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JEREMY A. COLBY
COUNTY ATTORNEY

COUNTY OF ERIE

CHRIS COLLINS
COUNTY EXECUTIVE

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert Graber, Clerk, Erie County Legislature

FROM: Thomas F. Kirkpatrick, Jr., Second Assistant County Attorney

DATE: November 29, 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 eleven (11) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Theresa Lehsten vs Erie County Home and County of Erie
Stephan Merritt vs County of Erie
Dawn Hauser, Ind. and as PNG of Josh Hauser vs Town of Evans and County of Erie
Michael Zybowski vs Town of Cheektowaga, County of Erie and City of Buffalo
Rafael E. Colon vs County of Erie
Liberty Mutual a/s/o Carmela Turi vs County of Erie
Sheila Williams vs Town of Amherst and County of Erie
Divontae I. Funderburg vs County of Erie and Erie County Sheriff
Thomas N. Graziani vs County of Erie, Sheriff of Erie County, ECMCC & Comm. of Personnel
Lincoln Ablack vs County of Erie
Lloyd Nolan vs County of Erie, Erie County Dept. of Public Works, et al.

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

November 29, 2011

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

Dear Mr. Graber:

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

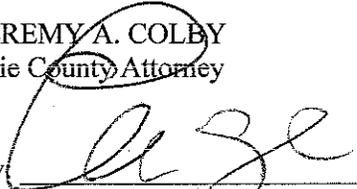
File Name:	<i>Lehsten, Theresa vs Erie County Home and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Theresa Lehsten 50 Littell Avenue Buffalo, New York 14210
Claimant's attorney:	Anne M. Wheeler, Esq. Cantor, Lukasik, Dolce & Panepinto, P.C. 1600 Main Place Tower Buffalo, New 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

IN THE MATTER OF THE CLAIM OF

THERESA LEHSTEN

Claimant

Notice of Claim

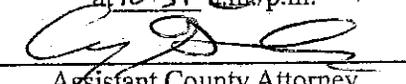
v.

ERIE COUNTY HOME, AND
THE COUNTY OF ERIE,

Respondents.

TO: ERIE COUNTY HOME
11580 Walden Avenue
Alden, New York 14004

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

This paper received at the
Erie County Attorney's Office
from Richard Fink on
the 1st day of Sept, 2011
at 10:31 a.m./p.m.

Assistant County Attorney

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

1. The Claimant is presently a patient at the Millard Fillmore Suburban Hospital located
1540 Maple Road, Williamsville, New York 14221. Prior to being admitted to Millard Fillmore
Suburban, the claimant was considered a long-term, permanent patient/ resident at the Erie County
Home, located at 11580 Walden Avenue, Alden, New York 14004. The claimant is presently
uncertain at what nursing home she will reside after being discharged from Millard Fillmore
Suburban. The claimant formerly resided at 50 Littell Avenue, Buffalo, New York 14210 and her
husband still resides at that address.

2. The attorney for the Claimant herein is Anne M. Wheeler, Esq., and her post office
address and telephone number are Cantor, Lukasik, Dolce & Panepinto, P.C. 1600 Main Place

Tower, 350 Main Street, Buffalo, New York 14202, (716) 852-1888.

3. The time when, and the place where, and the nature of the claim are as follows: Upon information and belief, on or about July 26, 2011, while a resident in the Erie County Home located at 11580 Walden Avenue, Alden, New York, the claimant discovered that she had sores and gangrene and severely infected sores/ wounds in her left lower extremity/ buttocks area and in her labia after suffering pain in those areas for several months during her residency at the Erie County Home. Upon information and belief, the subject premises was owned, controlled, and/or maintained by the ERIE COUNTY HOME and/or THE COUNTY OF ERIE.

4. The Claimant reported the above-described pain to one or more Erie County Home personnel/ employees immediately upon experiencing the same in or around April 2011. The claimant continued to experience pain and continued to report the same to Erie County Home personnel/ employees on a consistent basis beginning in or around April 2011 and continuing through July 2011. After approximately 3-4 months of reporting pain and receiving minimal or no treatment of such, the claimant was ultimately informed by Erie County Home personnel/ employees that she suffered from gangrene, severely infected open wounds, and sores in the affected areas. The claimant and was transported to Millard Fillmore Suburban Hospital on or around July 26, 2011 for emergency medical care, within days of becoming aware of her diagnosis.

5. The Claimant alleges that the ERIE COUNTY HOME and/or THE COUNTY OF ERIE were negligent in that they failed to provide proper and adequate care to the claimant while she was a patient and resident at the Erie County Home. The claimant alleges that the ERIE COUNTY HOME and/or THE COUNTY OF ERIE were more specifically negligent in failing to consistently, properly and timely change the claimant's diapers, thereby facilitating skin sores, infections, and gangrene in the affected areas; in failing to timely and properly diagnose sores and/or

infections that the claimant sustained in the course of her residency and as the result of receiving improper care at the Erie County Home; in failing to timely and properly treat sores and/or infections that the claimant sustained in the course of her residency and as the result of receiving improper care at the Erie County Home; in failing to adequately heed and address the claimant's complaints of pain in the affected areas; and were otherwise careless, reckless, and/or negligent in the treatment/ care of the claimant while she was a patient and resident at the Erie County Home.

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

7. The injuries sustained by Claimant, Theresa Lehsten, are as follows:

- a. sores/ open wounds in the left lower extremity/ buttocks area
- b. sores/ open wounds in the labia
- c. gangrene in the left lower extremity/ buttocks area
- d. gangrene in the labia
- e. need for surgical debridement of gangrene
- f. sepsis

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

9. Upon information and belief, the total claim of the claimant, Theresa Lehsten, is \$1,000,000.00.

Dated: Buffalo, New York
August 30, 2011.



Anne M. Wheeler, Esq.
Cantor, Lukasiak, Dolce & Panepinto
Attorneys for Claimant
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888

TO: ERIE COUNTY HOME
11580 Walden Avenue
Alden, New York 14004

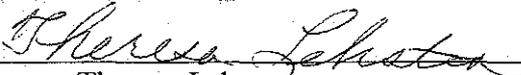
THE COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, NY 14202

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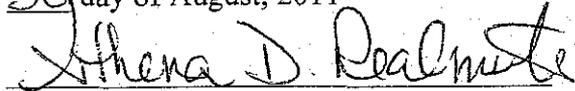
STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY OF BUFFALO)

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


Theresa Lehsten

Sworn to before me this

30th day of August, 2011



ATHENA D. REALMUTO
Notary Public, State of New York
No. 01RE6134407
Qualified in Erie County
My Commission Expires October 3, 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

November 29, 2011

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

Dear Mr. Graber:

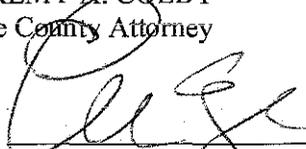
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Merritt, Stephen vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Stephan Merritt 536 Doat Street Buffalo, New York 14211 and 44 Poplar Avenue, lower Buffalo, New York 14211
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

