental health condition with discouragement fears when receiving necessary health reproductive services at ECHC and repeated violations of Claimant's Civil Rights both under New York State and Federal Constitutions, and mental health treatment expenses.

8. TAKE FURTHER NOTICE that Claimant supplementally demands payment of his supplemental claim in the sum of \$1,000,000.00 (One million dollars plus costs and interest, and unless the supplemental 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 all compensatory and special damages and injuries sustained by them.

Sylvia M. O'Neal

7/29/11

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

Robert T. Dombrowski

ROBERT T. DOMBROWSKI
CLAIMANT PRO SE

I've added "Badge 268" adjacent to each instance of the name "Logan" because it is my guess that that's truly not her last name, that I only heard her called Logan once and I have ZERO clue what her real last name is since she NEVER wears a name badge which I am guessing violates my Constitutional rights

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

ROBERT T. DOMBROWSKI,
CLAIMANT;

AFFIDAVIT OF
SERVICE

-VS-

THE COUNTY OF ERIE,
DEFENDANT.

SUPPLEMENTAL
NOTICE OF
CLAIM

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

ROBERT T. DOMBROWSKI, being duly sworn,
deposes and says:

1. that he is over the age of 18 years old;

2. that on the 29 day of July, 2011

I Forwarded via certified mail, return receipt
pastage of the United Postal Service my
Supplemental Notice of Claim & Page Document
to the parties indicated below:

JEREMY A. COLBY, COUNTY ATTORNEY
COUNTY OF ERIE
DEPARTMENT OF LAW
95 FRANKLIN STREET, SUITE 1634
BUFFALO, NEW YORK 14202.

Robert T. Dombrowski

ROBERT T. DOMBROWSKI
CLAIMANT Pro se

SWORN TO BEFORE ME THIS

29 DAY OF July, 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

VERIFICATION

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

ROBERT T. DOMBROWSKI, being duly sworn,
deposes and says that he is the claimant in the
within claim intention proceeding and has read
the foregoing Notice of Claimant and knows the
contents of the same to be true to his own,
knowledge, except as to those matters therein
alleged upon information and belief, and as to
those matters, he believes to be true.

Robert T. Dombrowski

ROBERT T. DOMBROWSKI
CLAIMANT PRO SE

SWORN TO BEFORE ME THIS

29 DAY OF July, 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

VERIFICATION

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

ROBERT T. DOMBROWSKI, being duly sworn,
deposes and says that he is the claimant in the
within claim intention proceeding and has read
the foregoing SUPPLEMENTAL NOTICE OF CLAIM and
knows the contents of the same to be true to his
own knowledge, except as to those matters
therein alleged upon information and belief,
and as to those matters he believes to be
true.

Robert T. Dombrowski

ROBERT T. DOMBROWSKI
CLAIMANT PRO SE

SWORN TO BEFORE ME THIS

29 DAY OF July, 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

August 18, 2011

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

Dear Mr. Graber:

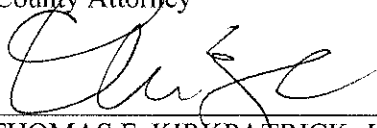
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Gilmer, Tedderick vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Tedderick Gilmer DIN 11B0035 c/o Five Points Correctional Facility State Route 96, P.O. Box 119 Romulus, New York 14541
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
thomas.kirkpatrick@erie.gov

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

Tedderick Gilmer :1 B0035

- 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 *Tedderick Gilmer*, 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: *Rights of prisoners*
3:36 Farmer v. Brennan and the right to be protected
VII. Assaults by other inmates
1. The name and post office address of the claimant is:
Tedderick Gilmer DIN# 11B0035
Five points correctional facility, State Route 96, po Box 119
Remulus, Ny 14541
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: May 27 2011, under a court order I,

Tedderick Gilmer 118035, was placed in Erie County Jail center. Upon arrival, it was stated that I don't belong in general population, due to the fact I am a state inmate. After I was processed I was led to a holding cell. On May 28, 2011, I was then taken to South, General population, where I arrived there I explained to the officer Klein, I explained my situation to the women that classified me that I was not to be in general population. He then told me there was nothing he could do. I asked to speak to a Sgt. he then told me a Sgt. would be of no help to me. I then stated I was afraid for my life. He told me to go look in the Day room and I did. On June 23, 2011 at approximately 1:30 I told officer Klein I was having some problems with an inmate, he said talk to him later, he was busy. At approximately 2:00 pm Inmate Darryl Nance started hitting me while I was up stairs in the day room. I talked to another inmate, I called for help and when officer Klein came up the stairs he just stood there outside the door telling the inmate to stop. The inmate did not stop, when the other officers came they did the same thing, no one came into the room to stop the inmate from hitting me. After the officer stated he was going to spray his mace that's when inmate Nance stop hitting me, I have stitches in my left eye because the staff neglected to keep me safe.

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)

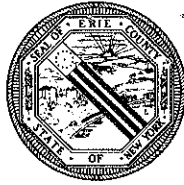
Teddenick A. Gilmer, being duly sworn, deposes and says that he is the claimant in the within proceeding and has read the foregoing Notice of Claim and knows the contents of same to be true to his own knowledge, save those matters therein alleged upon information and belief, and as to those matters,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

[Signature]

Sworn to before me this 6
day of July 2011

[Signature]
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

August 18, 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:

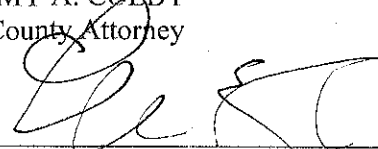
File Name:	<i>Nance, Darryl J. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Darryl J. Nance ICN 82423 c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

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
thomas.kirkpatrick@erie.gov

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

Darryl J. Nance

- 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 Darryl J. Nance, 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 Ave. 14202 Buffalo, NY Erie County Holding Center

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 -

JUL 28 2011

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

SEE Attached
form Thank
you*

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.

DAVID A. NANCE
CLAIMANT

3)

I Darryl I. Nasse and Irmatec housed in Erie
County Holding Center, was involved in a incident
on 6/23/11. That required medical treatment upon
my arrival in the office to explain my injury to
the Doctor with whom was available at the moment
I was revolted by the gesture of very Impish
Demeanor which was outright Bias, with the
accusing me to be a liar & that I was full of
shit, ~~after~~ ^{these} exchange of words
I was sent back to my living quarters without
the proper medical assistance, where I laid
in my bed up to 6 or 7 days in pain til I
was eventually presented to another Doctor that
assisted me with the proper Professionalism
that was required upon the side she requested
me to go outside hospital (e.m.c) for X-Rays
for further examination, they took X-Rays of
my L/Ribs & I put in a sick-call slip for
my Results on 7/4/11 & was escorted to the
Medical Room within 48 hours. Day's & was told
that their not broke, so no serious Surgery
will take place but they are fractured,
which is the causing of shortness of breath
the pain that occur when I'm Breathing.
I put a Grievance on this matter on
6/25/11 & was given back a Response 6/27/11
by Chief Rodriguez.

RE ATTACHED
PAPER
THANK YOU

302 ATTACHED
PAPER
THANK YOU

To be

Continued
(3)

I am putting forth this notice of claim of grounds of "Medical Negligence", "Pain & Suffering", "Loss of Practice", & "Abandonment".

Comm. 18D-8
Page 49 of 230

Thank you for your
Assistance.

1 Mary S. Vance

7/18/11 #82423

6-25-11
GANGOFF
MEDICAL

Inmate Grievance Form

Grievance #

G -

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: NANCY DANNY I ICN# 82423 H/U# Galt South # 33

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

ON 6/23/11 I WAS INVOLVED IN A FIGHT
UPON SEEING MEDICAL ASSISTANCE I TOLD
BY A DOCTOR THAT I WAS LYING ABOUT MY
PAIN IN MY RIBS WHICH FELT BROKE BY THE
WAY I WAS TAKEN CARE OF IN A VERY IMPROPER
MANNER WHICH WAS VERY EXALTING & BIAS.

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

IF I WOULD LIKE A DIFFERENT DOCTOR
& GIVEN THE PROPER ASSISTANCE
CASE I AM STILL IN SERIOUS
PAIN.

Grievant Signature:

Date/Time Submitted: 6/25/11

Receiving Staff Signature:

Date/Time Received: 6/25/11 1430

Summary of facility staff attempts to resolve
(Attach relevant documentation)

Number of Additional Sheets Attached ()

MEDICAL IS OUT OF THIS DEP'S SCOPE OF DUTY

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)

Comm. 18D-8

Page 51 of 230

6

Professional

ERIE COUNTY SHERIFF'S OFFICE



MEMORANDUM

TO: Mr. Darryl Nance ICN # 82423 Gulf 33
FROM: Chief John Rodriguez
DATE: June 27, 2011
RE: Inmate Grievance Dated: June 25, 2011

Please be advised that I am in receipt of your Inmate Grievance. Be advised that pursuant to **9NYCRR7032.4(h) Program Requirements**: Grievances pertaining to issues outside the ability of the Chief Administrative Officer regarding to Specific Medical Treatment decision are not grievable and may be returned to the inmate by the grievance coordinator. Such grievances may not be appealed to the chief administrative officer or the Citizens' Policy and Complaint Review Council. Therefore, this shall serve to inform you that your grievance cannot be processed and is being returned to you. No further action will be taken regarding this matter.

You must submit a sick call request if you need to see the doctor.

cc: Grievance File

**Erie County Correctional Health
SICK CALL REQUEST**

INMATE SECTION: (Inmate to complete only gray section)

Last name: W. J. [unclear] **First name:** [unclear] **ICN** [unclear]

D.O.B. 8/10/21 **Sex:** M ☒ F ☐ **Location:** [unclear]

Date of Request: 8/17/21 **Time of Request:** [unclear] AM PM

Reason for Request:

[Handwritten: I am not feeling well. I have a headache and a fever. I need to see a doctor.]
[Handwritten: I have a headache and a fever. I need to see a doctor.]
[Handwritten: I have a headache and a fever. I need to see a doctor.]
[Handwritten: I have a headache and a fever. I need to see a doctor.]
[Handwritten: I have a headache and a fever. I need to see a doctor.]
[Handwritten: I have a headache and a fever. I need to see a doctor.]

NURSING SECTION Evaluated by: _____ RN LPN

Date: 8/17/21 **Time:** [unclear] AM PM

Disposition: Immediate Evaluation (Medical ER _____ via Ambulance Car)

Sick call on 8/17/21 Dental call on 8/17/21

Referral to Forensics/Mental Health 8/17/21

Treatment per ECDOH/ECSD Nursing Protocol (specify):

Phone Consultation with Physician (Date: 8/17/21 Time: [unclear] AM PM)

PROVIDER SECTION

History: As above **Additional Comments:**

VERIFICATION

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

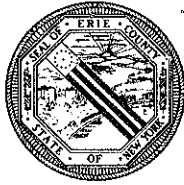
Darryl J. Nance, being duly sworn, deposes and says that he is the claimant in the within proceeding and has read the foregoing Notice of Claim and knows the contents of same to be true to his own knowledge, save those matters therein alleged upon information and belief, and as to those matters, the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

Darryl J. Nance

Sworn to before me this 26
day of July, 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

August 18, 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>Yuszyk, William J. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	William J. Yuszyk 170 Hinman Avenue Buffalo, New York 14216
Claimant's attorney:	Eugene C. Tenney, Esq. 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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

WILLIAM J. YUSCZYK
170 Hinman Avenue
Buffalo, New York 14216

Claimant


NOTICE OF CLAIM

vs.

