

EOLEG AUG08'11 4:11:45

## COUNTY OF ERIE

MARTIN A. POLOWY  
ACTING COUNTY ATTORNEY

**CHRIS COLLINS**  
COUNTY EXECUTIVE

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

DEPARTMENT OF LAW

### MEMORANDUM

**TO:** Robert Graber, Clerk, Erie County Legislature

**FROM:** Thomas F. Kirkpatrick, Jr., <sup>(P)</sup> Second Assistant County Attorney

**DATE:** August 3, 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 eight (8) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Valerie D. Thomas vs County of Erie, et al.  
Catherine Powers vs County of Erie and Town of Clarence  
Allstate Insurance as Subrogee of Edsel Gifford vs County of Erie  
Michael Wales vs County of Erie  
Timothy A. Faries vs County of Erie  
Kevin Steward vs County of Erie  
Rosemary Paterson vs County of Erie, et al.  
Frank Rosiek vs Town of Boston and 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 3, 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>Thomas, Valerie D. vs Erie County and Erie County Sheriff's Department</i>
Document Received:	Notice of Claim
Name of Claimant:	Valerie D. Thomas 25 Blackmore Avenue Tonawanda, New York 14150
Claimant's attorney:	John A. Sheehan, Esq. Cellino & Barnes, PC 451 Grider Street Buffalo, New York 14215

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

\*\*\*\*\*

VALERIE D. THOMAS  
25 Blackmore Avenue  
Tonawanda, NY 14150,

Claimant,

**NOTICE OF CLAIM**

vs.

ERIE COUNTY  
95 Franklin Street  
Buffalo, NY 14202,

ERIE COUNTY SHERIFF'S DEPARTMENT  
One Sheriff's Drive  
Orchard Park, NY 14127,

Respondents.

\*\*\*\*\*

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

1. Claimant's address is 25 Blackmore Avenue, Tonawanda, NY 14150.
2. Claimant is represented by Cellino & Barnes, P.C. with offices located at 451 Grider Street, Buffalo, New York 14215, telephone (716) 854-2020.
3. The incident in which personal injuries were sustained by the claimant occurred on or about June 2, 2011, while she was a passenger in an Erie County Sheriff's Department van when that vehicle struck the back of another vehicle

on the I-190 extension of the New York State Thruway in Erie County in the State of New York.

4. By virtue of the negligence and carelessness of the employees, agents or servants of Erie County and/or Erie County Sherriff's Department, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

5. Upon information and belief, claimant will be obligated to incur further medical expenses for examinations and treatment including, but not limited to drugs, medicines and prosthetic devices, the total expense of which cannot be reasonably calculated at this time.

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

DATED: Buffalo, New York  
June 27, 2011

**CELLINO & BARNES, P.C.**

By: \_\_\_\_\_

John A. Sheehan, Esq.  
Attorneys for Plaintiff  
451 Grider Street  
Buffalo, NY 14215  
(716) 854-2020

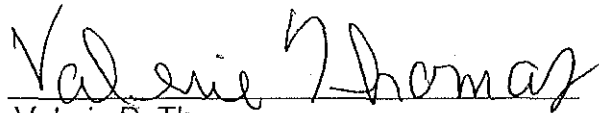
TO: ERIE COUNTY  
95 Franklin Street  
Buffalo, NY 14202

ERIE COUNTY SHERIFF'S DEPARTMENT  
One Sheriff's Drive  
Orchard Park, NY 14127

VERIFICATION

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

Valerie D. Thomas, being duly sworn, deposes and says that she is the plaintiff in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

  
\_\_\_\_\_  
Valerie D. Thomas

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

On the 11 day of July, in the year 2011 before me, the undersigned, personally appeared Valerie D. Thomas, 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 they executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public/Commissioner of Deeds

SUSANNE McCLAIN  
Notary Public, State of New York  
Qualified in Erie County  
Lic. # 01MC6126970  
My Commission Expires 5-10-13



## 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 3, 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>Powers, Catherine vs County of Erie and Town of Clarence</i>
Document Received:	Notice of Claim
Name of Claimant:	Catherine Powers 11125 Miland Road Akron, New York 14001
Claimant's attorney:	David M. Goodman, Esq. Cellino & Barnes, P.C. 2500 Main Place Tower 350 Min 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.

cc: JEREMY A. COLBY, Erie County Attorney

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

CATHERINE POWERS  
11125 MILAND ROAD  
AKRON, NY 14001

Claimant,

v.