STEPHAN MERRITT 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

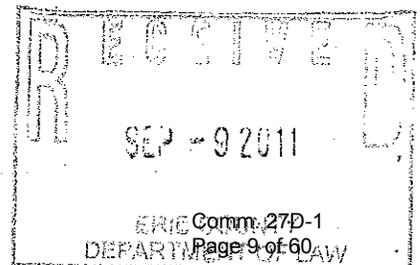
PLEASE TAKE NOTICE that STEPHAN MERRITT, hereby claims and demands, pursuant to §50-e of the General Municipal Law, damages against the COUNTY OF ERIE for damages sustained by Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of the COUNTY OF ERIE, its agents, servants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

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

<u>STEPHAN MERRITT</u>	<u>STEPHAN MERRITT</u>
<u>536 DOAT STREET</u>	<u>44 POPLAR AVE (LOWER APT)</u>
<u>BUFFALO, N.Y. 14211</u>	<u>BUFFALO, N.Y. 14211</u>

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 July 19th 2011 @ approx 10:15 p.m. While incarcerated at the Erie County holding center located in Down town Buffalo, New York, I Stephan Merritt ICN# 35147 was electricuted or badly shocked by a facility phone that was broken for (2) months with live wires hanging that had been cut in half by inmates and twisted back together with staples in-order to get phone to work. This happend on Charlie Long High Side where I locked at in #22 cell. This phone was located at the rear of the block in front of #28 cell. As I attempted to use the telephone, I had to move the wires so they didn't touch and while doing that and dialing my wife's phone number electrical currents suddenly went threw my entire left hand and shot up my left arm and up the left side of my neck. I was scared and jerked away from the phone causing myself to fall backwards so hard that I smacked into the steel bars hitting my head on the bars and banging my entire back against the bars. I couldn't even respond back to the Deputy right away who was asking Merritt, Merritt are you okay. Once I caught my breath, I responded medical please and the Deputy who goes by the name 'G' said okay and he went to desk and called medical and told them I'm on the way I got electricuted by the phone. All (14) inmates was there asking was I alright and inmate Floyd had his wife call my family and wife to let them know what just happend to me. Deputy 'G' had another inmate take me to medical cause I was soaking wet from sweating and a bit dizzy still. Medical did nothing but check my blood pressure and said it was a minor shock and sent me back to Charlie Long where I locked at. The very next morning (2) men came and changed the entire phone so it took me to almost get killed in-order for them to fix that phone ^{Comm. 270-1} ~~Page 10 of 10~~ hit

I Also have a Lump in the middle of my back which was bigger the day of the incident and my back is in constant pain. I still have numbness in my left hand and areas in my left arm. I don't know the damage it did to my left side of my neck but my neck has not been the same cause it's always tight like a pulling pressure. I just recently found out that there was no record or notes made of my injury on July 19th 2011. I found that out, when I recently went to medical on or about August 2nd 2011 to see a different doctor who put me on blood pressure medication. I told her about the incident and she checked and said it was nothing there about me getting electricuted or shocked on July 19th 2011. I have inmate names who will come forward if I need them too. There is a log book for that incident on Charlie Long that the Deputy must make reports in on each shift. There is also logs in that same book regarding the telephone needed fixing for the past (2) months. Family is ready to make complaint to news media outlets about what happend to me and how the Erie County holding center is trying to cover it up. I'm requesting \$10,000.00 for medical negligent and careless acts of this facility.

4. TAKE FURTHER NOTICE THAT CLAIMANT DEMANDS PAYMENT OF HIS CLAIMS, 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 INTEREST CLAIMED BY THEM

Stanley M. Mennitt
Comm. 27D-1
Page 10 of 100

VERIFICATION

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

Stephan Merritt, 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.

Stephan Merritt

Sworn to before me this 22
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, 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

November 29, 2011

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

Dear Mr. Graber:

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

File Name: *Hauser, Dawn, Ind. and as PNG of Josh Hauser, an infant vs Town of Evans and County of Erie*

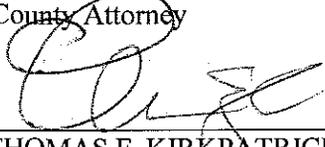
Document Received:
Name of Claimant: Dawn Hauser
4911 Mount Vernon Boulevard
Hamburg, New York 14075

Claimant's attorney: SPADAFORA & VERRASTRO, LLP
2 Symphony Circle
Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

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

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

DAWN HAUSER, Individually and as
Parent and Natural Guardian of
JOSH HAUSER, an Infant,

Claimants,

- vs -

TOWN OF EVANS and
COUNTY OF ERIE,

Respondents.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Nicole Williams
the 23 day of Sept, 2011
at 3:10 a.m. (p.m.)
Kelly Brunkner
Assistant County Attorney

PLEASE TAKE NOTICE that DAWN HAUSER has claims and hereby makes claims against the TOWN OF EVANS and/or COUNTY OF ERIE for personal injuries and damages sustained by her son, JOSH HAUSER, an infant, and her derivative claim as parent, and in support thereof, states:

1) **NAME AND ADDRESSES OF CLAIMANTS:** DAWN HAUSER and JOSH HAUSER, Infant under age 14. The Claimants' address is 4911 Mount Vernon Boulevard, Hamburg, New York 14075, County of Erie, State of New York.

2) **NAME AND ADDRESSES OF CLAIMANTS' ATTORNEYS:** SPADAFORA & VERRASTRO, LLP, with offices at 2 Symphony Circle, Buffalo, New York 14201; telephone number (716) 854-1111.

3) **TIME OF CLAIM AND PLACE WHERE CLAIM AROSE:** July 3, 2011 at approximately 10:40 pm; during a fireworks display located at Lake Erie Beach Park, in the Town of Evans, County of Erie and State of New York.

4) **NATURE OF CLAIM: JOSH HAUSER, Infant under age 14:** The Claim of JOSH HAUSER, Infant under age 14, is one for personal injuries sustained by said Claimant as a result of the negligence, carelessness and/or reckless disregard for the safety of others by the Respondents TOWN OF EVANS and/or COUNTY OF ERIE, by and through its agents, servants, employees and/or representatives as would relate to, without limitation thereto, the hiring and training of said agents, servants, employees and/or representatives, further together with its ownership, maintenance and/or operation of Lake Erie Beach Park and further in authorizing, permitting and/or allowing said premises to be utilized for a fireworks display and sale and/or consumption of alcoholic beverages with full notice and knowledge that individuals would become intoxicated, inebriated and/or impaired by said consumption of alcohol and with further notice and knowledge that infants would be present at said fireworks display, further placing said infants in danger of physical harm from acts and/or omissions of individuals who consumed alcohol.

In addition, Respondents, TOWN OF EVANS and/or COUNTY OF ERIE, failed to provide, hire and/or require proper and/or adequate supervision and/or security personnel and/or failed to properly train and/or hire agents, servants, employees and/or representatives. As a result of said negligence, carelessness and/or reckless disregard for the safety of others, JOSH HAUSER Infant under age 14, suffered and sustained numerous and diverse injuries primarily to his right arm and/or wrist, among others which, upon information and belief, was fractured and may require surgery due to improper healing; has been caused to sustain pain and suffering as to the past and present and upon information and belief into the future; has been deprived of the ability to enjoy a life and lifestyle that he was so able to participate in and enjoy prior to the happening of said accident; has incurred medical expenses relating to care, treatment and attempted cure of said injuries and upon information and belief will continue to incur said medical expenses in the future; and may be subjected to impairment of future earnings and/or future earning capacity as a result of the injuries sustained and/or the residual permanent effects relating thereto.