COUNTY OF ERIE
25 Delaware Avenue
Buffalo, New York 14202

This paper received at the
Erie County Attorney's Office
from Eugene C. Tenney on
the 29th day of July, 2011
at 10:31 a.m./p.m.

TO: County of Erie, State of New York


Assistant County Attorney

PLEASE TAKE NOTICE that the Claimant herein makes a claim and demand
against the COUNTY OF ERIE, New York as follows:

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

William J. Yusczyk
170 Hinman Avenue
Buffalo, New York 14216

Law Offices of Eugene C. Tenney
Eugene C. Tenney, Esq.
5 Niagara Square
Buffalo, New York 14202

2. The nature of the claim: Action for recovery of damages due to severe
personal injuries sustained by the claimant caused by the wrongful, negligent and
unlawful acts of the COUNTY OF ERIE, its agents, servants and/or employees in their
design, maintenance and control of the area adjacent to the Scajaquada Creek Bike
Path at or near the Grant Street westbound entrance to New York State Road 198 (as is
more particularly shown in **Exhibit "A"** attached hereto) in that they created a
dangerous condition by the placement and/or partial removal of a steel sign pole leaving

approximately 7 inches of the pole protruding from the ground along the bike path which became hidden and obscured by overgrowth of grass. If the COUNTY OF ERIE, its agents, servants, and/or employees did not themselves undertake the placement and/or removal of the pole then, upon information and belief, the COUNTY OF ERIE had actual and/or constructive notice of the aforesaid condition in that they controlled, supervised, and/or directed those parties that did undertake the placement and/or removal of the pole and worked in cooperation with agents, servants, and/or employees of the CITY OF BUFFALO, STATE OF NEW YORK, NEW YORK THRUWAY AUTHORITY, UNITED STATES FEDERAL HIGHWAY ADMINISTRATION, GREATER BUFFALO NIAGARA REGIONAL TRANSPORTATION COUNCIL and NIAGARA FRONTIER TRANSPORTATION AUTHORITY pursuant to a "Coordination Plan" for NYS Route 198 (Scajacquada Expressway) corridor I-190 to N.Y.S. 33, PIN 5470.22, dated January 14, 2008 and such other agreements unknown to Claimant at this time.

3. **The Time, Place and Manner in which Claim Arose:** The time of the happening of the accident in which said injuries were sustained and the time when the claim arose was on or about May 4, 2011 at approximately 3:30 o'clock in the afternoon. Upon information and belief, the accident occurred when the claimant was mowing the lawn adjacent to the Scajaquada Creek Bike Path as described above and the stand up mower he was operating came into contact with the protruding 7 inches of pole that was hidden by approximately 8 inches of grass. Upon striking the pole, the mower came to an abrupt stop propelling the claimant over the top of the mower, causing him to land on his head, fracturing his spine at the cervical level.

4. **Injuries and Items of Damage:** Claimant hereby claims and demands from the COUNTY OF ERIE monetary damages for the medical expenses and injuries sustained by him including but not limited to pain and suffering, mental and emotional distress, loss of enjoyment of life, and permanency of injuries resulting from a fractured spine at the cervical level and resulting quadriplegia and the multiple medical conditions associated with quadriplegia that he will suffer for the rest of his life. As claimant is still undergoing treatment we are not yet in possession of his medical records or fully informed of all of the injuries he has sustained and will endure as a result of the primary injury. As a result of the injuries described, claimant has incurred medical expenses for testing, treatment and will, upon information and belief, continue to incur medical and significant living expenses in the future as well as lost wages.

William J. Yusczyk
By: *Maureen T. Krueger POA*
Claimant by his Attorney in Fact since he is
unable to write his name. Power of Attorney
is attached hereto

William J. (X) Yusczyk
William Yusczyk

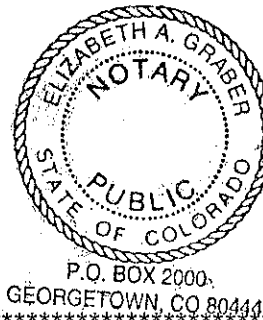
State of Colorado
Clear Creek County

I, William J. Yuszczuk, am the Claimant in the above entitled 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 on information and belief, and as to those matters, I believe them to be true. I have attached my "X" since I am unable to write my name. My Attorney in Fact, my sister, Marleen J. Krueger, has also signed this Notice of Claim with my permission and consent.

William J. (X) Yuszczuk

Subscribed and sworn to before
me this 27th day of July, 2011.

36th + 27th Exp 4-6-2015
Notary Public



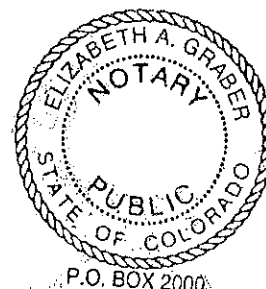
State of Colorado
Clear Creek County

I, Marleen J. Krueger, am the Attorney in Fact for the Claimant in the above entitled action. I have read the foregoing Notice of Claim and know the contents thereof. The contents are true to my knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true. I have attached the Power of Attorney executed by my brother, William J. Yuszczuk.

Marleen Krueger POA
Claimant by his Attorney in Fact,
Marleen J. Krueger

Subscribed and sworn to before
me this 27th day of July, 2011.

36th + 27th Exp 4-6-2015
Notary Public



P.O. BOX 2000
GEORGETOWN, CO 80444
Comm. 18D-8
Page 67 of 230

Copy

POWER OF ATTORNEY
NEW YORK STATUTORY SHORT FORM

(a) **CAUTION TO THE PRINCIPAL:** Your Power of Attorney is an important document. As the "principal," you give the person whom you choose (your "agent") authority to spend your money and sell or dispose of your property during your lifetime without telling you. You do not lose your authority to act even though you have given your agent similar authority.

When your agent exercises this authority, he or she must act according to any instructions you have provided or, where there are no specific instructions, in your best interest. "Important Information for the Agent" at the end of this document describes your agent's responsibilities.

Your agent can act on your behalf only after signing the Power of Attorney before a notary public.

You can request information from your agent at any time. If you are revoking a prior Power of Attorney, you should provide written notice of the revocation to your prior agent(s) and to any third parties who may have acted upon it, including the financial institutions where your accounts are located.

You can revoke or terminate your Power of Attorney at any time for any reason as long as you are of sound mind. If you are no longer of sound mind, a court can remove an agent for acting improperly.

Your agent cannot make health care decisions for you. You may execute a "Health Care Proxy" to do this.

The law governing Powers of Attorney is contained in the New York General Obligations Law, Article 5, Title 15. This law is available at a law library, or online through the New York State Senate or Assembly websites, www.senate.state.ny.us or www.assembly.state.ny.us.

If there is anything about this document that you do not understand, you should ask a lawyer of your own choosing to explain it to you.

(b) **DESIGNATION OF AGENT(S):**

I, WILLIAM J. YUSCZYK

(name of principal)

170 Hinman Avenue, Buffalo, NY 14216

(address of principal)

hereby appoint:

MARLEEN J. KRUEGER

(name of agent)

829 Colorado Boulevard, Idaho Springs, CO 80452

(address of agent)

(name of second agent)

(address of second agent)

as my agent(s).

If you designate more than one agent above, they must act together unless you initial the statement below.

() My agents may act SEPARATELY.

(c) **DESIGNATION OF SUCCESSOR AGENT(S): (OPTIONAL)**

If any agent designated above is unable or unwilling to serve, I appoint as my successor agent(s):

(name of successor agent)

(address of successor agent)

(name of second successor agent),

(address of second successor agent)

Successor agents designated above must act together unless you initial the statement below.

() My successor agents may act SEPARATELY.

You may provide for specific succession rules in this section. Insert specific succession provisions here:

(d) This **POWER OF ATTORNEY** shall not be affected by my subsequent incapacity unless I have stated otherwise below, under "Modifications".

(e) This **POWER OF ATTORNEY DOES NOT REVOKE** any Powers of Attorney previously executed by me unless I have stated otherwise below, under "Modifications".

If you do NOT intend to revoke your prior Powers of Attorney, and if you have granted the same authority in this Power of Attorney as you granted to another agent in a prior Power of Attorney, each agent can act separately unless you indicate under "Modifications" that the agents with the same authority are to act together.

(f) **GRANT OF AUTHORITY:**

To grant your agent some or all of the authority below, either

(1) Initial the bracket at each authority you grant, or

(2) Write or type the letters for each authority you grant on the blank line at (P), and initial the bracket at (P). If you initial (P), you do not need to initial the other lines.

I grant authority to my agent(s) with respect to the following subjects as defined in sections 5-1502A through 5-1502N of the New York General Obligations Law:

() (A) real estate transactions;

() (B) chattel and goods transactions;

() (C) bond, share, and commodity transactions;

() (D) banking transactions;

() (E) business operating transactions;

() (F) insurance transactions;

() (G) estate transactions;

() (H) claims and litigation;

() (I) personal and family maintenance: If you grant your agent this authority, it will allow the agent to make gifts that you customarily have made to individuals, including the agent, and charitable organizations. The total amount of all such gifts in any one calendar year cannot exceed five

hundred dollars;

- ☐ (J) benefits from governmental programs or civil or military service;
- ☐ (K) health care billing and payment matters; records, reports, and statements;
- ☐ (L) retirement benefit transactions;
- ☐ (M) tax matters;
- ☐ (N) all other matters;
- ☐ (O) full and unqualified authority to my agent(s) to delegate any or all of the foregoing powers to any person or persons whom my agent(s) select;
- ☒ (P) EACH of the matters identified by the following letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O

You need not initial the other lines if you initial line (P).

(g) MODIFICATIONS: (OPTIONAL)

In this section, you may make additional provisions, including language to limit or supplement authority granted to your agent. However, you cannot use this Modifications section to grant your agent authority to make gifts or changes to interests in your property. If you wish to grant your agent such authority, you **MUST** complete the Statutory Gifts Rider.

(h) CERTAIN GIFT TRANSACTIONS: STATUTORY GIFTS RIDER (OPTIONAL)

In order to authorize your agent to make gifts in excess of an annual total of \$500 for all gifts described in (I) of the grant of authority section of this document (under personal and family maintenance), you must initial the statement below and execute a Statutory Gifts Rider at the same time as this instrument. Initialing the statement below by itself does not authorize your agent to make gifts. The preparation of the Statutory Gifts Rider should be supervised by a lawyer.

☐ (SGR) I grant my agent authority to make gifts in accordance with the terms and conditions of the Statutory Gifts Rider that supplements this Statutory Power of Attorney.

(i) DESIGNATION OF MONITOR(S): (OPTIONAL)

If you wish to appoint monitor(s), initial and fill in the section below:

☐ I wish to designate _____, whose address(es) is (are) _____, as monitor(s). Upon the request of the monitor(s), my agent(s) must provide the monitor(s) with a copy of the power of attorney and a record of all transactions done or made on my behalf. Third parties holding records of such transactions shall provide the records to the monitor(s) upon request.

(j) COMPENSATION OF AGENT(S): (OPTIONAL)

Your agent is entitled to be reimbursed from your assets for reasonable expenses incurred on your behalf. If you **ALSO** wish your agent(s) to be compensated from your assets for services rendered on your behalf, initial the statement below. If you wish to define "reasonable compensation", you may do so above, under "Modifications".

