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MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

January 23, 2012

GA

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>Walker, Jalen, on behalf of Walker, Treveil, deceased vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Jalen Walker 194 Greenfield Tonawanda, New York 14150
Claimant's attorney:	Kevin T. Stocker, Esq. 2645 Sheridan Drive Tonawanda, New York 14150

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By: Michelle Parker  
MICHELLE PARKER  
First Assistant County Attorney

MMP/mow  
Enc.

cc: Michael A. Siragusa, Erie County Attorney

3D-1

MI

LAW OFFICE OF  
**KEVIN T. STOCKER, ESQ. PC**  
2645 Sheridan Drive  
Tonawanda, New York 14150  
Telephone: (716) 832-3006 / Fax: (716) 832-3660  
Email: [kstockeresq@yahoo.com](mailto:kstockeresq@yahoo.com)

December 19, 2011

**CERTIFIED MAIL**

Michael A. Siragusa, Esq.  
Erie County Attorney  
95 Franklin Street, Room 1634  
Buffalo, NY 14202

Mark Poloncarz, Esq.  
Erie County Executive  
95 Franklin Street, 16<sup>th</sup> Floor  
Buffalo, NY 14202

Timothy B. Howard  
Erie County Sheriff  
10 Delaware Avenue  
Buffalo, NY 14202

Christopher Jacobs  
Erie County Clerk  
92 Franklin Street  
Buffalo, NY 14202

RECEIVED JAN 05 2012

JAN 05 2012

Re: Notice of Claim on behalf of Jalen Walker for the Wrongful Death of Trevell Walker on 10/16/11 in the Erie County Holding Center. Notice of Claim on behalf of the Estate of Trevell Walker for the pain and suffering of decedent.

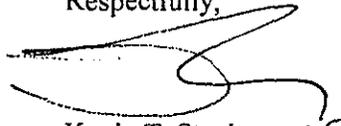
Dear County Officials:

The following Notice of Claim is being submitted on behalf of minor Jalen Walker for the wrongful death and civil rights violations of his father Trevell Walker. In addition thereto, Notice of Claim is being submitted on behalf of the Estate of Trevell Walker for the pain and suffering of decedent. The Notice of Claims are set forth as follows:

1. **Name and Address of Claimant:** Jalen Walker (11 years old), 194 Greenfield, Tonawanda, NY 14150, who is residing with Glenn & Susan Freeland, his grandparents and court-appointed guardians. Decedent's last known residence was in 130 C Garden Village Drive Apts., Cheektowaga, New York.

2. **Nature of Claims:** Wrongful Death, Negligence, Federal and NYS Civil Rights Violations, and violations of Federal, State, County rules and regulations and policies for handling detainees on suicide watch.
3. **Time, Place & Manner:** Suicide of Trevell Walker on 10/12/11 in the Erie County Holding Center. Said suicidal act was by hanging himself. Trevell Walker was on suicide watch and the County Officials failed to properly monitor Mr. Walker and remove all items that he could use to terminate his life as the guidelines for detention centers mandate.
4. **Items of Damage or Injuries Claimed:** Personal injuries of father, loss of income, loss of consortium, loss of value of estate, pain and suffering and wrongful death. Said damages are in excess of the jurisdictional limits of the Supreme Court of New York State. Said damages also include attorney fees, punitive damages and costs.

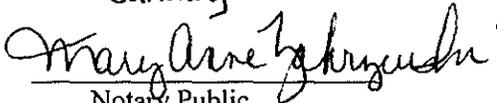
Respectfully,



Kevin T. Stocker  
Attorney for Plaintiff(s)

Sworn to before me this 3<sup>rd</sup>  
day of ~~December~~, 2011.

~~January~~

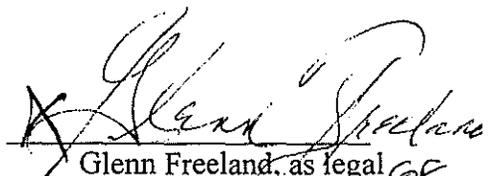
  
Notary Public

MARY ANNE ZAKRZEWSKI  
Notary Public State of New York  
Qualified in Erie County  
My Commission Expires 8/7/20 13

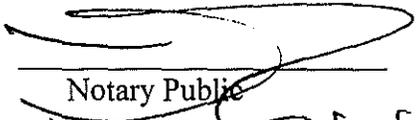
**VERIFICATION**

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:

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

  
Glenn Freeland, as legal  
Guardian to infant Jalen  
Walker

Sworn to before me this 3rd  
day of January, 2012.