**NOTICE OF CLAIM**

COUNTY OF ERIE  
DEPARTMENT OF LAW  
95 FRANKLIN STREET, ROOM 1634  
BUFFALO, NY 14202

Index No.:

TOWN OF CLARENCE, NEW YORK  
ONE TOWN PLACE  
CLARENCE, NY 14031

This paper received at the  
Erie County Attorney's Office  
from Steve Schultz on  
the 21<sup>st</sup> day of July, 2011  
at 3:15 a.m./p.m.  
Lesette M. DiStefano  
Assistant County Attorney

Respondents.

\*\*\*\*\*

CATHERINE POWERS, by and through her attorneys CELLINO & BARNES, P.C., DAVID M. GOODMAN, ESQ., of counsel, serves the following as and for a NOTICE OF CLAIM served pursuant to General Municipal Law §50-e:

1. The name of the claimant is Catherine Powers. The Post Office address for the claimant is 11125 Miland Road, Akron, NY 14001.
2. The name of claimant's attorney is David M. Goodman, Esq. The Post Office address for claimant's attorney is Cellino & Barnes, P.C., 2500 Main Place Tower, 350 Main Street, Buffalo, NY 14202.
3. The nature of the claim is tort and personal injury.

4. The time when the claim arose was Saturday, May 21, 2011, at approximately 1:20 p.m. The place where the claim arose is the intersection of County Road and Strickler Road located in the Town of Clarence, County of Erie, State of New York.

5. The manner in which the claim arose involves a motor vehicle operated by claimant, and a second separate motor vehicle operated by Ellen R. Thompson. Claimant was traveling westbound on County Road with the right-of-way. Ellen R. Thompson was traveling eastbound on County Road and attempted a left turn north onto Strickler Road, failing to yield the right-of-way to claimant, and striking the claimant head-on in the middle of the intersection. Annexed hereto as **EXHIBIT A**, and incorporated herein by reference, is the MV-104A police accident report prepared by the New York State Police Department.

6. Claimant's complaint against the respondents herein includes, but is not limited to, the failure of respondent, to adequately control the subject intersection through the process of appropriate traffic control devices. Furthermore, upon information and belief, this intersection has been the subject of prior similar accidents, thereby providing respondents with actual notice of the dangerous nature of this subject intersection.

7. The items of damage and/or injuries claimed to have been sustained include, but are not limited to personal injuries of a continuous and ongoing nature. Claimant continues to treat for the injuries sustained as a result of this occurrence.



8. This notice is submitted in writing, sworn to on behalf of the claimant as is provided by General Municipal Law §50-e (2).

DATED: Buffalo, New York  
July 19, 2011

  
\_\_\_\_\_  
DAVID M. GOODMAN, ESQ.

Sworn to before me this 19<sup>th</sup> day of  
July, 2011

Maryann Cave  
Notary Public

**MARYANN CAVE**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 28, 2014



# COUNTY OF ERIE

JEREMY A. COLBY  
ERIE COUNTY ATTORNEY

**CHRIS COLLINS**  
COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MARTIN A. POLOWY  
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.  
SECOND ASSISTANT COUNTY ATTORNEY

August 3, 2011

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

Dear Mr. Graber:

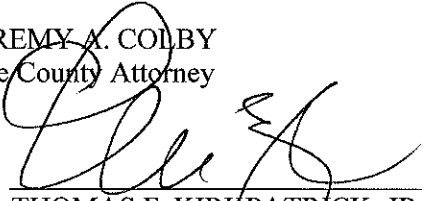
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Allstate Insurance as subrogee of Gifford, Edsel vs County of Erie</i>
Document Received:	
Name of Claimant:	Gifford Edsel 72 Roosevelt Avenue West Seneca, New York 14224
Claimant's attorney:	Allstate National Subro Processing P.O. Box 660636 Dallas, Texas 75266

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



**Allstate**

You're in good hands.