NATURE OF CLAIM: of DAWN HAUSER, Individually and as Parent and Natural Guardian of JOSH HAUSER, Infant: DAWN HAUSER is the mother and natural guardian of the Infant claimant, JOSH HAUSER who resides with her. DAWN HAUSER would make claim for the loss of the services, society and companionship of her infant son, JOSH HAUSER as a result of the negligence, carelessness and/or reckless disregard for the safety of her son resulting from the acts and/or omissions of the TOWN OF EVANS and/or COUNTY OF ERIE by and through its agents, servants, representatives and/or employees as would relate to, without limitation thereto, the hiring and training of said agents, servants, employees and/or representatives, the failure to provide, hire and/or require proper and/or adequate supervision and/or security personnel and/or failed to properly train and/or hire agents, servants, employees and/or representatives, further together with its ownership, maintenance and/or operation of Lake Erie Beach Park and further in authorizing said premises to be utilized for a fireworks display and sale and/or consumption of alcoholic beverages with full notice and knowledge that individuals would become intoxicated, inebriated and/or impaired by said consumption of alcohol with further notice and knowledge that infants would be present at said fireworks display, further placing said infants in danger of physical harm from acts and/or omissions of individuals who consumed alcohol.

In addition, Respondents, TOWN OF EVANS and/or COUNTY OF ERIE, failed to provide, hire and/or require proper and/or adequate supervision and/or security personnel and/or failed to properly train and/or hire agents, servants, employees and/or representatives that were properly trained. Furthermore, said Claimant, DAWN HAUSER, would make a claim for any and all out-of-pocket medical care related expenses incurred as to the care, treatment and attempted cure of the injuries sustained by her infant son JOSH HAUSER, as to the past, present and/or future.

5) **BASIS OF CLAIM:** As stated above, the basis of the claim of each Claimant is one relating to the acts of negligence, carelessness and/or reckless disregard of the TOWN OF EVANS and/or COUNTY OF ERIE, by and through its agents, servants, representatives and/or employees as would relate to, without limitation thereto, the hiring and training of said agents, servants, employees and/or representatives, further together with its ownership, maintenance and/or operation of Lake Erie Beach Park and further in authorizing, permitting and/or allowing said premises to be utilized for a fireworks display and sale and/or consumption of alcoholic beverages with full notice and knowledge that individuals would become intoxicated, inebriated and/or impaired by said consumption of alcohol with further notice and knowledge that infants would be present at said fireworks display, further placing said infants in danger of physical harm from acts and/or omissions of individuals who consumed alcohol.

In addition, Respondents, TOWN OF EVANS and/or COUNTY OF ERIE, failed to provide, hire and/or require proper and/or adequate supervision and/or security personnel and/or failed to properly train and/or hire agents, servants, employees and/or representatives. On or about July 3, 2011, the Infant Claimant JOSH HAUSER was properly, legally and lawfully on the Premises of Lake Erie Beach Park located in the Town of Evans, County of Erie and State of New York for the purpose of watching a fireworks display. The Infant Claimant was laying on a blanket watching the fireworks when an intoxicated, inebriated and/or under the influence of alcohol, adult male, stumbled into the area immediately adjacent to the Claimant, lost his balance and violently fell directly onto Claimant's right arm breaking it in two places.

6) **DAMAGES:** As a result of the negligence and want of care on the part of Respondents, the Infant Claimant was caused to sustain, among others, serious and permanent personal injury, has as a result thereof been caused serious and severe pain and suffering, and has been caused to incur substantial medical expenses past to present and into the future, and has been subjected to the probability of substantial lost future wages and/or lost earning capacity.

DAMAGES: As a result of the negligence and want of care on the part of Respondents, the Claimant, DAWN HAUSER was caused to sustain damages in accordance with her derivative claim for the loss of the services, society and companionship of her infant son, JOSH HAUSER.

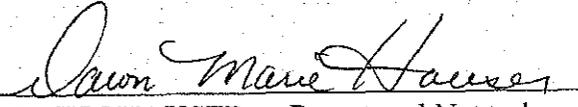
7) It is alleged that the accident to the infant Claimant herein occurred without any negligence or carelessness on the part of the Infant Claimant.

8) **INJURIES SUSTAINED:** The Infant Claimant, JOSH HAUSER, has sustained, without limitation, numerous injuries, the majority, if not all, of which were severe, painful and permanent in nature primarily in, to and about his right arm and/or wrist, sustaining, among other injuries, shock, to the nerves and nervous systems, circulatory systems, bones, nerves, tendons, muscular systems and skeletal systems, with resulting fractures of said right arm and/or wrist; was otherwise rendered sick, sore, lame and disabled and was prevented from following his usual duties and activities for a period of time following said accident; may suffer and sustain loss of earnings and/or loss of future earning potential; has incurred, or may incur medical expenses as to past, present or future as would relate to the care, treatment and attempted cure of the injuries sustained; has been deprived of the ability to enjoy the life and lifestyle that he was so able to enjoy prior to the happening of this accident and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries as to the past, present and upon information and belief into said future years, together with any and all other special and general damages as they manifest themselves subsequent to the date of this Notice of Claim.

TO:

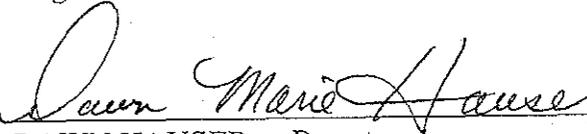
WHEREFORE, the Claimant, DAWN HAUSER as Parent and Natural Guardian of JOSH HAUSER, respectfully requests that her Claim be adjusted and paid as provided by law.

DATED: September 23, 2011

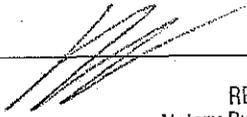

DAWN HAUSER as Parent and Natural
Guardian of JOSH HAUSER and
Individually

STATE OF NEW YORK)
CITY OF BUFFALO) S S . . .

I, DAWN HAUSER as Parent and Natural Guardian of JOSH HAUSER, being duly sworn, deposes and says: That she is the Claimant above-named in the within action; that she has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that same is true to her own knowledge except as to those matters stated to be alleged on information and belief, and as to those matters, she believes it to be true.

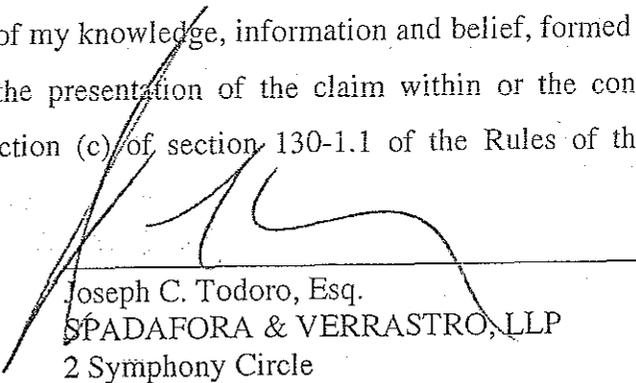

DAWN HAUSER as Parent and
Natural Guardian of JOSH HAUSER and
Individually

Sworn to before me this
23rd day September, 2011


RENEE C. NOODY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 29, 2015

TO:

I hereby certify that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the claim within or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22NYCRR).