☐ My agent(s) shall be entitled to reasonable compensation for services rendered.

(k) ACCEPTANCE BY THIRD PARTIES:

I agree to indemnify the third party for any claims that may arise against the third party because of reliance on this Power of Attorney. I understand that any termination of this Power of Attorney, whether the

result of my revocation of the Power of Attorney or otherwise, is not effective as to a third party until the third party has actual notice or knowledge of the termination.

(l) **TERMINATION:**

This Power of Attorney continues until I revoke it or it is terminated by my death or other event described in section 5-1511 of the General Obligations Law.

Section 5-1511 of the General Obligations Law describes the manner in which you may revoke your Power of Attorney, and the events which terminate the Power of Attorney.

(m) **SIGNATURE AND ACKNOWLEDGMENT:**

In Witness Whereof I have hereunto signed my name on the 16th day of May, 2011

PRINCIPAL signs here: \Rightarrow WILLIAM (X) J. YUSCZYK
WILLIAM J. YUSCZYK

STATE OF NEW YORK)

) ss:

COUNTY OF ERIE)

On the 16th day of May, 2011, before me, the undersigned, personally appeared WILLIAM J. YUSCZYK, 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 he/~~she~~ executed the same in his/~~her~~ capacity, and that by his/~~her~~ signature on the instrument, the individual, ~~or the person on behalf of which the individual acted~~, executed the instrument, by attaching his "X".

Eugene C. Tenney
Notary Public

EUGENE C. TENNEY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 30, 2014

(n) **IMPORTANT INFORMATION FOR THE AGENT:**

When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal responsibilities that continue until you resign or the Power of Attorney is terminated or revoked. You must:

- (1) act according to any instructions from the principal, or, where there are no instructions, in the principal's best interest;
- (2) avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) keep the principal's property separate and distinct from any assets you own or control, unless otherwise permitted by law;
- (4) keep a record of all receipts, payments, and transactions conducted for the principal; and
- (5) disclose your identity as an agent whenever you act for the principal by writing or printing the principal's name and signing your own name as "agent" in either of the following manners: (Principal's Name) by (Your Signature) as Agent, or (your signature) as Agent for (Principal's Name).

You may not use the principal's assets to benefit yourself or anyone else or make gifts to yourself or anyone else unless the principal has specifically granted you that authority in this document, which is either a Statutory Gifts Rider attached to a Statutory Short Form Power of Attorney or a Non-Statutory Power of Attorney. If you have that authority, you must act according to any instructions of the principal or, where there are no such instructions, in the principal's best interest.

You may resign by giving written notice to the principal and to any co-agent, successor agent, monitor if one has been named in this document, or the principal's guardian if one has been appointed. If there is anything about this document or your responsibilities that you do not understand, you should seek legal advice.

Liability of agent: The meaning of the authority given to you is defined in New York's General Obligations Law, Article 5, Title 15. If it is found that you have violated the law or acted outside the authority granted to you in the Power of Attorney, you may be liable under the law for your violation.

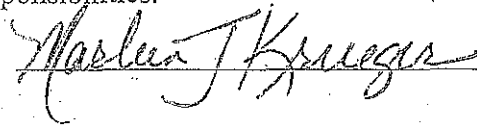
(o) AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT:

It is not required that the principal and the agent(s) sign at the same time, nor that multiple agents sign at the same time.

I/~~we~~, MARLEEN J. KRUEGER, have read the foregoing Power of Attorney. I am/~~we are~~ the person(s) identified therein as agent(s) for the principal named therein.

I/we acknowledge my/our legal responsibilities.

Agent(s) sign(s) here: ==>



STATE OF NEW YORK)

ss:

COUNTY OF ERIE)

On the 17th day of May, 2011, before me, the undersigned, personally appeared MARLEEN J. KRUEGER, 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 ~~he~~/she executed the same in ~~his~~/her capacity, and that by ~~his~~/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

EUGENE C. TENNEY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 30, 2014

(p) SUCCESSOR AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT:

It is not required that the principal and the SUCCESSOR agent(s), if any, sign at the same time, nor that multiple SUCCESSOR agents sign at the same time. Furthermore, successor agents can not use this power of attorney unless the agent(s) designated above is/are unable or unwilling to serve.

I/we, _____, have read the foregoing Power of Attorney. I am/we are the person(s) identified therein as SUCCESSOR agent(s) for the principal named therein.

Successor Agent(s) sign(s) here: ==>

==>

STATE OF NEW YORK)

ss:

COUNTY OF _____)

On the _____ day of _____, 20____, before me, the undersigned, personally appeared _____, 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 he/she

executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

**POWER OF ATTORNEY
NEW YORK STATUTORY GIFTS RIDER
AUTHORIZATION FOR CERTAIN GIFT TRANSACTIONS**

CAUTION TO THE PRINCIPAL: This OPTIONAL rider allows you to authorize your agent to make gifts in excess of an annual total of \$500 for all gifts described in (I) of the Grant of Authority section of the statutory short form Power of Attorney (under personal and family maintenance), or certain other gift transactions during your lifetime. You do not have to execute this rider if you only want your agent to make gifts described in (I) of the Grant of Authority section of the statutory short form Power of Attorney and you initialed "(I)" on that section of that form. Granting any of the following authority to your agent gives your agent the authority to take actions which could significantly reduce your property or change how your property is distributed at your death. "Certain gift transactions" are described in section 5-1514 of the General Obligations Law. This Gifts Rider does not require your agent to exercise granted authority, but when he or she exercises this authority, he or she must act according to any instructions you provide, or otherwise in your best interest.

This Gifts Rider and the Power of Attorney it supplements must be read together as a single instrument.

Before signing this document authorizing your agent to make gifts, you should seek legal advice to ensure that your intentions are clearly and properly expressed.

(a) GRANT OF LIMITED AUTHORITY TO MAKE GIFTS

Granting gifting authority to your agent gives your agent the authority to take actions which could significantly reduce your property.

If you wish to allow your agent to make gifts to himself or herself, you must separately grant that authority in subdivision (c) below.

To grant your agent the gifting authority provided below, initial the bracket to the left of the authority.

(☐) I grant authority to my agent to make gifts to my spouse, children and more remote descendants, and parents, not to exceed, for each donee, the annual federal gift tax exclusion amount pursuant to the Internal Revenue Code. For gifts to my children and more remote descendants, and parents, the maximum amount of the gift to each donee shall not exceed twice the gift tax exclusion amount, if my spouse agrees to split gift treatment pursuant to the Internal Revenue Code. This authority must be exercised pursuant to my instructions, or otherwise for purposes which the agent reasonably deems to be in my best interest.

(b) MODIFICATIONS:

Use this section if you wish to authorize gifts in amounts smaller than the gift tax exclusion amount, in amounts in excess of the gift tax exclusion amount, gifts to other beneficiaries, or other gift transactions. Granting such authority to your agent gives your agent the authority to take actions which could significantly reduce your property and/or change how your property is distributed at your death. If you wish to authorize your agent to make gifts to himself or herself, you must separately grant that authority in subdivision (c) below.

() I grant the following authority to my agent to make gifts pursuant to my instructions, or otherwise for purposes which the agent reasonably deems to be in my best interest:

(c) GRANT OF SPECIFIC AUTHORITY FOR AN AGENT TO MAKE GIFTS TO HIMSELF OR HERSELF: (OPTIONAL)

If you wish to authorize your agent to make gifts to himself or herself, you must grant that authority in this section, indicating to which agent(s) the authorization is granted, and any limitations and guidelines.

() I grant specific authority for the following agent(s) to make the following gifts to himself or herself:

This authority must be exercised pursuant to my instructions, or otherwise for purposes which the agent reasonably deems to be in my best interest.

(d) ACCEPTANCE BY THIRD PARTIES:

I agree to indemnify the third party for any claims that may arise against the third party because of reliance on this Statutory Gifts Rider.

(e) SIGNATURE OF PRINCIPAL AND ACKNOWLEDGMENT:

In Witness Whereof I have hereunto signed my name on _____, 20__.

PRINCIPAL signs here: =====> _____

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

On the ____ day of _____, 20__, before me, the undersigned, personally appeared _____, 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 he/she executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

(f) SIGNATURES OF WITNESSES:

By signing as a witness, I acknowledge that the principal signed the Statutory Gifts Rider in my presence and the presence of the other witness, or that the principal acknowledged to me that the principal's signature was affixed by him or her or at his or her direction. I also acknowledge that the principal has stated that this Statutory Gifts Rider reflects his or her wishes and that he or she has signed it voluntarily. I am not named herein as a permissible recipient of gifts.

Signature of witness 1

Signature of witness 2

Date

Date

Print Name

Print Name

Address

Address

City, State, Zip code

City, State, Zip code

(g) This document prepared by:



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

August 18, 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>Walthour, Tyrone vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Tyrone Walthour ICN 41885 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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

=====X

TYRONE WALTHOUR

Claimant,

NOTICE OF CLAIM

- VS -

THE COUNTY OF ERIE,

AUG 3-2011

Defendant.

=====X

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

PLEASE TAKE NOTICE that TYRONE WALTHOUR, 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:

TYRONE WALTHOUR-#41885
Erie County Holding Center
40 Delaware Avenue
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: That for the month of July, on the days of the 17th through the 31st, 2011, petitioner had to endure extremely oppressive heat conditions on the Delta-Long cell block without any means of cooling down room or body temperatures by fan, air conditioner or a cool shower as shower water was extremely hot.

And that for the month of August these same conditions have been the same without reprieve to the present day. It has been noted in the local news that the temperatures for the months of July And August have been record setting with temperatures reaching as high as 100degrees or higher, and reports by facility staff of temperatures reaching well above 110 degrees within the facility..

Petitioner requests relief for the following due to the distressflowing from the fact of #1). Heat exhaustion and neglect

2). Present and past pain and suffering by aggravation of an preexisting condition.

3). Future pain and suffering

4). Future medical expenses

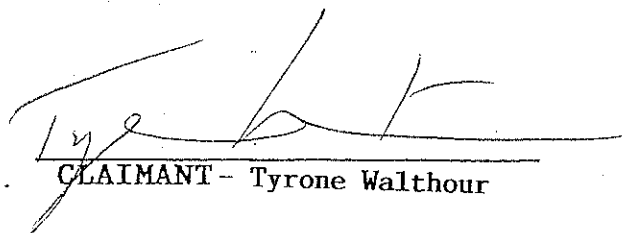
5). Mental anguish and emotional injury.

6). Constitution tort violation of the U.S. Constitutional Amendments 8 and 14.

7). Pre-Judgment interests and costs.

Payment in the amount of 2.1 million dollars for each point- #1 through #7.

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 - Tyrone Walthour

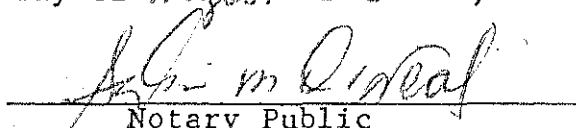
VERIFICATION

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

I, Tyrone Walthour, 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.