National Subro Processing  
PO BOX 660636  
DALLAS TX 75266



COUNTY OF ERIE  
95 FRANKLIN ST FL 16  
BUFFALO NY 14202-3925

July 05, 2011

CLAIM NUMBER: 0206094468 ART  
DATE OF LOSS: June 08, 2011  
OUR INSURED: EDSEL GIFFORD  
YOUR FILE NUMBER: 6/8/2011  
YOUR INSURED: COUNTY OF ERIE  
ADDRESS: 95 Franklin Street 16th Floor

PHONE NUMBER: 800-374-4246  
FAX NUMBER: 866-447-4293  
OFFICE HOURS: Mon - Fri 7:00 am - 7:00 pm

CITY STATE ZIP: Buffalo, NY, 14202  
LOCATION: Townline Rd, Lancatser, , NY  
AMOUNT OF LOSS: \$3,195.30

**Re: Subrogation Claim Notice**

Dear COUNTY OF ERIE,

We're writing to inform you that our investigation indicates your insured was responsible for the loss that occurred on June 08, 2011.

Since we have already settled with our policyholder, we are now forwarding you final copies of the expense documents related to the loss. We want you to know that we are seeking reimbursement from you for those expenses. Please accept this letter as notice of our subrogation claim.

Please forward your payment with our claim number to:

**Allstate Payment Processing Center  
P.O. Box 650271  
Dallas, TX 75265 0271**

We ask that you direct any future correspondence to the address listed at the top of this letter. Thank you.  
Sincerely,

***Your Claim Team***

Your Claim Team  
800-374-4246  
Allstate Insurance Company

JUL 11 2011





## COUNTY OF ERIE

JEREMY A. COLBY  
ERIE COUNTY ATTORNEY

**CHRIS COLLINS**  
COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MARTIN A. POLOWY  
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.  
SECOND ASSISTANT COUNTY ATTORNEY

August 3, 2011

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

Dear Mr. Graber:

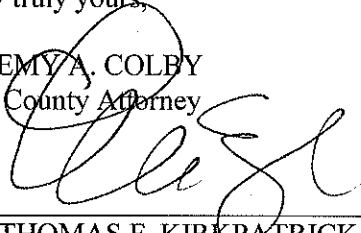
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Wales, Michael vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Michael Wales ICN 128119 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

Formal Complaint to Superintendent:

MY LEFT Orbital eye Socket was fractured with  
intra-nasal Hemorrhaging. I lost my peripheral vision in my left  
eye. The injury occurred because Deputy Vicker an employee  
repeatedly pushed me into the Shower causing me to fall  
and Strike my eye on the Soap holder which is metal.  
I grieved this issue. I went to the Erie County  
Medical Center and was prescribed Lorazepam which the medical  
staff at ECHC would not give me despite my serious injury.  
ECHC Medical Staff, along with other employees  
subjected me to deliberate indifference and cruel and unusual  
punishment by denying me medical attention, that was adequate  
to my needs that ignored obvious conditions, delayed treatment  
and failed to investigate.

Comm. 18D-4  
Page 13 of 34

JUL 11 2011

Michael O'Neal  
By: M. O'Neal  
6/30/11

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

=====X

Michael Wales

Claimant,

NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

Defendant.

=====X

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

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

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

- 1 -

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

My left orbital eye socket was fractured with internal Hemorrhaging I lost my peripheral vision in my left eye. The injury occurred because Deputy Viker an employee here at E.C.H.C. pushed me into the shower causing me to fall and strike my eye on the soap holder which is metal. I grieved this issue. I went to the hospital Erie County Medical center and was prescribed pain medicine which the medical staff at Erie County Holding Center would not give to me despite my serious injuries. E.C.H.C. medical staff, along with other employees subjected me to deliberate indifference and cruel and unusual punishment by denying me medical attention that was adequate to my needs they ignored obvious conditions, delayed treatment. Failed to investigate.