Joseph C. Todoro, Esq.
SPADAFORA & VERRASTRO, LLP
2 Symphony Circle
Buffalo, New York 14201
(716) 854-1111

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

DAWN HAUSER, Individually and as
Parent and Natural Guardian of
JOSH HAUSER, Infant under age of 14,

Claimants,

-vs-

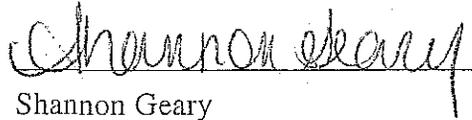
TOWN OF EVANS and
COUNTY OF ERIE,

Respondents.

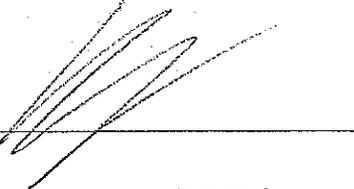
AFFIDAVIT OF MAILING

State of New York)
County of Erie) ss...

Your Deponent is over 18 years of age and not a party to this action; on the 23rd day of September, 2011 your Deponent served the attached Notice of Claim dated September 23, 2011, to the attention of Town Clerk, Jonica DiMartino of the TOWN OF EVANS, 8787 Erie Road, Angola, New York 14006, which address was known by your Deponent to be Town of Evans' last known address and which person is designated as authorized to accept service on behalf of the Town of Evans by depositing a true copy of said document in this action in a post-paid, Certified Mail /Return Receipt Requested, tracking number: 7010 3090 0000 4577 7967 properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office located on the corner of Elmwood Avenue and North Street in the City of Buffalo and State of New York.


Shannon Geary

Sworn to before me this
23rd day of September, 2011


RENEE C. NOODY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 29, 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

November 29, 2011

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

Dear Mr. Graber:

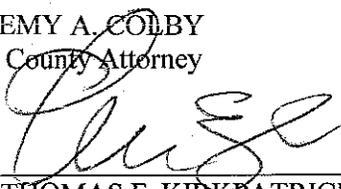
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Zyblewski, Michael vs Town of Cheektowaga, County of Erie and City of Buffalo</i>
Document Received:	Notice of Claim
Name of Claimant:	Michael Zyblewski 830 Cayuga Creek Road Cheektowaga, New York 14227
Claimant's attorney:	William K. Mattar, 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:

MICHAEL ZYBLEWSKI

Claimant,

-against-

**TOWN OF CHEEKTOWAGA,
COUNTY OF ERIE, and
CITY OF BUFFALO**

Respondents.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Alison Cullen
the 26 day of Sept. 2011
at 12:00 a.m./p.m.

Kelly Brunkow
Assistant County Attorney

PLEASE TAKE NOTICE that **MICHAEL ZYBLEWSKI**, hereby makes claims against the TOWN OF CHEEKTOWAGA, the COUNTY OF ERIE, and the CITY OF BUFFALO and in support thereof alleges:

1. That the undersigned, MICHAEL ZYBLEWSKI, residing at 830 Cayuga Creek Road, Cheektowaga, New York 14227, by and through his attorneys, WILLIAM MATTAR, PC, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, and the CITY OF BUFFALO 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 MICHAEL ZYBLEWSKI on July 20, 2011 at approximately 8:59 p.m. at the intersection of William Street and I 90 entrance to the thruway in Cheektowaga, in Erie County, in the State of New York. On that day and at that approximate time, Mr. Zyblewski was riding his bicycle through this intersection to continue traveling on William Street when his bicycle was suddenly and without warning struck poor concrete on the sidewalk.

3. Upon information and belief, William Street in the area of its intersection with I 90 is controlled, operated, owned and maintained by the Town of Cheektowaga.

4. Upon information and belief, William Street in the area of its intersection with I 90 is controlled, operated, owned and maintained by the County of Erie.

5. Upon information and belief, William Street in the area of its intersection with I 90 is controlled, operated, owned and maintained by the City of Buffalo.

6. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of the lawful traveling public, including Claimant, MICHAEL ZYBLEWSKI, by the TOWN OF CHEEKTOWAGA, the COUNTY OF ERIE and the CITY OF BUFFALO, their servants, agents or employees in failing to provide a safe sidewalks; in failing to correct a known safety risk at the general location of the accident herein mentioned: in the ownership, maintenance, management, operation, and control of its property, to include the poor concrete sidewalk hereinabove described; along with the other acts of negligence, carelessness and recklessness.

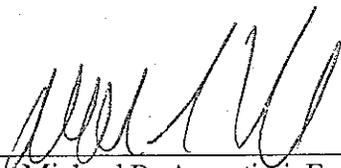
7. That the aforesaid TOWN OF CHEEKTOWAGA, the COUNTY OF ERIE and the CITY OF BUFFALO by and through their agents, servants, and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity, or caused the same. Agents, servants and employees of the Respondents knew or in the exercise of reasonable care, should have known of the potential danger of bicycles traveling on its sidewalks, but failed to take any corrective measures. Agents, servants and employees of the Respondents herein knew of the injuries Mr. Zyblewski sustained. Agents, servants and employees of the Respondents herein were present at the intersection on the date of the accident, administered first aid and handled Mr. Zyblewski's removal from the scene to the hospital.

8. That, as a result of the foregoing, the Claimant, MICHAEL ZYBLEWSKI, sustained very serious injuries, including a traumatic brain injury, scarring, psychological damage and trauma, 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, MICHAEL ZYBLEWSKI, was and will in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

WHEREFORE, Claimant, MICHAEL ZYBLEWSKI 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 TOWN OF CHEEKTOWAGA, the COUNTY OF ERIE, and the CITY OF BUFFALO for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

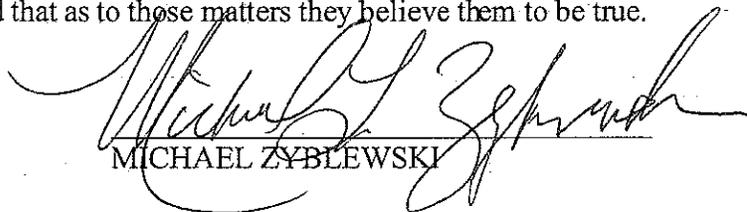
DATED: Williamsville, New York
 September 19, 2011



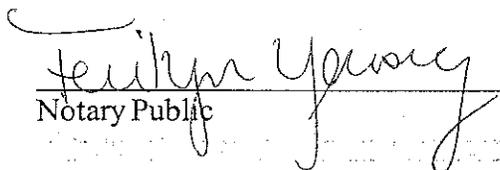
Michael R. Argentieri, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

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


MICHAEL ZYBLEWSKI

Sworn to before me this
22 day of September, 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

November 29, 2011

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

Dear Mr. Graber:

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

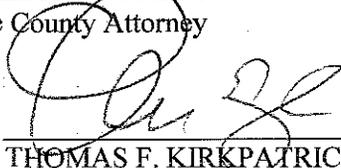
File Name:	<i>Colon, Rafael E. vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Rafael E. Colon 273 Georgia Street, Apt. 404 Buffalo, New York 14201
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