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

Kevin Stockay, Esq.  
com. exp. 2/4/14  
Qual. Erie Co., NY



# COUNTY OF ERIE

MICHAEL SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

January 23, 2012

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>E.I. Team, Inc. vs. County of Erie</i>
Document Received:	Summons and Complaint
Name of Claimant:	E.I. Team 2060 Sheridan Drive Buffalo, New York 14223
Claimant's attorney:	Jon F. Minear, Esq. 101 Slade Avenue West Seneca, New York 14224

Should you have any questions, please call.

Very truly yours,

MICHAEL SIRAGUSA  
Erie County Attorney

By:   
MICHELLE M. PARKER  
First Assistant County Attorney

MMP/mow  
Enc.

cc: Michael Siragusa, Erie County Attorney

STATE OF NEW YORK : COUNTY OF ERIE  
SUPREME COURT

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E.I. TEAM, INC.  
2060 Sheridan Drive  
Buffalo, NY 14223,

Plaintiff

SUMMONS

-vs-

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

Defendant

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TO THE ABOVE NAMED DEFENDANT:

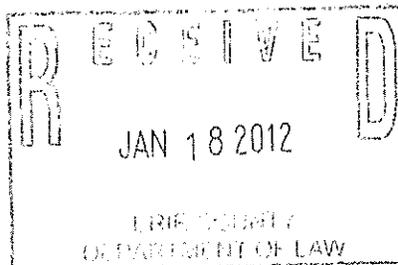
YOU ARE HEREBY SUMMONED to appear and answer the Complaint attached hereto, in this action, by serving a copy of your Answer on the Plaintiff's attorney within twenty (20) days after the service of this Summons and Complaint, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons and Complaint is not personally delivered to you within the County of Erie, State of New York); and in case of your failure to appear and answer, Judgment will be taken against you by default for the relief demanded in the Complaint attached hereto.

Erie County is designated as the place of trial. The basis of venue is the Plaintiff's place of business.

DATED: December 29, 2011  
West Seneca, NY

  
LAW OFFICE OF RALPH C. LORIGO  
John F. Minear, Esq.  
Attorney for Plaintiff  
101 Slade Avenue  
West Seneca NY 14224  
(716) 824-7200

This paper received at the  
Erie County Attorney's Office  
from John Minear on  
the 18 day of January, 2012  
at 11:58 a.m./p.m.  
S.M.C.  
Assistant County Attorney



FILED  
12/29/2011 / 15:48:40  
ERIE COUNTY CLERK  
RCPT # 11185621  
I 2011607651

STATE OF NEW YORK : COUNTY OF ERIE  
SUPREME COURT

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**FILED**  
ACTIONS & PROCEEDINGS

DEC 29 2011

E.I. TEAM, INC.,  
Plaintiff

COMPLAINT

ERIE COUNTY  
CLERK'S OFFICE

-vs-

INDEX NO. I2011-

THE COUNTY OF ERIE,  
Defendant

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The Plaintiff, E.I. TEAM, INC., by and through its attorneys, the Law Office of Ralph C. Lorigo, as and for a Complaint against the Defendant, THE COUNTY OF ERIE, alleges as follows:

1. At all times hereinafter mentioned, the Plaintiff, E.I. TEAM, INC., was and is a domestic corporation maintaining a place of business in the County of Erie and State of New York.

2. Upon information and belief, at all times hereinafter mentioned, the Defendant, THE COUNTY OF ERIE, was and is a domestic municipal corporation constituted and existing under the laws of the State of New York.

3. Upon information and belief, the Defendant is the owner of real property commonly known as the Erie County Correctional Facility located at 11581 Walden Avenue, in the Town of Alden, County of Erie and State of New York (hereinafter the "Property").

4. The Plaintiff is an architectural and engineering firm; the Plaintiff regularly provides architectural and engineering services for commercial, industrial, and municipal construction projects.

5. On June 11, 2009, the Defendant retained the Plaintiff as the design professional for a construction project to be performed at the Property, commonly known as the "Phase II, Erie County Correctional Facility Security Roofs and Exterior Improvements, 2009" Project (hereinafter the "Project")

6. On June 11, 2009, the Plaintiff and the Defendant entered into a contract relating to the Project (see Exhibit "A") (hereinafter the "Contract"); pursuant to the Contract, the Plaintiff's scope of work included performing design services relating to (A) the removal and replacement of a roof for a "support facility" located at the Property, and (B) the removal and replacement of a roof for a "housing facility" located at the Property (hereinafter the "Original Scope of Work").

7. On October 15, 2009, the Defendant advised the Plaintiff that it had determined that upgrading the security system at the Property was paramount; the upgrading of the security system at the Property was not included in the Original Scope of Work; accordingly, the Defendant advised the Plaintiff that it was considering expanding the Plaintiff's scope of work to include (A) acting as the design professional to upgrade the roof system at the Property, and (B) performing design services relating to upgrading the roof security system at the Property (hereinafter the "Security System Scope of Work").