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.

Michael Wals  
CLAIMANT

VERIFICATION

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

Michael Wales, 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 \_\_\_\_\_  
day of \_\_\_\_\_,

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





## COUNTY OF ERIE

JEREMY A. COLBY  
ERIE COUNTY ATTORNEY

**CHRIS COLLINS**  
COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MARTIN A. POLOWY  
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.  
SECOND ASSISTANT COUNTY ATTORNEY

August 3, 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>Faries, Timothy A. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Timothy A. Faries 120 Greenbranch Road West Seneca, New York 14224
Claimant's attorney:	Matthew A. Parham, Esq. Law Offices of Matthew A. Parham 70 Niagara St., Suite 210 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

JUL 11 2011

----- x  
TIMOTHY A. FARIES,

Claimant,

v.

COUNTY OF ERIE,

Respondent.  
----- x

**NOTICE OF CLAIMS AND  
NOTICE OF INTENTION TO  
COMMENCE AN ACTION  
THEREON**

TO: Jeremy A. Colby, Erie County Attorney

PLEASE TAKE NOTICE that the Claimant, Timothy A. Faries, complaining of Respondent, the County of Erie, makes claims against the County of Erie as follows:

1. The Claimant resides at 120 Greenbranch Road, West Seneca, NY 14224, and may be reached at 716-675-5555.
2. The claims are for (a) municipal liability on the part of the County of Erie, and individual liability of Sheriff's Deputies/correction officers, supervisors, nurses, and other medical staff employed by the County, under 42 U.S.C. § 1983, for violations under color of state law by the County and its Sheriff's Deputies/correction officers, nurses, and other medical staff of the rights of the Claimant protected under the United States Constitution; and (b) vicarious liability against the County of Erie, and individual liability of its Sheriff's Deputies/correction officers, supervisors, nurses, and other medical staff, for the torts of those Sheriff's Deputies/correction officers, nurses, and other medical staff.
3. The claims arose between approximately April 11, 2011, and June 23, 2011, while the Claimant was incarcerated at the Erie County Holding Center. The Claimant arrived at the

Holding Center with injuries that he suffered during an assault immediately before his arrival, but was not provided with any medical treatment for those injuries. The Claimant was also denied adequate medical attention for various pre-existing mental health conditions and pre-existing physical conditions, including heart conditions, despite having requested treatment for those conditions repeatedly. Finally, the Claimant was exposed to cruel, unusual, and inhumane conditions, and in particular was exposed to raw sewage in his cell for extended periods of time, which was not cleaned up or removed despite repeated complaints.

4. The damages claimed include (a) pain and suffering; (b) mental anguish; (c) scarring; and (d) violation of his constitutional rights. Claimant further seeks punitive damages to punish the aforementioned Sheriff's Deputies/correction officers, supervisors, nurses, and other medical staff for their egregious and malicious conduct and to act as a deterrent against such egregious and malicious conduct in the future.

PLEASE TAKE FURTHER NOTICE that in default of County of Erie paying adequate damages to the Claimant within the time limit for compliance with this demand, the Claimant will commence an action against the County of Erie on said claim.

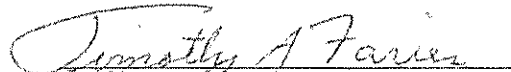
Dated: Buffalo, New York  
July 8, 2011

  
\_\_\_\_\_  
Timothy A. Faries

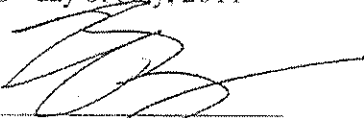
VERIFICATION

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

TIMOTHY FARIES, being duly sworn, deposes and says: I have read the above Notice of Claim and Notice of Intention to Commence an Action Thereon. I am the Claimant referenced therein. The contents thereof are true to the best of my knowledge.

  
Timothy Faries

Sworn to before me this  
8<sup>th</sup> day of July, 2011

  
Notary Public

MATTHEW ALAN PARHAM  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02PA6224317  
Qualified in Kings County  
My Commission Expires June 28, 2014

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

----- X  
TIMOTHY A. FARIES,

Claimant.

v.