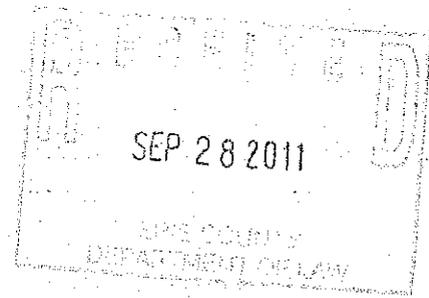
By:


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
RAFAEL E. COLON,

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, Rafael E. Colon, complaining of Respondent, the County of Erie, makes claims against the County of Erie as follows:

1. The Claimant resides at 273 Georgia St., Apt. 404, Buffalo, NY 14201 and may be reached at 716-418-6848.

2. The claims are for (a) municipal liability on the part of the County of Erie, and individual liability of Erie County Sheriff's Office personnel, under 42 U.S.C. § 1983, for violations under color of state law 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 Erie County Sheriff's Office personnel under state tort law.

3. The claims arose between approximately July 22 and 27, 2011, while the Claimant was incarcerated at the Erie County Holding Center. The Claimant, after completing a sentence, was held for an additional approximately seven days as a pretrial detainee for a charge for which the Claimant had already posted bond. The Claimant therefore asserts the tort and constitutional tort of excessive confinement.

4. The damages claimed include (a) mental anguish and emotional distress; (b) lost time and liberty; (c) lost wages and employment; and (c) violation of his constitutional rights.

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
September 27, 2011

Rafael E. Colon

Rafael E. Colon

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

----- x
RAFAEL E. COLON,

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.

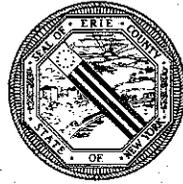
2. On September 27, 2011, I served a copy of the Claimant's Notice of Claim and Notice of Intention to Commence an Action Thereon on the following recipient via United States Certified Mail:

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

Dated: September 27, 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

November 29, 2011

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

Dear Mr. Graber:

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

File Name:	<i>Liberty Mutual Fire Insurance Company a/s/o Carmela Turi v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Liberty Mutual Fire Insurance Company 150 Motor Parkway, Suite 210 P.O. Box 18051 Hauppauge, New York 11788
Claimant's attorney:	Susan S. Carman, Esq. Carman, Callahan & Ingham, LLP 266 Main Street Farmingdale, New York 11735

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

13480824-01
D. Smikie

-----X
IN THE MATTER OF THE CLAIM OF THE
LIBERTY MUTUAL FIRE INSURANCE COMPANY
a/s/o CARMELA TURI,

OUR FILE NO.:
230STL-3282/JJB

- against -

NOTICE OF
CLAIM

COUNTY OF ERIE,
-----X

TO: COUNTY OF ERIE
95 Franklin Street
Room 1634
Buffalo, NY 14202

S I R S: PLEASE TAKE NOTICE THAT THE CLAIMANTS herein hereby make claim
and demand against the COUNTY OF ERIE as follows:

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

BELLO & LARKIN
150 Motor Parkway
Suite 405
Hauppauge, New York 11788
(631) 300-4960

LIBERTY MUTUAL INS. CO.
150 Motor Parkway
Suite 210
P.O. Box 18051
Hauppauge, New York 11788
(800) 445-0446

CARMELA TURI
991 Greenfield Avenue
Pittsburgh, PA 15217

2. The nature of the claim: The claimant Liberty Mutual (Fire) Insurance Company issued to its subrogor a policy of automobile liability insurance with collision coverage. As a result of an accident that took place on August 16, 2011, the claimant is hereby liable to its subrogor and has paid its subrogor for the damages sustained to his motor vehicle.

3. The time when, the place where and the manner in which the claim arose: The accident took place on August 16, 2011 at approximately 1: 35 pm. The location of the accident was westbound on I-90 just west of mile marked 436.7, Hamburg, New York.

Claimant's subrogor's vehicle was being operated by Carmela Turi on westbound on I-90 just west of mile marked 436.7, Hamburg, New York on August 16, 2011 when it struck a piece of pipe that rolled onto the bridge. (See attached Police Report)

The COUNTY OF ERIE was at fault in that its agents, servant and/or employees caused the accident through the negligent ownership, operation, maintenance, supervision, repair and control of its road signs in failing to properly secure and restrain its pipes while on the back of a bridge, thereby causing a dangerous and hazardous condition; claimant's subrogor in no way contributing thereto.

4 The items of damage or injury claimed are: The claimant's subrogor's vehicle, a 2005 Honda bearing Pennsylvania license plate number CARM2 sustained damage and DEEMED A TOTAL LOSS in the amount of \$ 9,411.17. (See attached appraisal).

Dated: Hauppauge, New York
October 4, 2011

BELLO & LARKIN
Attorneys for Plaintiff
150 Motor Parkway
Suite 405
Hauppauge, New York 11788
(631) 300-4960
OUR FILE NO.: 230STL-3282/JJB

-----X
IN THE MATTER OF THE CLAIM OF THE
LIBERTY MUTUAL FIRE INSURANCE COMPANY
a/s/o CARMELA TURI,

OUR FILE NO.:
230STL-3282/JJB

VERIFICATION

- against -

COUNTY OF ERIE,
-----X

The undersigned therefore presents this claim and demand for adjustment and payment, and notifies 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: Hauppauge, New York
October 4, 2011


LIBERTY MUTUAL INS. CO.
BY: JOHN J. BELLO Jr.

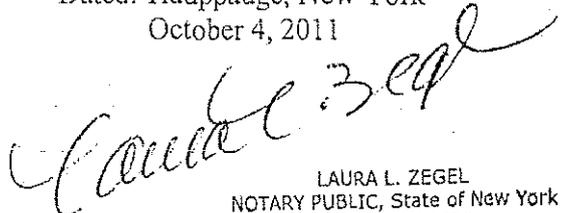
CORPORATE VERIFICATION

JOHN J. BELLO Jr., an attorney admitted to practice in New York, respectfully affirms the truth of the following statements under penalty of perjury and pursuant to 2106 of the CPLR. That he has read the foregoing Notice of Claim and that same is true on information and belief and as to those matters he believes it to be true.

That the reason why this verification is made by deponent is because the plaintiff is a foreign corporation with its principal office in Boston Massachusetts.

That the sources of deponent's information and the grounds of his belief as to all matters in the foregoing Notice of Claim are records, reports of investigation and correspondence contained in deponent's file.

Dated: Hauppauge, New York
October 4, 2011



LAURA L. ZEGEL
NOTARY PUBLIC, State of New York
No 01ZE6204578
Qualified In Suffolk County
Term Expires April 20, 2013


JOHN J. BELLO Jr.