TYRONE WALTHOUR

Sworn to before me this 1st
day of August 2011,


Notary Public

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

AFFIDAVIT OF SERVICE

STATE OF NEW YORK
COUNTY OF ERIE
CITY OF BUFFALO

I, Tyrone Walthour, being duly sworn, deposes and say that I have
this ~~16th~~ day of August 20 11, forwarded via the United States
Postal Service copies to the following:

1). Notice of Claim *to file a claim*

2). Verification

3) *Affidavit of service*

Sworn to before me this
1st day of August, 2011
Sylvia M. O'Neal
Commissioner of Deeds

179 *W*
Tyrone Walthour
Defendant

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

August 19, 2011

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

Dear Mr. Graber:

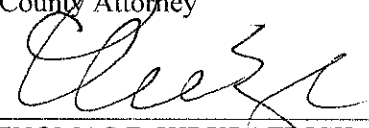
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Pope, Robert vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Robert Pope ICN 105855 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
thomas.kirkpatrick@erie.gov

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,

AUG 4 - 2011

Defendant.

=====X

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

PLEASE TAKE NOTICE that Robert Pope, 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 Ave
Buffalo NY 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:

ON THE DATE of (Feb. 11, 2011) I was beat up by JAIL HOUSE OFFICERS, THEY went to THE EXTREME of beating ME ON THE hospital GERVIE It WAS caught ON camera.

THE Second Incident I was assaulted by two Inmates with Razors, I was cut above the right eye I recieved 8 stitches, I was cut in the back of the head I recieved 1 staple This took place ON (Feb. 26, 2011) I was sent to the hospital I was hurt in the care and custody of the JAIL.

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.

Robert Pope
CLAIMANT

VERIFICATION

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

Robert Pope, 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.

Robert Pope

Sworn to before me this 2nd
day of August 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, 20 12



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

August 19, 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>Pugliese, Jesse R. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Jesse R. Pugliese ICN 113420 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
thomas.kirkpatrick@erie.gov

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.

AUG 4-2011

=====X

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

PLEASE TAKE NOTICE that JESSE R. PUGLIESE, 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:

SEE ATTACHED: PAGE 2

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: SEE ATTACHED: Page #3

4-SEE ATTACHED #12 Page #2

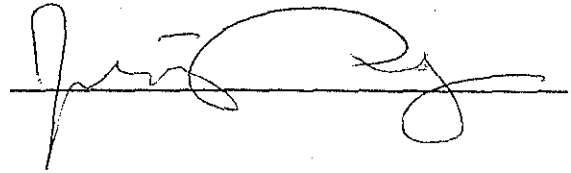
4. Take further notice that claimant demands payment of his claim, and unless the claim is paid within a reasonable amount of time, and unless the claim is paid within a reasonable amount of time, it is the intention of the claimant to commence a lawsuit against the COUNTY OF ERIE to recover sums claimed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


CLAIMANT

VERIFICATION

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

JESSE R. RUGLIESE, 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 6th
day of July 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

AFFIDAVIT OF SERVICE

STATE OF NEW YORK
COUNTY OF ERIE
CITY OF BUFFALO

I, JESSE R. Pugliese, being duly sworn, deposes and say that I have
this 10 day of JULY, 20 11, forwarded via the United States
Postal Service copies to the following: Numbers of Pages 15
~~NOTICE OF CLAIM~~

- JEREMY A. COLBY
- COUNTY OF ERIE
- DEPARTMENT OF LAW
- 95 FRANKLIN STREET, SUITE 1634
- BUFFALO NEW YORK

- ALSO THE FOLLOWING DOCUMENTS ARE ENCLOSED: MEDICAL RECORD
- NOTICE OF CLAIM 15 PAGES
- CERTIFIED MAIL RETURN RECEIPT
- TO THE PARTY INDICATED ABOVE.

Sworn to before me this
6 day of July, 20 11

Sylvia M. O'Neal
Commissioner of Deeds

[Signature]
Defendant

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

-1- THE NAME AND POST OFFICE ADDRESS OF CLAIMANT
IS:

JESSE R. PUGLIESE
ERIE COUNTY HOLDING CENTER
40 DELAWARE AVENUE
BUFFALO NEW YORK 14202-3999

UPON RELEASE DATE OF AUGUST 28TH, 2011
CLAIMANT WILL RESIDE AT ADDRESS
BELOW:

17 DORCHESTER RD,
ORCHARD PARK NEW YORK 14127

-3-

On March, 2011 and all material times mentioned herein the Erie County Sheriffs, his agents, Deputy Sheriffs, Administrative Chiefs have a duty of custody and care for claimant, including duty to protect the health and safety of claimant and provide adequate medical treatment for claimant's injuries. Under New York State Law and Federal Law (Civil Rights) (Bill of Rights). On March, 2011, approximately 7:30 PM. Claimant was moved from General Population location ECHO North East Cell #16 to Bravo Segregation Loside Cell #29. The 3PM-11PM shift duty Seargent. Dee, despite claimant was not subjected to any disciplinary actions. Segregation confinement is housing for inmates who face serious sentences and inmates being punished with keep lock status for discipline reasons. Defendants employees at Erie County Holding Center (ECHC) committed intentional, reckless negligence to move claimant to segregation, which is also housing for inmates with serious violent crimes charged, comparative inmates who get into fights and are unpredictably dangerous to other inmates and staff. Claimant which is not classified combative and also has a non-combative history was moved from the general population placing

3 INMATES AND LEADING CLAIMANT THERE FOR 3 MONTHS IS INCREDIBLE. DEFENDANTS COULD HAVE MOVED CLAIMANT TO ANY E.C.H.C.'S OTHER GENERAL POPULATION HOUSINGS IN THE BUILDING, BUT FAILED AND BREACHED THEIR DUTY TO PROTECT CLAIMANT'S SAFETY WITH INTENTIONAL RECKLESS NEGLIGENCE,

-4-

ON JUNE 1ST, 2011 APPROXIMATELY 1:15 PM. AT E.C.H.C BRAVO - SEGREGATION - LOUDESTOKE CELL HOUSING AREA, CLAIMANT WAS SITTING AT A TABLE AND SEAT WATCHING THE TELEVISION WHEN INMATE JOSÉ METTA, (AN INMATE FACING LIFE IMPRISONMENT FOR MURDER CHARGES OF SUCH HE TOLD CLAIMANT) CAME UP FROM BEHIND AND SAVAGELY ASSAULTED CLAIMANT WITH A HARD BLOW TO THE RIGHT SIDE OF CLAIMANT'S HEAD AND FACE; THE SAID INMATE CONTINUED TO ASSAULT CLAIMANT WITH PUNCHES AS CLAIMANT TRIED TO DEFEND HIMSELF BEING SENT - CONSIDERABLE THE HOUSING DEPUTY SHERIFF FAILED TO SIGNAL ANY ALERT ABOUT THE ~~ASSAULT~~ ^{ASSAULT} TO SUPERIOR. DURING ASSAULT CLAIMANT FELL BACK ON HIS RIGHT WRIST AND HAND AND TWISTED HIS RIGHT WRIST SEVERELY. APPROXIMATELY 30 MINUTES PASSED WITHOUT CLAIMANT RECEIVING ASSISTANCE FROM THE ON DUTY DEPUTY SHERIFF (JAMES SHIPT), DURING THAT

4- TOLD CLAIMANT NOT TO REPORT THE ASSAULT OR HE WILL BE SUBJECT TO MORE HARM, AND ASSAULT CLAIMANT AGAIN, WHEN THE DEPUTY SHERIFF ARRIVED 30 MINUTES LATER CLAIMANT TOLD THE DEPUTY ON DUTY (BRAVO SEG 7-3^{AM} 3^{PM} SHIFF) THAT HE FELT AND NEEDED EMERGENCY MEDICAL SERVICES OUT OF FEAR OF THE ASSAULTIVE INMATE. CLAIMANT WAS TAKEN AWAY TO MEDICAL DEPT. FOR TREATMENT OF INJURIES.

5- ON JUNE 1ST 2011, APPROXIMATELY 4:00PM, CLAIMANT WAS ADMITTED FOR EMERGENCY MEDICAL TREATMENT AND PRESCRIBED TREATMENT FOR INJURIES AT Erie County Medical Center (ECMC) WHERE DOCTORS TREATED CLAIMANTS SEVERE INJURIES OF THE FOLLOWING: Broken Facial Bones, SWOLLEN WRIST. AFTER ECMC. DOCTORS PRESCRIBED MEDICATION TREATMENT, CLAIMANT WAS RETURNED TO ~~ECMC~~ ECMC.

6- ON JUNE 9TH 2011, CLAIMANT RETURNED TO ECMC. TO RECEIVE FACIAL SURGERY AND RECEIVE MORE TREATMENT FOR CLAIMANTS INJURIES, AND UPON RETURNING TO ECMC CLAIMANT WAS TO RECEIVE LEAVED DIET/SOFT DIET WITH EVER WAS NEEDED.

7- ON JUNE 9TH 2011 CLAIMANT RETURNED TO ECMC FOR FOLLOW UP WITH MEDICAL DOCTOR ~~DOCTOR DOCTOR~~ DOCTOR.

-8- MEDICAL DEPARTMENT STAFF AT ECHC. DENIED CLAIMANT A LEAD DISEASE FOR 3 DAYS SUBSIDING CLAIMANT TO SUFFER FROM STARVATION, CRUEL AND UNUSUAL PUNISHMENT TREATMENT.

- ON JUNE 2011 AT ECHC VISIT ROOM WITH MOTHER AS A WITNESS, CLAIMANT FINALLY HAD FELT SAFE ENOUGH AT ECHC TO REVEAL THE TRUTH ABOUT WHAT HAD REALLY HAPPENED; DISCIPLINARY ACTIONS WERE TAKEN AND CHARGES WERE PRESENTED BY THE CLAIMANT TOWARD THE ASSAULTIVE IDIOMATIC JUDGE MEYER.

-9- THAT CLAIMANT DID FILE GRIEVANCE COMPLAINT RELATED TO BEING DENIED PRESCRIBED MEDICAL TREATMENT OF LIQUID DIET, DUE TO CLAIMANT COULD NOT CONSUME THE DIET HE WAS GIVEN AT E.C.H.C. (GRIEVANCE WAS NOT RESPONDED TO FOR 9 DAYS)

-10- THAT DEFENDANTS EMPLOYEES AT ECHC, BREACHED THEIR DUTY OF CARE FOR CLAIMANT WITH INTENTIONAL DISREGARD FOR CLAIMANTS HEALTH AND SAFETY WHILE IN THEIR CUSTODY AND CARE PROHIBITING CRUEL AND UNUSUAL PUNISHMENT TREATMENT UNDER THE FOLLOWING LAWS AND STATUTES WHICH DEFENDANTS KNEW OF. NEW YORK STATE CIVIL RIGHTS LAW SECTIONS 40-D, 41, 79-B; NEW YORK STATE INMATE PATIENT BILL OF RIGHTS; NEW YORK STATE CONSTITUTION, ARTICLE I SECTION 5; TITLE 42 U.S.C. SECTION 1983 CIVIL RIGHTS AND U.S. CONSTITUTION AMENDMENT 8.