COUNTY OF ERIE,

Respondent.  
----- X

**AFFIRMATION OF SERVICE**

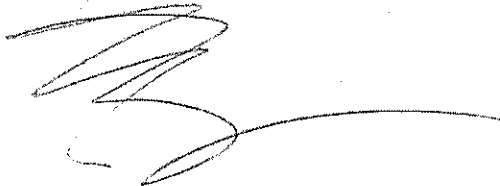
I, MATTHEW A. PARHAM, an attorney duly admitted to practice before the bar and courts of the State of New York, affirm under penalty of perjury as follows:

1. I am not the Claimant herein, am over 18 years of age and have a business address at 70 Niagara Street, Suite 210, Buffalo, New York 14202.

2. On July 8, 2011, I served a copy of the Claimant's Notice of Claim and Notice of Intention to Commence an Action Thereon on the following recipient via United States Certified Mail:

Jeremy A. Colby  
Erie County Attorney  
95 Franklin St., Room 1634  
Buffalo, NY 14202

Dated: July 8, 2011  
Buffalo, New York



Matthew A. Parham



# 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 3, 2011

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

Dear Mr. Graber:

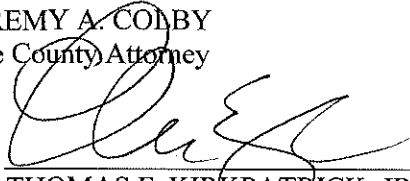
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Steward, Kevin vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Kevin Steward 426 Shirley Avenue Buffalo, Nw York 14215
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

Kevin Steward 009586 Claimant,

NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

JUN 15 2011

Defendant.

=====X

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

PLEASE TAKE NOTICE that Kevin Steward 009586, 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: Kevin Steward 09586 Erie County Holding Center, 40 Delaware Ave Buffalo NY 14202-3999.

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 April 22 Erie County employees struck me in the face causing injuries to my lip left eye. Erie County servants and employees did knowingly refused me Medical Attention. I submitted numerous Sickcall slips After 45 days of Ignoring Sickcall slips I wrote several grievances All in which I described the date of the assault and Injury to my person. My left eye is shut and has pus coming out of it I cannot open it fully and you can tell there is damage to the orbital socket. It has been 45 days and I still have not been seen by an optometrist. I am receiving some eye drops here at 40 Delaware Erie County holding center and I've been receiving that for 5 days and there is no improvement in my vision as of yet. these are just over the counter meds. The picture that is on my inmate identification bracelet shows that my left eye was normal on April 19th 2011 but on April 22 2011 After the (Goon squad) ← deputys assaulted me left me blind in one eye.

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.

X Kelvin Steward  
CLAIMANT



VERIFICATION

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

Kevin Steward 009586, 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.

X Kevin Steward

Sworn to before me this 13  
day of June 2011,

Sylvia M O'Neal  
Notary Public

**SYLVIA M. O'NEAL**  
**COMMISSIONER OF DEEDS**  
In and For the City of Buffalo, Erie County, NY  
My Commission Expires Dec. 31, 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 3, 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>Paterson, Rosemary vs Town of Lancaster and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Rosemary Paterson 4987 County Road 26 Dundee, New York 14837
Claimant's attorney:	Jaelyn S. Wanemaker, Esq. Law Offices of Wiliam Mattar 6720 Main Street, Suite 100 Williamsville, New York 14221

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**

Rosemary Paterson  
4987 County Road 26  
Dundee, New York 14837,

Claimant

-against-

**NOTICE OF CLAIM**

Town of Lancaster, New York and  
County of Erie, New York,

Respondents

**PLEASE TAKE NOTICE** that Rosemary Paterson hereby makes a claim against the Town of Lancaster, New York and the County of Erie, New York and in support thereof, alleges:

1. That Rosemary Paterson, residing at 4987 County Road 26, Dundee, New York 14837, by and through her attorney, William K. Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, New York 14221-5986, claims damages against the Town of Lancaster, New York and the County of Erie, New York for personal injuries, pain and suffering, general and special damages, medical expenses and property damage.
2. Upon information and belief, Ms. Paterson sustained serious injuries to her stomach, which resulted in surgery and a period of hospitalization; left arm; neck; and other injuries as a result of a car accident that occurred on March 24, 2011. Upon information and belief, Ms. Paterson was a passenger in her car on Transit Road where it intersects with Genesee Street in the Town of Lancaster and County of Erie, New York, when, due to unsafe and slippery road conditions, the driver was caused to lose control of the car, leave the roadway and strike a sign, resulting in injuries to Ms. Paterson and significant damage to her vehicle. Upon information and belief, the Respondents herein own and/or are responsible for maintenance, salting and snow removal on the subject roadway and their failure to properly handle said duties caused this accident.
3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and recklessness of the Respondents herein, their servants, agents and/or employees, in failing to properly maintain the subject roadway, and in failing to instruct and supervise their employees on the proper procedures for salting and snow removal, along with other negligence, carelessness, and recklessness.

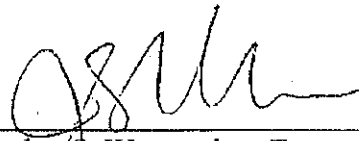
4. That as a result of the foregoing, upon information and belief, Ms. Paterson sustained serious injuries, at least some which may be of a permanent or indefinite duration, and Ms. Paterson was and will in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

5. That upon information and belief, said injuries were caused solely and wholly as a result of the negligence of the Respondents herein and their agents, servants and/or employees, and without any negligence on the part of the Claimant herein.

6. That upon information and belief, the Claimant sustained serious injuries as the same are defined in Article 51 of the Insurance Law of the State of New York, as amended, and she has been caused to suffer and sustain personal injuries in and to the body which are permanent in nature and has or may be caused to suffer economic loss in excess of the basic economic loss.

*This claim is hereby presented for adjustment and payment.*

DATED:           Williamsville, New York  
                    June 22, 2011

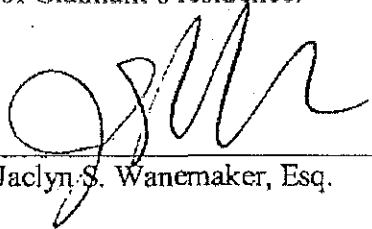


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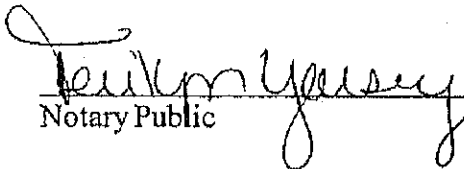
Jaclyn S. Wanemaker, Esq.  
William K. Mattar, P.C.  
Attorney for Claimant  
6720 Main Street, Suite 100  
Williamsville, New York 14221-5986

STATE OF NEW YORK     )  
COUNTY OF ERIE        ) ss:

Jaclyn S. Wanemaker, Esq., being duly sworn, deposes and says that she is the attorney of record for the Claimant in this action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her knowledge, except as to matters therein alleged upon information and belief, and that as to those matters she believes them to be true, and that the reason this acknowledgment is made upon attorney verification is that the office of Claimant's counsel is in a county outside of the the county of Claimant's residence.

  
\_\_\_\_\_  
Jaclyn S. Wanemaker, Esq.

Sworn to before me this  
21st day of June, 2011

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

TERILYN J. YOUSEY  
Notary Public - State of New York  
No. 01YO6172606  
Qualified in Erie County  
My Commission Expires August 13, 2011



## COUNTY OF ERIE

JEREMY A. COLBY  
ERIE COUNTY ATTORNEY

**CHRIS COLLINS**  
COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MARTIN A. POLOWY  
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.  
SECOND ASSISTANT COUNTY ATTORNEY

August 3, 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>Rosiek, Frank vs Town of Boston and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Frank Rosiek 6900 Boston Cross Road Boston, New York 14025
Claimant's attorney:	Ryan F. McCann, Esq. Attea & Attea, P.C. P.O. Box 120 Boston State Road North Boston, New York 14110

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  
COUNTY COURT : COUNTY OF ERIE

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FRANK ROSIEK

Plaintiff,

NOTICE OF CLAIM

vs

TOWN OF BOSTON, and  
COUNTY OF ERIE

Index No.