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

November 29, 2011

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

Dear Mr. Graber:

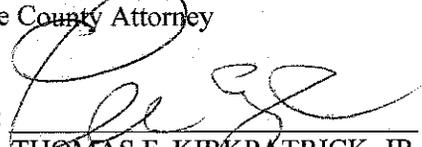
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Williams, Sheila vs Town of Amherst and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Sheila Williams 412 Monroe Street Buffalo, New York 14212
Claimant's attorney:	Cheryl M. Reed, 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:

SHEILA WILLIAMS

412 Monroe Street
Buffalo, NY 14212

Claimant,

-against-

NOTICE OF CLAIM

TOWN OF AMHERST

5583 Main Street
Williamsville, NY 14221

COUNTY OF ERIE

95 Franklin Street
Buffalo, NY 14202

Respondents.

PLEASE TAKE NOTICE that **SHEILA WILLIAMS**, hereby makes a claim against the **TOWN OF AMHERST AND COUNTY OF ERIE** and in support thereof allege:

1. That the undersigned, **SHEILA WILLIAMS**, residing at 412 Monroe Street, Buffalo, NY 14212, by and through her attorney, **WILLIAM MATTAR, P.C.**; Cheryl M. Reed, (of counsel) 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claim damages against the **TOWN OF AMHERST** and **COUNTY OF ERIE** for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by her.

2. That the said injuries were sustained by **SHEILA WILLIAMS** on August 10, 2011 at approximately 3:19 p.m. when the motor vehicle she was in was involved in an accident due to road work at the 290 west exit onto Niagara Falls Boulevard in the city of Amherst which was owned

and operated by the COUNTY OF ERIE and the TOWN OF AMHERST, its servants, agents or employees. **Please see attached police report, Exhibit "A".**

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, SHEILA WILLIAMS, by the TOWN OF AMHERST and COUNTY OF ERIE, its servants, agents or employees in failing to provide a safe location to transit, along with the other acts of negligence, carelessness and recklessness.

4. That the aforesaid TOWN OF AMHERST and COUNTY OF ERIE by and through its agents, servants, and employees caused, had actual, and/or constructive notice of the dangerous condition and hazard caused by said activity.

5. That as a result of the foregoing, the Claimant, SHEILA WILLIAMS, sustained very serious injuries, sustaining injury to her neck, right shoulder, back and aggravation of pre-existing knee problems, as well other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, SHEILA WILLIAMS, was and will, in the future be forced to expend sums of money for hospitals, doctors and there medical expenses.

6. That the said injuries were occasioned partly or wholly as a result of the negligence of the TOWN OF AMHERST, and COUNTY OF ERIE through its agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

7. Claimant has received treatment from the following providers:

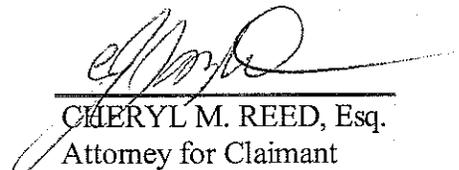
- a. St. Joseph's Hospital
2605 Harlem Road

Cheektowaga, NY 14225
Phone: 716-891-2400

b. Sisters of Charity Hospital
2157 Main Street
Buffalo, NY 14214
Phone: 716-862-1986

c. Joseph Maddi, M.D.
1829 Maple Road, Suite 201
Williamsville, NY 14221
Phone: 716-634-0281

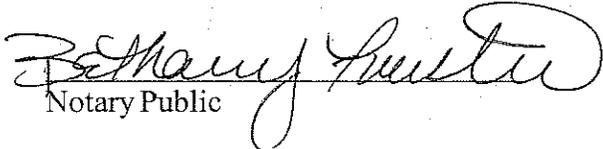
DATED: Williamsville, New York
October 4, 2011


CHERYL M. REED, Esq.
Attorney for Claimant
Office and P.O. Address
6720 Main Street
Suite 100
Williamsville, NY 14221-5986

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


SHEILA WILLIAMS

Sworn to before me this
3 day of ~~September~~, 2011.
October


Notary Public

BETHANY FOERSTER
Notary Public, State of New York
My Commission Expires Feb. 4, 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

November 29, 2011

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

Dear Mr. Graber:

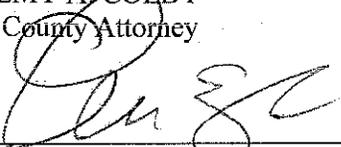
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Funderburg, Divontae I. vs County of Erie and the Erie County Sheriff</i>
Document Received:	Notice of Claim
Name of Claimant:	Divontae I. Funderburg 78 Peace Street Buffalo, New York 14211
Claimant's attorney:	Gerald T. Walsh, Esq. Zdarsky, Sawicki & Agostinelli, LLP 404 Cathedral Place 298 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: 

THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

STATE OF NEW YORK : COUNTY OF ERIE

In the Matter of the Claim of

DIVONTAE I. FUNDERBURG

Claimant,

v.

THE COUNTY OF ERIE, NEW YORK
and THE ERIE COUNTY SHERIFF ,
Respondent.

NOTICE OF CLAIM

**TO: THE COUNTY OF ERIE, NEW YORK
95 Franklin Street
Buffalo, New York 14202**

**THE ERIE COUNTY SHERIFF
10 Delaware Avenue
Buffalo, New York 14202**

PLEASE TAKE NOTICE that the claimant, **DIVONTAE I. FUNDERBURG**, hereby claims and demands against the County of Erie and The Erie County Sheriff, and officers, agents, and employees thereof, in accordance with the requirements of the New York General Municipal Law, the following:

1. The name and the post office address of the claimant is:
Divontae I. Funderburg
78 Peace Street
Buffalo, New York 14211
2. The name, and post office address, and telephone number of the claimant's attorney is:
Gerald T. Walsh, Esq.
Zdarsky, Sawicki & Agostinelli, LLP
404 Cathedral Place
298 Main Street
Buffalo, New York 14202
(716) 855-3200

3. The claim of Divontae I. Funderburg is for personal injuries sustained as a result of the wrongful, negligent, careless, reckless, and malicious conduct of the County of Erie and The Erie County Sheriff, its employees, agents, or servants, and or contractors.

4. The events giving rise to the claim occurred on July 10, 2011, at the Erie County Holding Center, 40 Delaware Avenue, in the City of Buffalo, New York.

5. At the aforesaid time and place, Divontae I. Funderburg, after being injured when Buffalo Police Officer Timothy O'Neill fractured claimant's jawbone, was denied medical treatment at the Erie County Holding Center despite advising Deputy Sheriff's and employees at intake at the Erie County Holding Center, that the claimant's jaw had been broken.

6. Divontae I. Funderburg was caused to suffer serious injuries, including a bilateral fractured jawbone, contusions and abrasions. As a result of the foregoing injuries, Divontae I. Funderburg was rendered sick, sore, lame and disabled, was treated and underwent surgery at the Erie County Medical Center, and has incurred and will incur medical expenses for follow up treatment.

7. As a result of his injuries, Divontae I. Funderburg has endured physical pain, suffering, and emotional distress and will in the future continue to do so, and has endured and will continue to endure loss of full enjoyment of life, disruption of normal activities, and medical expenses. Upon information and belief, the physical and emotional injuries suffered by Divontae I. Funderburg will be permanent and claimant reserves the right to submit proof of any permanency in connection with any further proceedings as a result of this claim.