(-11-) THAT OF A DIRECT RESULT OF DEFENDANTS FAILURE TO PROTECT FROM DANGER KNOWN TO THEM AND DENYING ADEQUATE MEDICAL TREATMENT INTENTIONAL NEGLIGENCE AT ALL MATERIAL ~~POINTS~~ TIMES HEREIN PREVIOUSLY

-11-

MENTIONED, CLAIMANT SUFFERED SERIOUS SEVERE INJURIES TO HIS FACIAL BONES, AND CHEST BONES CAUSING PERMANENT PAIN, PRESENT AND FUTURE SEVERE PAIN, PERMANENT DISABILITY USE OF HIS JAW AND RIGHT CHEST; FUTURE MEDICAL TREATMENT AND PHYSICAL THERAPY ^{EXPENSES AT A} HOSPITAL; LOSS OF EARNING CAPACITY IN A CAREER TO BE PROTESTER, PAINTER, CONSTRUCTION WORKER, MECHANIC, TATTOO ARTIST, LOSS OF PRESENT AND FUTURE OF EGYPTIAN; LOSS OF PARTIAL EYESIGHT IN HIS RIGHT EYE. CONTINUING SEVERE PAIN AND SUFFERING FROM INJURIES SUSTAINED; FUTURE TREATMENT MEDICATION EXPENSES; AND MENTAL ANGUISH. SUSTAINED OF NIGHTMARES AND FEAR. ALSO PRESENT HOSPITAL BILLS.

-12-

TAKE FURTHER NOTICE, THAT CLAIMANT DEMANDS PAYMENT OF HIS CLAIM IN THE SUM OF \$34,000.00 (THIRTY FOUR THOUSAND AND ZERO CENTS, THAT IS \$20,000.00 FOR TREMENDOUS PAIN, PRESENT AND FUTURE PAIN AND SUFFERING. \$7,000.00 FOR FUTURE MEDICAL TREATMENT (MEDICATION, THERAPY) \$7,000.00 FOR LOSS OF EARNING CAPACITY WHILE CLAIMANT FINDS NEW CAREER THAT FITS HIS DISABILITIES. AND UNLESS THE CLAIM IS PAID WITHIN A REASONABLE AMOUNT OF TIME, IT IS

page 9

-12 THE INTENTION OF CLAIMANT TO COME UP

A CAUSEIT AGAINST THE COUNTY OF ERIE
TO RECOVER SUMS CLAIMED AS TO THE
COMPESATORY DAMAGES, SPECIAL DAMAGES AND
PERSONAL INJURIES SUSTAINED BY DEFENDANTS
NEGLECTENCE OF DUTY OF CARE.

DATED: 7/6/11

BUFFALO, NEW YORK

RESPECTFULLY SUBMITTED,

James J. O'Neil
CLAIMANT PRO SE

John M. O'Neil
7/6/11

SYLVIA M. ONEAL
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

August 19, 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>Lococo, Marc A. vs County of Erie and Erie County Correctional Facility</i>
Document Received:	Notice of Claim
Name of Claimant:	Marc A. Lococo 162 Norwalk Avenue, Lower Buffalo, New York 14220
Claimant's attorney:	Sara T. Wallitt, Esq. William K. Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

IN THE MATTER OF THE CLAIM OF:

MARC A. LOCOCO

Claimant,

-against-

**COUNTY OF ERIE, and
ERIE COUNTY CORRECTIONAL FACILITY**

Respondents.

This paper received at the
Erie County Attorney's Office
from Doug DiFilippo
the 8th day of August, 20 11
at 12:15 a.m./p.m.
Cory J. Zbar
Assistant County Attorney

NOTICE OF CLAIM

PLEASE TAKE NOTICE that **MARC A. LOCOCO**, hereby makes claims against the **COUNTY OF ERIE**, and the **ERIE COUNTY CORRECTIONAL FACILITY** and in support thereof alleges:

1. That the undersigned, **MARC A. LOCOCO**, residing at 162 Norwalk Avenue, Lower, Buffalo, New York 14220, by and through his attorneys, **WILLIAM K. MATTAR, PC**, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the **COUNTY OF ERIE** and **ERIE COUNTY CORRECTIONAL FACILITY** for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.

2. That the said injuries were sustained by **MARC A. LOCOCO** on June 23, 2011, at approximately 6:00 p.m., on the premises more commonly known as **ERIE COUNTY CORRECTIONAL FACILITY** 11580 Walden Avenue, in the Town of Alden, **COUNTY OF ERIE**, in the State of New York. On that day and at that approximate time, **MARC A. LOCOCO** was lawfully on the premises when he was caused to fall by a defect on the premises; to wit;

cement negligently owned, maintained, inspected and controlled by the aforementioned Respondents.

3. Upon information and belief, the **ERIE COUNTY CORRECTIONAL FACILITY**, located at 11580 Walden Avenue, Alden, New York is controlled, operated, owned and maintained by the **COUNTY OF ERIE and/or ERIE COUNTY CORRECTIONAL FACILITY**.

4. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of the lawful public, including Claimant, **MARC A. LOCOCO**, by the **COUNTY OF ERIE and/or the ERIE COUNTY CORRECTIONAL FACILITY**, their servants, agents or employees in failing to provide a safe premises; in failing to correct a known safety risk at the general location of the accident herein mentioned; in failing to adequately warn of the defect; in failing to maintain and inspect said property in a reasonably safe manner for users thereof; in failing to monitor and control those lawfully on the premises; along with the other acts of negligence, carelessness and recklessness.

5. That the aforesaid **COUNTY OF ERIE and ERIE COUNTY CORRECTIONAL FACILITY** by and through their agents, servants, and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity, or caused the same. Agents, servants and employees of the Respondents knew or in the exercise of reasonable care, should have known of the potential danger of hazards and/or defects on the aforementioned property, but failed to take any corrective measures. Agents, servants and employees of the Respondents herein knew of the injuries **MARC A. LOCOCO** sustained. Agents, servants and

employees of the Respondents herein were present on the premises on the date of the accident, administered first aid and handled **MARC A. LOCOCO**'s removal from the scene to the infirmary for treatment.

6. That, as a result of the foregoing, the Claimant, **MARC A. LOCOCO**, sustained very serious injuries, including bi-lateral wrist fractures and pain and suffering, and other injuries that are just now being able to be discerned, due to his unstable and serious medical condition for months after the accident. Some of these injuries will be of a permanent or indefinite duration, and Claimant, **MARC A. LOCOCO**, was and will in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

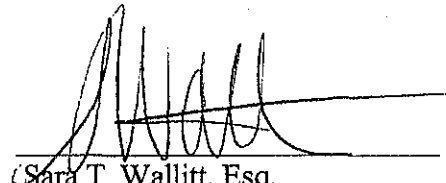
7. That the said injuries were occasioned solely and wholly as a result of the negligence of the Respondents the **COUNTY OF ERIE and/or ERIE COUNTY CORRECTIONAL FACILITY** by and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, **MARC A. LOCOCO** requests that his claim be allowed and paid by the Respondents, and each of them.

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

Jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
 August 5, 2011

A handwritten signature in black ink, appearing to read 'Sara T. Wallitt', is written over a horizontal line.

Sara T. Wallitt, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

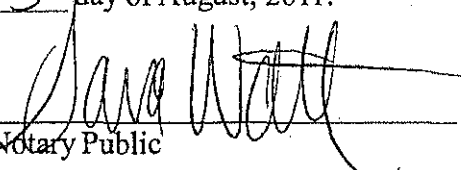
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

MARC A. LOCOCO, being duly sworn, depose and say that he is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters he believe them to be true.



MARC A. LOCOCO

Sworn to before me this
5 day of August, 2011.



Notary Public

SARA WALLITT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXP MAR. 23, 2013

SARA WALLITT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXP MAR. 23, 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

August 19, 2011

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

Dear Mr. Graber:

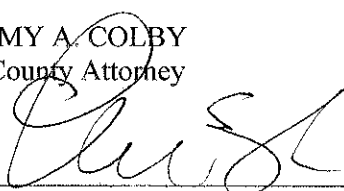
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Baker, Carol vs County of Erie and Town of Clarence</i>
Document Received:	Notice of Claim
Name of Claimant:	Carol Baker 5960 Lake Avenue Orchard Park, New York 14127
Claimant's attorney:	J. Patrick Lennon Esq. Rosenthal, Siegel & Muenkel, LLP 300 Main Street Buffalo, New York 14202-4003

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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

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

In the Matter of the Claim of
CAROL BAKER
5960 Lake Avenue
Orchard Park, New York 14127,

Claimant,

v.

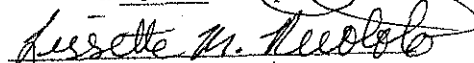
COUNTY OF ERIE, NEW YORK
69 Delaware Avenue, Suite 300
Buffalo, New York 14202, and

TOWN OF CLARENCE
1 Town Place
Clarence, New York 14031

Respondents.

**NOTICE OF INTENTION
TO MAKE CLAIM**

This paper received at the
Erie County Attorney's Office
from Joel Gorski on
the 15th day of August, 2011
at 3:17 a.m./p.m.


Assistant County Attorney

TO: Jeremy A. Colby, Esq.
Office of the County Attorney
69 Delaware Avenue, Suite 300
Buffalo, New York 14202

Steven B. Bengart, Esq.
Town of Clarence Attorney
1 Town Place
Clarence, New York 14031

PLEASE TAKE NOTICE that I, CAROL BAKER, herein provide notice of this claim and demand payment against and from the COUNTY OF ERIE, NEW YORK and/or TOWN OF CLARENCE in compliance with the municipal laws of the State of New York do hereby set forth the following:

1. The Claimant, CAROL BAKER, resides at 5960 Lake Avenue, Orchard Park, New York 14127.
2. The Claimant is represented by Rosenthal, Siegel & Muenkel, LLP, J. Patrick Lennon, Esq. of Counsel, 300 Main Street, Buffalo, New York 14202.
3. This claim is one for negligence on the part of the COUNTY OF ERIE, NEW YORK and/or TOWN OF CLARENCE through their agents, servants and employees for their actions and omissions to

Rosenthal, Siegel & Muenkel, LLP

at the time of the accident and/or for a reasonably safe period of time prior thereto, and failure to have adequate signage, markings, controls and/or notice contributed to and/or caused this accident.

10. That because the COUNTY OF ERIE, NEW YORK and/or TOWN OF CLARENCE failed to provide adequate traffic signage, controls, devices, markings, notices or warnings at that intersection, the intersection was a dangerous and hazardous intersection through which to travel.

11. Upon information and belief, the COUNTY OF ERIE, NEW YORK and/or TOWN OF CLARENCE had actual and/or constructive notice of the dangerous and hazardous condition of this intersection prior to the happening of this accident, and failed to remedy, repair and/or mitigate the aforesaid condition of the aforementioned intersection.

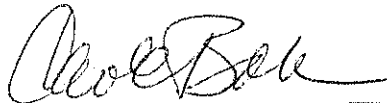
12. As a direct result of the negligence of the COUNTY OF ERIE, NEW YORK and/or TOWN OF CLARENCE, through their agents, servants, contractors and/or employees, CAROL BAKER suffered severe permanent personal injuries including, but not limited to her cervical spine, left upper extremity, lumbar spine, and injuries to other parts of her body all of which are believed to be severe and permanent in nature and have caused the Claimant anxiety, disability, conscious pain and suffering, loss of income, medical and hospital expenses, loss of enjoyment of life and possible future damages, including continued medical care, all of which based on the nature, extent and permanency of the injuries may continue into the future.

13. This Notice of Intention to Make Claim is made and served on behalf of said Claimant in compliance with the provisions of General Municipal Law § 50-e, and such other laws, statutes and such cases made and provided.

WHEREFORE, demand is hereby made for adjustment and payment of these claims, and in the event that due and adequate payment is not made by and on behalf of the COUNTY OF ERIE, NEW YORK and/or TOWN OF CLARENCE within the time limit for compliance with this demand by the statutes

and such cases made and provided, it is my intention to commence an action against the COUNTY OF ERIE, NEW YORK and ^{for} TOWN OF CLARENCE for monetary damages and/or other penalties provided by law.