8. On October 23, 2009, the Defendant directed the Plaintiff to submit a proposal for performing the Security System Scope of Work.

9. On December 3, 2009, the Plaintiff submitted to the Defendant a proposal for performing the Security System Scope of Work (see Exhibit "B").

10. On February 4, 2010, the Defendant directed the Plaintiff to proceed with the Security System Scope of Work; specifically, the Plaintiff directed the Defendant to prepare and submit drawings, designs, and specifications for the roof security system (hereinafter the "Design Plans").

11. Between February 4, 2010 and May 6, 2010, at the Defendant's direction, the Plaintiff made numerous revisions to the Design Plans; on May 6, 2010 the Plaintiff submitted the final Design Plans to the Defendant.

12. On August 12, 2010, the Defendant advised the Plaintiff that it would not be proceeding any further with the Security System Scope of Work; on that same date, the Plaintiff demanded that the Defendant return any and all Design Plans to the Plaintiff.

13. Upon information and belief, the Defendant has had the roof security system upgraded using the Design Plans prepared by the Plaintiff.

14. The Defendant has failed and refused to return any of the Design Plans to the Plaintiff, despite due demand.

15. Despite due demand, the Defendant has failed and refused to compensate the Plaintiff for (A) the Security System Scope of Work performed by the Plaintiff, or (B) the Design Plans prepared by the Plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST THE DEFENDANT,  
THE PLAINTIFF ALLEGES AS FOLLOWS:

16. Repeats and realleges each and every allegation previously made as if restated herein.

17. Between February 4, 2010 and May 6, 2010 (A) the Plaintiff performed the Security System Scope of Work at the Defendant's request and direction, and (B) the Plaintiff prepared the Design Plans at the Defendant's request and direction.

18. The Plaintiff had a reasonable expectation that it would be paid for the Security System Scope of Work and preparing the Design Plans.

19. The Defendant accepted and received the benefit of (A) the Security System Scope of Work performed by the Plaintiff, (B) the Design Plans prepared by the Plaintiff, and (C) the professional services provided by the Plaintiff.

20. The Plaintiff has demanded payment from the Defendant for the reasonable value of (A) the Security System Scope of Work performed by the Plaintiff, (B) the Design Plans prepared by the Plaintiff, and (C) the professional services provided by the Plaintiff.

21. Despite due demand, the Defendant has failed and refused to pay the Plaintiff the reasonable value of (A) the Security System Scope of Work performed by the Plaintiff, (B) the Design Plans prepared by the Plaintiff, and (C) the professional services provided by the Plaintiff.

22. The Plaintiff has been damaged in an amount to be

determined by the trier of fact.

23. It is the Plaintiff's belief that it has made out a cause of action for quantum meruit.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST THE DEFENDANT,  
THE PLAINTIFF ALLEGES AS FOLLOWS:

24. Repeats and realleges each and every allegation previously made as if restated herein.

25. Between February 4, 2010 and May 6, 2010 (A) the Plaintiff performed the Security System Scope of Work at the Defendant's request and direction, and (B) the Plaintiff prepared the Design Plans at the Defendant's request and direction.

26. The Plaintiff conferred a benefit upon the Defendant, which enriched the Defendant by (A) having the Security System Scope of Work performed, (B) having the Design Plans prepared, and (C) having professional services provided.

27. The Defendant was enriched at the expense of, and to the detriment of, the Plaintiff.

28. The Defendant has been unjustly enriched, and the Plaintiff has been damaged, in an amount to be determined by the trier of fact.

29. It is the Plaintiff's belief that it has made out a cause of action for unjust enrichment.

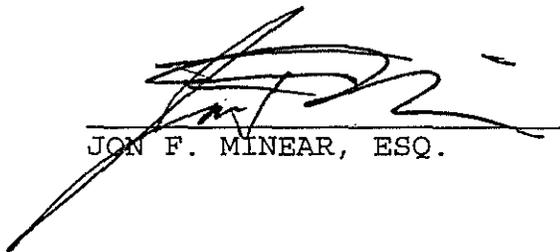
WHEREFORE, the Plaintiff, E.I. TEAM, INC. demands judgment against the Defendant, THE COUNTY OF ERIE, as follows:

A. As to the Plaintiff's first cause of action, a judgment in an amount to be determined by the trier of fact, plus interest at the statutory rate from May 6, 2010;

B. As to the Plaintiff's second cause of action, a judgment in an amount to be determined by the trier of fact, plus statutory interest from May 6, 2010; and

C. A judgment for such other, further and different relief as the court may deem just, equitable and proper, including an award of the costs and disbursements of this action.

DATED: December 29, 2011  
West Seneca, NY



JON F. MINEAR, ESQ.