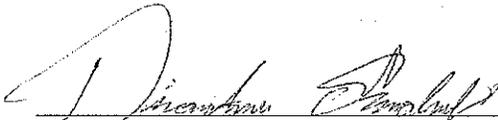
8. The incident described above, and the injuries and damages sustained by the

claimant, as set forth above, were caused, in whole or in part, by the negligence, recklessness and malicious conduct of the County of Erie and The Erie County Sheriff, by and through its employees, agents, and/or servants, acting within the scope of their duties.

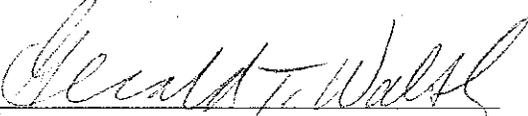
9. Upon information and belief, the beating inflicted upon claimant Divontae I. Funderburg constitutes a deprivation of his civil rights, as guaranteed by the Constitutions and laws of the United States of America and the State of New York.

WHEREFORE, Divontae I. Funderburg hereby claims and demands from the City of Buffalo compensation for the damages sustained by reason of the wrongful, negligent, careless, reckless, and malicious acts and omissions of the County of Erie and The Erie County Sheriff, by and through its employees, agents, and servants.

Dated: October 5, 2011
Buffalo, New York


DIVONTAE I. FUNDERBURG

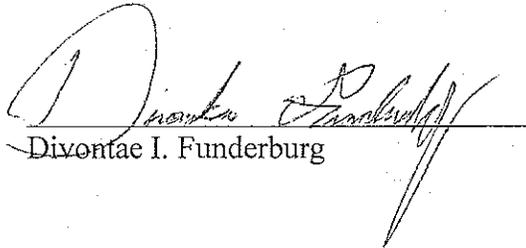
ZDARSKY, SAWICKI & AGOSTINELLI LLP

By: 
Gerald T. Walsh, Esq.
Attorneys for Claimant
404 Cathedral Place
298 Main Street
Buffalo, New York 14202
(716) 855-3200

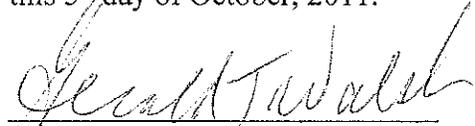
VERIFICATION

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

Divontae I. Funderburg , being duly sworn, deposes and says: I am the plaintiff herein, I have read the foregoing Notice of Claim, and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.


Divontae I. Funderburg

Subscribed and sworn to before me
this 5th day of October, 2011.


Notary Public

GERALD T. WALSH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Apr. 4, 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

November 29, 2011

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

Dear Mr. Graber:

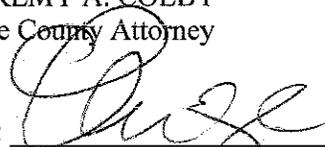
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Graziani, Thomas N. vs County of Erie, Sheriff of Erie County, Erie County Medical Center Corporation and Erie County Commissioner of Personnel</i>
Document Received:	Notice of Claim
Name of Claimant:	Thomas N. Graziani P.O. Box 1363 Williamsville, New York 14231
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:
COUNTY OF ERIE:
STATE OF NEW YORK:**

NOTICE OF CLAIM

In the Matter of the Claim of:

THOMAS N. GRAZIANI

Against:

The County of Erie,
The Sheriff of Erie County
The Erie County Medical Center Corporation
The Erie County Commissioner of Personnel

PLEASE TAKE NOTICE that the undersigned Claimant makes claims and demands against you as follows: The Claimant is THOMAS N. GRAZIANI, acting pro so and having an address of PO Box 1363, Williamsville, New York 14231.

Claimant states that the Commissioner of Personnel has notified Claimant that Claimants name is going to be removed from the civil service list for the position of "Director of Safety and Security Management" at the request of the Erie County Medical Center.

Said action by the County is being taken based upon the assertion of the County by the Commissioner of Personnel and the Erie County Medical Center Corporation that the Claimant was terminated from his position with the Erie County Sheriff's Department.

This claim arose by a letter send to Claimant from the Commissioner of Personnel dated September 20, 2011 informing Claimant of his removal from the civil service list.

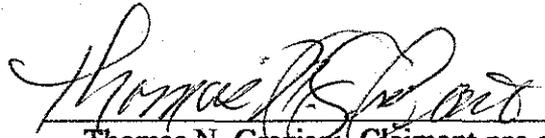
PLEASE TAKE NOTICE that Claimant will by Special Proceeding or otherwise:

- (1) Seek to have the civil service list STAYED until resolution of this matter,
- (2) Seek to have Claimant's name returned to said civil service list immediately.
- (3) Seek to have Claimant appointed to this position.
- (4) Seek to challenge the termination of Claimant as said termination is causing present harm and injury to Claimant.
- (5) Claimant reserves the right to also seek monetary damages in this matter.

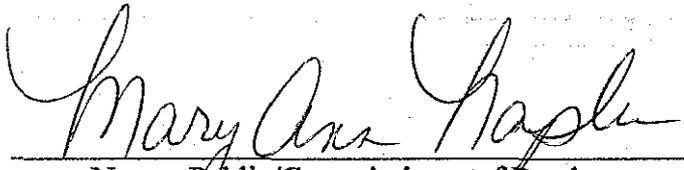
The undersigned Claimant therefore presents this claim for adjustment and payment.

You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, Claimant intends to commence an action in Supreme Court, County of Erie on this claim.

10/12/2011
Dated


Thomas N. Graziani, Claimant pro se

On the 12th day of October, 2011 came and appeared before me THOMAS N. GRAZIANI, who is known to me or has proven to be the person signing this document in my presence and has acknowledged to me that he has executed same.


Notary Public/Commissioner of Deeds

Mary Ann Naples
Notary Public, State of New York
License # 01N45045108
Qualified in Erie County
My Commission Expires June 12, 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

November 29, 2011

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

Dear Mr. Graber:

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

File Name:	<i>Ablack, Lincoln vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lincoln Ablack 333 E. Delaven Buffalo, New York 14208
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

TRK

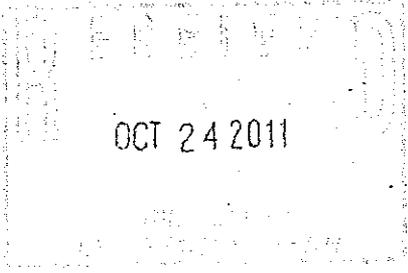
STATE OF NEW YORK
COURT OF CLAIMS

Claimant:

-against-

NOTICE OF INTENTION
TO FILE CLAIM

Respondents,



To the Clerk of the Court of Claims:

OCT 24 2011

To the Attorney General of the State of New York

PLEASE TAKE NOTICE, that the undersigned, Lincoln Ablack

intends to file a claim against the State of New York, pursuant to Section 11 of the Court of Claims Act.

The Post Office Address of the claimant here is: Erie County Holding Center
40 Delaware Avenue, Buffalo, New York 14202-3999
[Home address: 333 E. Delaware
Buffalo, NY 14208]

The time and place where such claim arose and the nature of the same are as follows: first incident June 12, 2011 Down stairs Changing Room Holding center.
Second incident August, September, October.