Dated: Buffalo, New York
August 15, 2011



CAROL BAKER

State of New York }
County of Erie } ss.:

On this 15 day of August 2011, before me personally came CAROL BAKER to me known to be the person described herein, and who executed the foregoing release, and they acknowledged that they executed the same.


Notary Public

Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 8, 2015

VERIFICATION

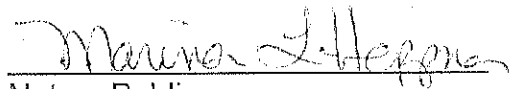
STATE OF NEW YORK)
COUNTY OF ERIE)ss:

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



CAROL BAKER

Sworn to before me this 15th
day of August, 2011.



Notary Public

MARINA L. HEYNER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 8, 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

August 19, 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>Nieswiadomy, Lynne and Ronald, Ind. and as husband of Lynne M. Nieswiadomy vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lynne M. and Ronald Nieswiadomy 44 Wedgwood Drive West Seneca, New York 14224
Claimant's attorney:	James A. Partacz, Esq. 3890 Seneca Street West Seneca, New York 14224

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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of
Lynne M. Nieswiadomy and
Ronald Nieswiadomy, Individually and as husband of
Lynne M. Nieswiadomy
44 Wedgewood Drive
West Seneca, New York 14224

NOTICE OF CLAIM

Claimants

vs.

County of Erie
95 Franklin Street
Buffalo, New York 14202

Respondent

**TO: CHAIRMAN OR CLERK OF THE BOARD OF SUPERVISORS, CLERK,
ATTORNEY OR TREASURER OF THE COUNTY OF ERIE**

SIRS:

PLEASE TAKE NOTICE that the undersigned Lynne M. Nieswiadomy and
Ronald Nieswiadomy, Individually and as husband of Lynne M. Nieswiadomy both
residing at 44 Wedgewood Drive, West Seneca, New York 14224 make claim and
demands against the County of Erie for injury and damages as follows:

1. The name and address of Claimants' attorney is James A. Partacz, Attorney At
Law, 3890 Seneca Street, West Seneca, New York 14224.

2. The nature of the claim: Lynne M. Nieswiadomy was injured and suffered
serious personal injuries on the 3rd day of June, 2011 on Baghdad Road at or near its
intersection with South Quaker Road, Town of Collins, County of Erie and State of New
York at approximately 7:00 o'clock p.m. The incident occurred when Lynne M.
Nieswiadomy was a lawful passenger on a 2006 Harley Davidson motorcycle, New York

Plate Number 40ER64 owned and driven by Ronald Nieswiadomy. At said time, date and location, Ronald Nieswiadomy lost control of said motorcycle due to the sand, rocks and other debris on the roadway causing him to lose control and causing said motorcycle to crash. Said Claimant, Lynne M. Nieswiadomy, was rendered sick, sore, lame and disabled, sustained various and diverse injuries, shocks to her nervous system, considerable pain and suffering, severe mental and emotional injuries and other personal injuries of which the Claimants are not yet informed including permanent effects the nature of which is not yet known.

Ronald Nieswiadomy was injured on the 3rd day of June, 2011 on Baghdad Road at or near its intersection with South Quaker Road, Town of Collins, County of Erie and State of New York at approximately 7:00 o'clock p.m. The incident occurred when Ronald Nieswiadomy was driving the 2006 Harley Davidson motorcycle, New York Plate Number 40ER64 owned and operated by Ronald Nieswiadomy. At said time, date and location, Ronald Nieswiadomy lost control of said motorcycle due to the sand, rocks, and other debris on the roadway causing him to lose control and causing said motorcycle to crash.

3. That upon information and belief, the County of Erie, its agents, servants and/or employees owned, built, maintained, and/or controlled Baghdad Road and South Quaker Road and adjacent areas in the Town of Collins, County of Erie and State of New York and said highways were under the general highway system of the County of Erie and the County of Erie was bound by law to own, build and maintain said highways and adjacent areas in a reasonable, safe and suitable condition for public travel under the provisions of the statutes of the State of New York, the United States and such other

cases as are made and provided. That said County of Erie through its officers, agents, servants and/or employees failed and neglected to own, maintain, construct, and control said highways and adjacent areas as required, allowed same for a long period of time prior to the 3rd day of June, 2011 to be and remain in a dangerous condition for public travel. Upon information and belief, the County of Erie had actual and/or constructive knowledge of said dangerous and/or defective conditions and failed to properly provide safeguards and/or precautions or warnings for the Claimants or other similarly situated to protect them from injury. Said Claimants have been injured in an unliquidated sum.

4. Ronald Nieswiadomy, is the husband of Lynne M. Nieswiadomy, and as such is responsible for her care and is entitled to her services and society. He has because of the injuries aforesaid been caused to expend great sums for medical and doctor bills and will be caused to expend sums in the future. He has been and will continue to be deprived of the services and society of his wife, Lynne M. Nieswiadomy, and consequently has been damaged in an unliquidated amount.

5. The items of damage or injuries claimed by Lynne M. Nieswiadomy and Ronald Nieswiadomy are: severe and permanent personal injuries rendering Claimants sick, sore, lame and disabled, sustained various and diverse injuries, fractures, shocks to their nervous system, considerable pain and suffering, severe mental and emotional injuries and other personal injuries of which the Claimants are not yet informed including permanent effects the nature of which is not yet known to Lynne M. Nieswiadomy and Ronald Nieswiadomy and loss of services and society of Lynne M. Nieswiadomy by Ronald Nieswiadomy.

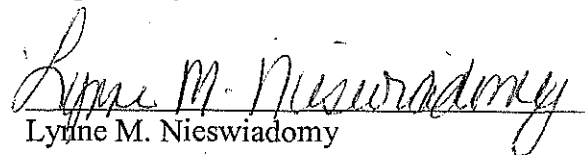
6. Claimant's medical bills to date are incomplete.

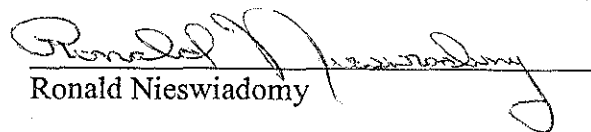
7. This Notice is made and served on behalf of said Claimants in compliance with the provisions of Section 50-E of the General Municipal Law and such other laws and statutes as are in this case made and provided.

PLEASE TAKE FURTHER NOTICE that the Claimants demand payment of said claims and unless said claims are paid within the statutory period provided therefore, it is the intention of Claimants to commence suit against the County of Erie to recover for the injuries and damages sustained as a result of this accident.

DATED: West Seneca, New York
August 10, 2011

Respectfully,

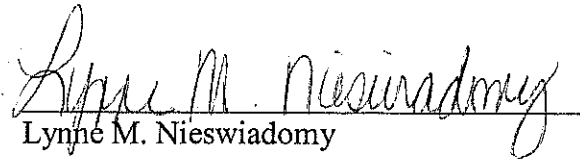

Lynne M. Nieswiadomy

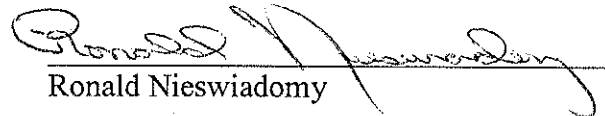

Ronald Nieswiadomy

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

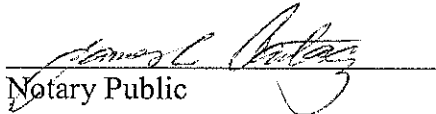
Lynne M. Nieswiadomy and Ronald Nieswiadomy, being duly sworn depose and say:

That we are the Claimants in the above-entitled action. We have read the foregoing Notice of Claim and know its contents. The claims are true to our knowledge except as to those matters stated to be alleged upon information and belief and as to such matters we believe them to be true.


Lynne M. Nieswiadomy


Ronald Nieswiadomy

Sworn to before me this 10th
day of August, 2011.


Notary Public

JAMES A. PARTACZ
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Dec. 31, 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

August 19, 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 ICN 149 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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

=====X

Debbick Anderson

Claimant,

NOTICE OF CLAIM

- vs - *Timothy B. Howard*
Charles Collins

THE COUNTY OF ERIE,

Defendant.

AUG 3-2011

=====X

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

PLEASE TAKE NOTICE that *Debbick 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.

7/23/11

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

THE AIR THAT THE TRUCK IS BLOWING INTO THE ERIE COUNTY HOLDING CENTER IS NOT REACHING THE "LINEAR UNITS" (BARS) WE ARE DOWN TO OUR UNDERWEAR IT IS SO HOT. IN FACT, THE TRUCK BLOWING THE AIR HAS BROKE 3 TIMES. TIMOTHY B. HOWARD STATED THAT HE IS "DISGRACED TO WEAR THE SAME UNIFORM AS THE DEPUTIES WHO GOT ON HIM, AND ALERTED THE PUBLIC ABOUT THE SWEETHEATING BEAT. TIMOTHY B. HOWARD WALKED THROUGH THE JAIL TODAY TELLING "IMMATES", "IF YOU GUYS WERE HOT, YOU'D ALL BE "NAKED". HE WAS VERY RUDE, AND UNPROFESSIONAL. THE TRUCK BLOWING THE "HOT AIR" IS A WASTE OF TAX PAYER'S MONEY. IT IS NOT WORKING AT ALL. I AM SUFFERING FROM DEHYDRATION, AND LOW BLOOD SUGAR FROM THE HEAT. THE DEPUTIES ARE SUBJECTING ME TO "GRIEVOUS HARM", CAUSED BY "EGREGIOUS AND FLAGRANT CONDITIONS WHICH DEPRIVE ME OF MY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES", AND THAT THE ABOVE DEPRIVATIONS IS PURSUANT TO A "PATTERN OR PRACTICE OF

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

Continued from Page 3#
resistance to the full enjoyment of such rights
privileges or immunities. 42 U.S.C. § 1991a (4).
Plessy v. Ferguson, 133 U.S. 258 (1890).
T. Supp. 133, 134 (D. Conn. 1996).

The physical environment here at the ERIC
County holding center poses an unreasonable
risk of serious harm to inmates health and
safety. Despite known and obvious risks,
detainees have failed to correct facility
maintenance problems that pose a risk of
harm to the safety of itself, other inmates
and staff within this facility, and, its
exterior. For actual damages I require
\$1 million and \$3 million punitive. Pain,
and suffering, and mental and emotional
distress.

Donald Anderson
149

VERIFICATION

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

DERICK 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.

DERICK ANDERSON

Sworn to before me this 27
day of July 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

=====X

DEBBICK ANDERSON

Claimant,

NOTICE OF CLAIM

- vs - TIMOTHY B. HOWARD
CHRIS COLLINS

THE COUNTY OF ERIE,

Defendant.

=====X

AUG 3 - 2011

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

PLEASE TAKE NOTICE that DEBBICK 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.