Defendant.

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To the County Attorney for the County of Erie:

PLEASE TAKE NOTICE that the undersigned, Frank Rosiek, the claimant herein, by and through his attorneys of record, ATTEA & ATTEA, P.C., hereby makes the claim against the County of Erie, New York State, for damages sustained by him, arising out of the following facts:

The claimant resides at 6900 Boston Cross Road, in the Town of Boston, the County of Erie and State of New York.

At and before the times hereinafter mentioned, the claimant was and still is the owner of the lands and buildings located at and commonly known as 6900 Boston Cross Road, Boston, New York 14025 (hereinafter referred to as the "Premises").

The County of Erie, acting through certain of its officers and agents, caused drainage systems to be designed, planned, constructed and maintained in said Town, and the said drainage system was so designed, planned, constructed and maintained that thereby in and through it a large amount of rain water is received from various uphill and lateral locations and

is diverted and/or overflows upon and into the Premises. In consequence of the misconstruction and misplacement of said drainage system caused by the negligence, ignorance, carelessness, and fault of said officers and agents of the said County of Erie, said drainage system has repeatedly from the year 2003 to present, including the dates of April 19, 2011, and May 14, 2011, while the claimant was the owner of the Premises, and more especially so at the time of rainstorms in said periods, did overflow and/or divert upon and into the Premises of the claimant, causing extreme flooding to the Premises and injuring the value of same and making part of the same inhabitable and unsafe.

That said drainage system was designed, planned, constructed and maintained as aforesaid, without sufficient capability and durability and without any proper and sufficient means and provisions for carrying off and discharging such water by it collected as aforesaid, and without regard or taking into consideration the immense area which said drainage system was intended to drain, and without regard to the natural drainage of said locality, by means of all of which said drainage system was unable to carry off said water to the pipe, culvert, creek and/or river as it was intended to do, and in consequence thereof at certain times large amounts of water and debris is diverted upon and into the Premises, and said drainage system was so designed, planned, constructed and maintained through the negligence, default, and miscarriage of the officers and agents of said Town of Boston, New York.

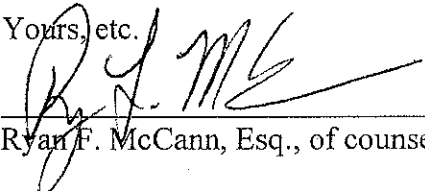
By reason of the facts aforesaid, the claimants have lost value to the Premises, and expended sums to repair damages caused by the floods and in alteration to the Premises which were made necessary by the floods, and have been constructively evicted from the Premises.



The undersigned therefore present this claim and demand for adjustment and payment, and notify you that unless the same is adjusted and paid within the time provided by law from the date of its presentation to you, it is the intention of the undersigned to commence an action thereon.

Dated: Boston, New York  
June 15, 2011

Yours, etc.



---

Ryan F. McCann, Esq., of counsel

ATTEA & ATTEA  
Attorneys for Plaintiff  
Office & P.O. Address  
P.O. Box 120  
No. Boston, N.Y. 14110  
(716) 649-4623

CLIENT VERIFICATION

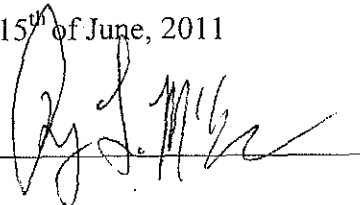
STATE OF NEW YORK     )  
COUNTY OF ERIE        )ss:

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

  
FRANK ROSIEK

Sworn to before me this

15<sup>th</sup> of June, 2011

  
\_\_\_\_\_

**RYAN F MCCANN**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 02MC6219601**  
**Qualified in Erie County**  
**My Commission Expires March 29, 2014**