After I was assaulted deputy's ripped my bloody white T-shirt. Tried to clean me up and gave me a new white T-shirt. Then I was escorted to ECMC Hospital where the doctor checked me out and said I am not suicidal or forensic so I was cleared. When I got back holding center put me in a 5

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

Also it says in the inmate hand book upon admission to JMD Facilities, all inmates shall be provided with: Lincoln Ablack
Claimant pro se

a) Two sheets, b) one pillow, c) one pillowcase, d) one mattress, e) one blanket. I do not have pillow which inmate's sign for when you get evaluated, screened, and classified. 10/17/11 I was put on keeplock because deputy Dave Ryan lied to sergeant Dee that I refused his orders to be moved to Charlie long unit where I had already problems with all inmates except Stephan Merrit my muslim brother when I was housed there until I asked to
Comm: 27D-11
Page 50 of 60

VERIFICATION

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

Lincoln Ablack, 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.

Lincoln Ablack

Sworn to before me this 20~~th~~th - 5⁰⁰
day of October 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

Claimant,

NOTICE OF CLAIM

- vs -

THE COUNTY OF ERIE,

Defendant.

=====X

RECEIVED
OCT 24 2011

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

PLEASE TAKE NOTICE that Lincoln Ablack, 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:
333 E. Delaven Buffalo, 14208
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've been ⁱⁿ custody at the Holding center since July 18th 2011. I was housed on bravo ~~short~~ ^{long} then moved to bravo Short for month of Ramadan Muslim Holiday for fasting which is a part of Religion. As a whole of muslim community we had one altercation with holding center employee calling us raghead and terrorist's. Also intimidating to put hands on my Muslim Brother

Raynard Humphrey # ICN 077019 and a foul statement about his mother. So we as muslim's filed an inmate grievances against ~~Correctional~~ Correctional officer Pulluchi, C.O. ^{Pulluchi} also was telling my case information to inmates on Bravo-long which is ~~causing~~ causing problems around the Jail population on the bars. Then I was moved to charlie long and inmates wanted to jump me so I told the deputy during lock down and got moved to Echo-unit the same day. Since I been on Echo. I am not getting my inmate handbook privileges such as Laundry, Muslim services, lawliabary, Library, Recreation, and refussing me my education to obtain my G.E.D. I am also in fear of my life of deputy's because they assaulted me back in June 2012 right after I was fingerprinted and photographed officers jumped me in changing room handcuffed me ^{immediately} taking turns punching me then burnt me on my left arm. Then they sent me to ECMC Hospital to clean up there illegal actions. You can look at my jail mug I had no bruises, scrapes, lumps, and Blood on my forehead when arresting officers brought me in the Holding center.

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

Lincoln Black
CLAIMANT

VERIFICATION

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

Lincoln Ablack, 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.

Lincoln Ablack

Sworn to before me this 20
day of October 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

November 29, 2011

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

Dear Mr. Graber:

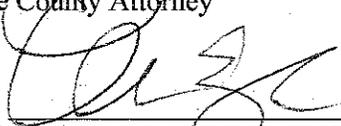
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Nolan, Lloyd vs Town of Cheektowaga, Town of Cheektowaga Highway Dept., Erie County, Erie County Dept. of Public Works, Erie County Dept. of Public Works Div. of Highways.</i>
Document Received:	Notice of Claim
Name of Claimant:	Lloyd Nolan 21 Williamstowne Court, Apt. 10 Cheektowaga, New York 14227
Claimant's attorney:	Robert J. Maranto, Jr., Esq. Andrews, Bernstein & Maranto, LLP 69 Delaware Avenue, Suite 1200 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 : ERIE COUNTY

LLOYD NOLAN
21 Williamstowne Court, Apartment 10
Cheektowaga, New York 14227

Claimant,

NOTICE OF CLAIM

vs.

TOWN OF CHEEKTOWAGA
Town Hall
3301 Broadway
Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, New York 14227

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

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
95 Franklin Street
14th Floor
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
95 Franklin Street
14th Floor
Buffalo, New York 14202

Respondents.

PLEASE TAKE NOTICE, that Claimant, LLOYD NOLAN, hereby intends to file a claim against the TOWN OF CHEEKTOWAGA, TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS and in support of said claim states the following:

1. The Post Office address of the Claimant, LLOYD NOLAN is 21 Williamstowne Court, Apartment 10, Cheektowaga, New York 14227.

2. The attorneys for the Claimant are Andrews, Bernstein & Maranto, LLP, 69 Delaware Avenue, Suite 1200, Buffalo, New York 14202, Telephone (716) 842-2200.

3. The Claim arose as follows: On June 29, 2011, Claimant LLOYD NOLAN, was riding his bicycle on Bennett Road, near Homewood Avenue, in the TOWN OF CHEEKTOWAGA and ERIE COUNTY, when he was caused to be thrown from his bicycle onto the concrete, due to an unmarked hole in the road resulting from ongoing construction. Upon information and belief, Bennett Road and Homewood Avenue are public streets which are owned, operated, supervised and maintained by the TOWN OF CHEEKTOWAGA and/or the TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, and/or ERIE COUNTY, and/or the ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and/or the ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS. Upon information and belief, the TOWN OF CHEEKTOWAGA and/or the TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, and/or ERIE COUNTY, and/or the ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and/or the ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS commissioned the construction of the road on Bennett Road and had knowledge of the status and progress of the same.

4. This incident was caused by the negligence, carelessness, and recklessness on the part of the TOWN OF CHEEKTOWAGA, TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS and/or their agents, servants and/or employees as follows:

- a) Negligent supervision of the area;
- b) Negligently creating a dangerous condition;
- c) Having actual and/or constructive notice of the defective condition;
- d) Negligently failing to make drivers and bicyclists aware of the exposed holes in the road;
- e) The Respondents were otherwise negligent

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

6. By virtue of the negligence, carelessness and recklessness of the TOWN OF CHEEKTOWAGA, TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS, Claimant, LLOYD NOLAN, was caused to suffer serious, significant and permanent injuries from this incident, including injuries to his left shoulder, as well as a potential exacerbation of a pre-existing condition. Claimant also suffered other injuries and complications as yet undetermined as a result of this accident, and by reason of the same, Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

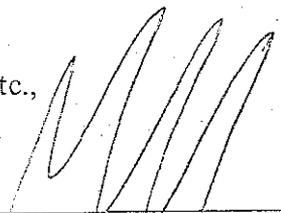
7. By virtue of the negligence, carelessness, and recklessness of the TOWN OF CHEEKTOWAGA, TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS, Claimant may also have incurred hospital and medical expenses, and other necessary related expenses, the amount of which is undetermined to date.

WHEREFORE, claimant requests that the TOWN OF CHEEKTOWAGA, TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT, ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS: DIVISION OF HIGHWAYS compensate Claimant, LLOYD NOLAN, for his injuries.

Dated: Buffalo, New York
September 6, 2011

Yours, etc.,

By:



Robert J. Maranto, Jr., Esq.

ANDREWS, BERNSTEIN & MARANTO, LLP

Attorney for the Plaintiffs

69 Delaware Avenue, Suite 1200

Buffalo, New York 14202

(716) 842-2200

VERIFICATION

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

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



LLOYD NOLAN

Sworn to before me this 6th
day of September 2011



Notary Public

PAMELA A. BURKHARD
Notary Public, State of New York
Qualified in Erie County
My Commission Expires September 25, 2013