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

I AM going through physical hell in here. MY MISERY INCREASES day by day. I AM going through so much SUFFERING. THE PRESSURE IS IMMENSE. THIS IS THE MOST SUFFERING I EVER had to ENDURE. THIS EVENING, (7/12/11), TIMOTHY B. HOWARD died to "CHANNEL 4 NEWS". WE ONLY RECEIVED ONE CUP OF ICE WATER A DAY. IF THAT. THE HEAT IS UNBEARABLE. THERE IS NO VENTILATION OR AIR CONDITIONING. HOWEVER, CIVILIANS, AND DEPUTIES put blowers in the hallways, NEAR THEIR OFFICES FOR THEIR CONVIENCE, WHILE I, LIKE THEIR INMATES ARE SWEATING TO DEATH. THERE IS NO RELIEF IN SIGHT. THE CURRENT VENTILATION, AND AIR CONDITIONING IS TOO OLD TO WORK. THE WINDOWS DO NOT OPEN. TIMOTHY B. HOWARD DIED TO THE MEDICAL BATH SHOWERS RELIEVING INMATES LIKE MYSELF FROM THE HEAT, WHEN THE SHOWERS ACTUALLY SPRAY OUT "SCALDING HOT WATER. I AM SUFFERING FROM CRUEL, AND UNUSUAL PUNISHMENT. THE DEFENDANTS ARE SUBJECTING ME TO "GRIEVOUS HARM" CAUSED BY "EGREGIOUS, AND FLAGRANT CONDITIONS WHICH DEPRIVE ME OF MY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES," AND THAT THE ABOVE DEPRIVATIONS IS PURSUANT TO A THEORY OR PRACTICE OF RESISTANCE TO THE FULL ENJOYMENT OF SUCH

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.

Derrick Anderson
CLAIMANT

Continued From Page #2

RIGHTS PRIVILEGES, OR IMMUNITIES." 42 USC. § 1997a
(A). 3 MESSIER V. Southbury L³⁶² Training Sch., 9/16
F.Supp. 133, 137 (D. Conn. 1996).

Doc. 18D-8
Page 179 of 230

THE PHYSICAL ENVIRONMENT here at the ERRI County
holding CENTER poses AN UNREASONABLE risk of
SERIOUS harm to inmates' health, and SAFETY. Despite
known, and obvious risks, defendants have failed to
correct facility MAINTENANCE problems that pose A
risk of harm to the SAFETY of myself, other inmates
and staff within this facility, and its exterior.
For several damages I request \$4 million
and \$3 million
penalty.
Hall, and softening, and metals, and
Emotional distress.

Sherrick Anderson L¹⁴⁹

VERIFICATION

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

DEBBICK 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.

Debbick Anderson

Sworn to before me this 27
day of July 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

=====X

DERBICK ANDERSON

Claimant,

NOTICE OF CLAIM

DEPUTY P. ATHANS
- vs - SERGEANT L. ZARD
CHIEF RODRIGUEZ
TIMOTHY B. HOWARD
THE COUNTY OF ERIE, CHRIS COLLINS

Defendant.

=====X

AUG 3-2011

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

PLEASE TAKE NOTICE that DERBICK 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.

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

omissions of the COUNTY OF ERIE, its agents, servants or employees,
occurred as follows:

ON JUNE 28TH, 2011, I REQUESTED A GRIEVANCE FROM DEPUTY P. ATHANS. HE SIGNED THE LEFT HAND TOP OF GRIEVANCE, INCLUDING HIS BADGE NUMBER, AND REASON FOR GRIEVANCE, WHICH WAS COLOR DISCRIMINATION, IN WHICH ON 06/28/11, DEPUTY "LWLEY" CALLED ME A "PUSSY ASS NIGGER". HOWEVER, DEPUTY P. ATHANS FAILED TO LOG THIS GRIEVANCE IN THE CHARLIE SHORT LOGBOOK, WHICH IS THE NEW POLICY + PROCEDURE FOR FILING GRIEVANCES AT THE ERIE COUNTY HOLDING CENTER, WHICH IN FACT DEPUTIES RECENTLY RECEIVED TRAINING ON THIS NEW GRIEVANCE POLICY + PROCEDURE. ON 06/29/11, I ASKED DEPUTY P. ATHANS IF HE GAVE SERGEANT LIZARD A GRIEVANCE, WHICH SERGEANT LIZARD INSTRUCTED DEPUTY P. ATHANS TO DO, AND HE STATED TO ME, "YES, I GAVE IT TO SERGEANT LIZARD". HOWEVER, OVER 2 WEEKS HAS GONE BY, AND SERGEANT LIZARD OR ANY OTHER SERGEANT, HAS NOT COME TO INTERVIEW ME NOR CONDUCTED AN INVESTIGATION CONCERNING THE GRIEVANCE, WHICH SERGEANT LIZARD WAS SUPPOSE TO DO, WHICH IS "CHAIN OF COMMAND AND GRIEVANCE POLICY AND PROCEDURE". SERGEANT LIZARD FAILED TO RESOLVE THE PROBLEM, AND FAILED TO GIVE ME THE OPPORTUNITY TO ACCEPT HIS RESOLUTION OR REJECT IT. THIS WOULD LEAD YOU TO BELIEVE THAT SERGEANT LIZARD DID NOT FORWARD MY GRIEVANCE TO CHIEF RODRIGUEZ, WHO IS NEXT IN LINE OF CHAIN OF

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

Continued from Page 2 #

COMMAND CONCERNING THE GRIEVANCE PROCEDURE IT WOULD BE IMPROPER, AND UNCONSTITUTIONAL FOR SERGEANT HAZARD TO FORWARD MY GRIEVANCE TO CHIEF RODRIGUEZ WITHOUT FIRST INVESTIGATING MY GRIEVANCE, AND MAKING ME AWARE OF HIS FINDINGS, AND GIVING ME THE OPPORTUNITY TO ACCEPT OR NOT ACCEPT HIS CONCLUSIONS. THE DEFENDANTS DENIED ME MY CONSTITUTIONAL RIGHTS TO FILE A GRIEVANCE, AND DENIED ME ACCESS TO THE COURTS RIGHTS. THE DEFENDANTS "STONE-WALLED" MY EFFORTS TO FILE MY GRIEVANCE CONCERNING "COLOR DISCRIMINATION IN BEING CALLED A 'PUSSY KISS NIGGER'. THE DEFENDANTS STONE-WALLING, AND VIOLATION OF MY CONSTITUTIONAL RIGHTS, INCREASES MY CREDIBILITY THAT I AM MOVING FORWARD, EVEN THOUGH MY CONSTITUTIONAL RIGHTS WERE VIOLATED, AND "DEPUTY LALLET WAS NOT DISCIPLINED FOR CALLING ME A NIGGER. I AM SUFFERING FROM MENTAL, AND EMOTIONAL DISTRESS FROM BEING CALLED A NIGGER, AND THE FACT THAT HE GOT AWAY WITH IT, AND IS STILL IN A POSITION TO CALL ME A NIGGER ANYTIME HE WANTS. FOR ACTUAL DAMAGES I REQUEST \$3 MILLION, AND \$8 MILLION FOR PUNITIVE DAMAGES. IT IS OBVIOUS THAT DEPUTY P. HAZARD, OR SERGEANT LALLET OR CHIEF RODRIGUEZ DESTROYED MY GRIEVANCE. WHERE IS IT?

VERIFICATION

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

DERRICK 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.

Derrick Anderson

Sworn to before me this 15th
day of July, 2011.

Lisa Jenkins
Notary Public

LISA JENKINS
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

=====X
DERRICK ANDERSON

Claimant,

NOTICE OF CLAIM

- vs - CHIEF JOHN RODRIGUEZ
TIMOTHY B. HOWARD

THE COUNTY OF ERIE, CHRIS COLLINS

Defendant.

=====X

AUG 3 - 2011

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

PLEASE TAKE NOTICE that DERRICK 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.

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

CHIEF JOHN RODRIGUEZ did not forward MY GRIEVANCE to the COMMISSION OF CORRECTION, CITIZENS POLICY COMPLAINT REVIEW COUNSEL. GRIEVANCE NO. 11-G031, AND ALL PERTINENT INFORMATION WAS NOT FORWARDED FIRST CLASS, U.S. MAIL. THE REVIEW COUNSEL did not receive GRIEVANCE NO. 11-G031 in order to REVIEW AND CONSIDER MY GRIEVANCE, AND did not render a decision within 20 business days. IT HAS BEEN 5 MONTHS, AND I STILL HAVE NOT RECEIVED DIRECT COMMUNICATION FROM THE REVIEW COUNSEL regarding the disposition of MY GRIEVANCE. CHIEF RODRIGUEZ destroyed MY GRIEVANCE, then created a FALSE document to make it look like he complied with the grievance procedure, and the law. HE DENIED ME MY rights to FILE a grievance, and have ACCESS to the courts. HIS FALSE document is ATTACHED to this claim. I AM SUFFERING MENTAL + EMOTIONAL distress. I REQUEST \$2 MILLION FOR ACTUAL DAMAGES, AND \$5 MILLION FOR PUNITIVE DAMAGE.

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.

Donick Anderson
CLAIMANT

Inmate's Name/No: Derrick Anderson C-1

RE: Inmate Grievance Number 11-G031

This is to advise you that on this date, I forwarded your grievance to the Commission of Correction, Citizen's Policy Complaint Review Council. The grievance and all pertinent information was forwarded via First Class, U.S. Mail. Upon receipt, the Review Council will review and consider your grievance and is supposed to render a decision within 20 business days. You will receive direct written communication from the Review Council regarding the disposition of your grievance.

John Rodriguez
Chief of Operations
Grievance Coordinator
Date:

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 15th
day of July, 2011

Lisa Jenkins

Notary Public

LISA JENKINS
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

=====X

DERBICK ANDERSON

Claimant,

NOTICE OF CLAIM

DEPUTY P. ATHANS
- vs - SERGEANT LIZARD
CHIEF RODRIGUEZ
TIMOTHY B. HOWARD

THE COUNTY OF ERIE,

CHRIS COLLINS

Defendant.

=====X

AUG 3-2011

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

PLEASE TAKE NOTICE that DERBICK 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.

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

ON JUNE 28TH, 2011, I REQUESTED A GRIEVANCE FROM DEPUTY P. ATHANS. HE SIGNED THE LEFT HAND TOP OF GRIEVANCE, INCLUDING HIS BADGE NUMBER, AND REASON FOR GRIEVANCE, WHICH WAS COLOR DISCRIMINATION, IN WHICH ON 06/28/11, DEPUTY "LALLEY" CALLED ME A "PUSSY ASS NIGGER". HOWEVER, DEPUTY P. ATHANS FAILED TO LOG THIS GRIEVANCE IN THE CHARLIE SHORT LOGBOOK, WHICH IS THE NEW POLICY + PROCEDURE FOR FILING GRIEVANCES AT THE ERIE COUNTY HOLDING CENTER, WHICH IN FACT DEPUTIES RECENTLY RECEIVED TRAINING ON THIS NEW GRIEVANCE POLICY + PROCEDURE. ON 06/29/11, I ASKED DEPUTY P. ATHANS IF HE GAVE SERGEANT LIZARD A GRIEVANCE, WHICH SERGEANT LIZARD INSTRUCTED DEPUTY P. ATHANS TO DO, AND HE STATED TO ME, "YES, I GAVE IT TO SERGEANT LIZARD". HOWEVER, OVER 2 WEEKS HAS GONE BY, AND SERGEANT LIZARD OR ANY OTHER SERGEANT, HAS NOT COME TO INTERVIEW ME NOR CONDUCTED AN INVESTIGATION CONCERNING THE GRIEVANCE, WHICH SERGEANT LIZARD WAS SUPPOSE TO DO, WHICH IS "CHAIN OF COMMAND AND GRIEVANCE POLICY AND PROCEDURE". SERGEANT LIZARD FAILED TO RESOLVE THE PROBLEM, AND FAILED TO GIVE ME THE OPPORTUNITY TO ACCEPT HIS RESOLUTION OR REJECT IT. THIS WOULD LEAD YOU TO BELIEVE THAT SERGEANT LIZARD DID NOT FORWARD MY GRIEVANCE TO CHIEF RODRIGUEZ, WHO IS NEXT IN LINE OF CHAIN OF

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

Continued from Page 2 #

COMMAND CONCERNING THE GRIEVANCE PROCEDURE IT WOULD BE IMPROPER, AND UNCONSTITUTIONAL FOR SERGEANT LIZARD TO FORWARD MY GRIEVANCE TO CHIEF RODRIGUEZ WITHOUT FIRST INVESTIGATING MY GRIEVANCE, AND MAKING ME AWARE OF HIS FINDINGS, AND GIVING ME THE OPPORTUNITY TO ACCEPT OR NOT ACCEPT HIS CONCLUSIONS. THE DEFENDANTS DENIED ME MY CONSTITUTIONAL RIGHTS TO FILE A GRIEVANCE, AND DENIED ME ACCESS TO THE COURTS RIGHTS. THE DEFENDANTS "STONE-WALLED" MY EFFORTS TO FILE MY GRIEVANCE CONCERNING "COLOR DISCRIMINATION IN BEING CALLED A "PUSSY KISS NIGGER". THE DEFENDANTS STONE-WALLING, AND VIOLATION OF MY CONSTITUTIONAL RIGHTS, INCREASES MY CREDIBILITY THAT I AM MOVING FORWARD, EVEN THOUGH MY CONSTITUTIONAL RIGHTS WERE VIOLATED, AND "DEPUTY LIZARD WAS NOT DISCIPLINED FOR CALLING ME A NIGGER. I AM SUFFERING FROM MENTAL, AND EMOTIONAL DISTRESS FROM BEING CALLED A NIGGER, AND THE FACT THAT HE GOT AWAY WITH IT, AND IS STILL IN A POSITION TO CALL ME A NIGGER ANYTIME HE WANTS. FOR HOW MUCH DAMAGES I REQUEST \$3 MILLION, AND \$4 MILLION FOR PUNITIVE DAMAGES. IT IS OBVIOUS THAT DEPUTY P. ATKINS, OR SERGEANT LIZARD OR CHIEF RODRIGUEZ DESTROYED MY GRIEVANCE. WHERE IS IT?

VERIFICATION

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

DERRICK 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.

Derrick Anderson

Sworn to before me this 15th
day of July, 2011,

Lisa Jenkins
Notary Public

LISA JENKINS
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec 31, 20 12

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

=====X

DEVRICK ANDERSON

Claimant,

NOTICE OF CLAIM

DEPUTY JOHN LAHEY
- vs - *TIMOTHY B. HOWARD*
CHRIS COLLINS

THE COUNTY OF ERIE,

Defendant.

=====X

AUG 3 - 2011

TO: COUNTY OF ERIE
DEPARTMENT OF LAW
95 Franklin Street / Room 1634
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.

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

omissions of the COUNTY OF ERIE, its agents, servants or employees,
occurred as follows:

ON 7-26-11, AT APPROXIMATELY 10:25 AM,
I WAS CALLED TO THE MEDICAL UNIT TO GET MY MORNING
DIABETIC "FINGER STICK". WHEN I APPROACHED THE "C-1000" GATE
TO GET ON THE ELEVATOR, DEPUTY LALLEY OPENED THE GATE, AND
"SWUNG IT HARD, AND HIT ME IN MY ARM WITH THE GATE. HE THEN
STATED "GO AHEAD SWING YOUR LOSEY." DEPUTY LALLEY THREATENS,
AND TRIES TO PROVOKE ME TO VIOLENCE EVERYTIME HE SEES ME.
DEPUTY LALLEY IS SUBJECTING ME TO "GRIEVOUS HARM," CAUSED BY
"EGREGIOUS, AND FLAGRANT CONDITIONS WHICH DEPRIVE ME OF MY
RIGHTS, PRIVILEGES, AND IMMUNITIES SECURED, AND PROTECTED BY
THE CONSTITUTION, AND LAWS OF THE UNITED STATES," AND THE
DEPRIVATION IS PURSUANT TO A PATTERN OR PRACTICE OF VESANTAGE
ON THE FULL ENJOYMENTS OF SUCH RIGHTS, PRIVILEGES, AND IMMUNITIES."
2 U.S.C. § 1981A (1).³ *MESSIER V. SOUTHBRURY* [362] TURNING SCH.,
16 F. SUPP. 133, 134 (D. CONN. 1996). DEPUTY LALLEY HAS BEEN
RELIBERATELY INDIFFERENT TO MY HEALTH, AND SAFETY, IN VIOLATION
OF THE EIGHTH AND FOURTEENTH AMENDMENTS, BY REPEATEDLY

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.

Dennis Anderson
CLAIMANT

DEMANDED FROM PAGE 2
disregarding known, and serious risks of harm by
shutting the gate into my arm. Deputy tells
"Supervisors" have repeatedly failed to prevent
him from inflicting serious physical abuse, and
that these failures continue to exist, even in
the face of "multiple incidents" in which
inmates have been "assaulted by" deputy
Lalley. For actual damages I request,
\$250,000, and \$1,500,000 for punitive damages.
Pain, and suffering, and mental, and emotional
distress.

Dennis Anderson

VERIFICATION

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

Derrick 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.

Derrick Anderson

Sworn to before me this 27
day of July 2016.

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, 2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

=====X

DERRICK ANDERSON

Claimant,

NOTICE OF CLAIM

BN C.R.
- vs - TIMOTHY B. HOWARD
CHRIS COLLINS

THE COUNTY OF ERIE,

Defendant.

=====X

AUG 3-2011

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

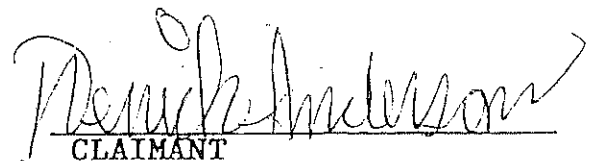
PLEASE TAKE NOTICE that DERRICK ANDERSON, hereby
claims and demands, pursuant to §50-e of the General Municipal Law,
damages against the COUNTY OF ERIE for damages sustained by Claimant
by reason of the wrongful, unlawful, negligent and careless acts and
omissions of the COUNTY OF ERIE, its agents, servants 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.

3. The wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants or employees, occurred as follows: ON 7/12/11, BN C.B. did not bring my

AFTERNOON, BACK PAIN MEDICATION "NEURONTIN". HOWEVER, BN C.B. FALSIFIED MY MEDICAL CHART, AND SAID I REFUSED MY MEDS. IT IS IMPOSSIBLE TO REFUSE SOMETHING YOU WERE OFFERED. BN C.B. FAILED TO SIGN THE CHARLIE SHOTT LOGBOOK ON 7/12/11, TO VERIFY AND CONFIRM THAT SHE DID ~~NOT~~ PASS OUT OR OFFERED ME MY MEDICATION. I DID NOT REFUSE MY MEDICATION. I WAS AT THE LAW LIBRARY. HOWEVER, THERE IS NO POLICY OR PROCEDURE THAT A INMATE FORFEITS HIS MEDICATION IF HE'S NOT IN THE BLOCK WHEN THE NURSE ARRIVES. BN C.B. SHOULD HAVE HAD MY BLOCK DEPUTY CALL THE LAW LIBRARY TO NOTIFY ME THAT THE NURSE WAS IN MY BLOCK WITH MY MEDS. SHE FAILED TO DO SO, AND HE FAILED TO ADMINISTER MY MEDS TO ME WHEN LAW LIBRARY WAS OVER. BN C.B. FAILED TO MEET HER MORAL AND MEDICAL RESPONSIBILITIES WHEN ADMINISTERING MEDICATION.

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

Continued From Page 2

The defendants violated my federal constitutional rights in that they failed to provide adequate medical care. The defendants are subjecting me to "grievous harm" caused by "egregious, and flagrant conditions which deprive me of my constitutional rights, privileges and immunities secured and protected by the constitution, and laws of the United States, and that these deprivations are pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges or immunities," 42 U.S.C. § 1991 (a), Messier v. Southard [7362] 141 F. Supp. 133, 134 (D. Conn. 1996).

Defendants have been deliberately indifferent to my health and medical needs, in violation of the Eighth and Fourteenth Amendments, by repeatedly disregarding known, and serious risks of harm, here by the ERIC Court Holding Center.

Defendants fail to provide adequate ~~adequate~~ medical services to me, knowing I have serious medical needs. In particular, defendants provide inadequate management of medical services, and treatment, inadequate administration of medication, I request \$2 million for actual damages.

V

Continued from Page 2
and the million RUTHIE DANKOFFS for skin, and
suffering, and mental, and emotional distress.

Donnell Anderson 149
-B305E-

VERIFICATION

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

Derrick 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.

Derrick Anderson

Sworn to before me this 27
day of July 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

August 19, 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>State Farm Insurance Co. as subrogee of Carr, James R. vs Erie County Highway Department</i>
Document Received:	
Name of Claimant:	James R. Carr 7231 Boston State Road Hamburg, New York 14075
Claimant's attorney:	Irma Stafford State Farm Fire and Casualty Company P.O. Box 2375 Bloomington, Illinois 61702-2375

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
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

State Farm Insurance Companies



July 18, 2011

Subrogation Services
PO Box 2375
Bloomington, IL 61702-2375

Certified Mail-Return Receipt Requested

Attention Sarah Hart
Erie County Highway Deptment
95 Franklin St 14th Floor
Buffalo, NY 14202

JUL 27 2011

RE: Claim Number: 52-D294-125
Our Insured: James R Carr
Date of Loss: May 15, 2011
Your Insured; Attention Sarah Hart Erie County Highway
Your Claim Number:
Your Policy Number:
Loss Location: 7231 Boston State Rd
Hamburg, NY

Dear Erie County Highway Department:

Facts of Loss: County did not maintain culvert which became clogged causing water to backup into the insured's basement.

It is our understanding that you are self insured. Our investigation indicates you are responsible for this claim. Therefore, we are seeking recovery from you. This letter is to notify you of our subrogation claim and request your cooperation in settling this matter.

To assist you in your review, here is a breakdown of the amounts State Farm paid by Cause of Loss:

Building/Structure	\$
Contents/Personal Property	\$
Additional Living Expenses	\$
Other	\$
Amount State Farm Paid	\$7,483.00
Insured Deductible	\$1,000.00
Total Claim Amount	\$8,483.00


Based on the assessment of liability between the parties, State Farm Fire and Casualty Company is seeking 100% of the Total Claim Amount listed above. The amount payable to State Farm Fire and Casualty Company for this loss is \$8,483.00.

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Please remit payment of this claim and include our claim number on the payment. If you have any questions or concerns, please contact me or a member of my team at the number listed below. Thank you for your cooperation.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provided for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Sincerely,

Handwritten signature of Irma Stafford in cursive script.

Irma Stafffford x5033 (srs)
Claim Representative
(866) 457-8276 Team 81

State Farm Fire and Casualty Company

Enclosure(s)

