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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

January 24, 2012

GA

Mr. Robert M. Graber, Clerk
Eric 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: | Lisa M. and Peter D. Purcell, Individually and as Distributees and as Administrators of the Estate of Ryan Patrick Purcell |
| Document Received: | Notice of Claim |
| Name of Claimant: | Estate of Ryan Patrick Purcell |
| Claimant's Attorney: | Philip J. O'Shea, Jr., Esq., Smith Miner O'Shea & Smith LLP, 69 Delaware Avenue, Ste. 1212, Buffalo, NY 14202-3891; (716) 855-3611 |

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: MICHELLE M. PARKER
First Assistant County Attorney

MMP/dld
Enclosure


cc: Michael A. Siragusa, Erie County Attorney

3D-6

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LISA M. PURCELL and PETER D. PURCELL,
Individually, as Distributees and as
Administrators of the ESTATE OF
RYAN PATRICK PURCELL,
Deceased,

Claimants,

This paper received at the
Erie County Attorney's Office
from Collette Sorg on
the 5th day of JAN, 2012
at 4:02 a.m./p.m.

Assistant County Attorney

NOTICE OF CLAIM

vs.

COUNTY OF ERIE,

Defendant.

TO: COUNTY OF ERIE
HONORABLE MICHAEL A. SIRAGUSA, ESQ.
Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

MADAM:

PLEASE TAKE NOTICE that the undersigned, LISA M. PURCELL and PETER D. PURCELL, Individually, as Distributees and as Administrators of the ESTATE OF RYAN PATRICK PURCELL, Deceased, hereby make claim against the COUNTY OF ERIE and submit the following in compliance with §50-e of the General Municipal Law:

1. The Claimants herein are LISA M. PURCELL and PETER D. PURCELL, Individually, as Distributees and as Administrators of the ESTATE OF RYAN PATRICK PURCELL, Deceased. Claimants reside at 815 Union Road, Town of West Seneca, New York, 14224. Claimants were duly appointed as Administrators of the Estate of RYAN PATRICK PURCELL, their deceased son, by Letters of Limited Administration, granted by the Surrogate's Court of Erie County on the 4th day of January, 2012.

The attorneys for the Claimants are Smith, Miner, O'Shea and Smith, LLP, 69 Delaware Avenue, Suite 1212, Buffalo, New York, 14202-3891.

2. Claimants make claim for the conscious pain and suffering of RYAN PATRICK PURCELL, and pecuniary losses to his distributees and next-of-kin and the wrongful death of their son, RYAN PATRICK PURCELL.

3. The incident giving rise to this claim occurred on October 8, 2011 on Seneca Street, near Lind Avenue in the Town of West Seneca, County of Erie, State of New York.

4. That upon information and belief, decedent, RYAN PATRICK PURCELL, was walking along Seneca Street when he was struck by a motor vehicle operated by Lori A. Maciejewski, causing serious injuries to RYAN PATRICK PURCELL, which injuries ultimately resulted in his death. It will be claimed that the decedent, RYAN PATRICK PURCELL, was not provided with a reasonably safe pedestrian walkway/sidewalk/trail or other area for foot travel parallel with Seneca Street in the Town of West Seneca and COUNTY OF ERIE. Further, it will be claimed that the COUNTY OF ERIE knew, or should have known, that the area where RYAN PATRICK PURCELL was struck was used by pedestrians and that pedestrians were placed in close, dangerous proximity to moving motor vehicles. That the COUNTY OF ERIE failed to provide adequate lighting and failed to warn of the dangers resulting from motor vehicles travelling in close proximity to pedestrians. That the COUNTY OF ERIE failed to appropriately study the traffic and travel conditions along the aforementioned portion of Seneca Street, in the Town of West Seneca, COUNTY OF ERIE, failed to devise an appropriate plan, failed to construct sidewalks, walkways, pathways or such other areas for pedestrian foot travel, failed to provide appropriate signage and lighting, failed to warn both

pedestrians and motorists of the hazardous conditions thereat, and were otherwise negligent. These failures on the part of the COUNTY OF ERIE caused or contributed to the incident resulting in the personal injuries, conscious pain and suffering, fear of impending death and death of RYAN PATRICK PURCELL.

5. That as a result of the aforementioned incident, the claimants' decedent son, RYAN PATRICK PURCELL, sustained injuries as aforementioned, resulting in his death. Claim is hereby made for a sum of money to compensate the ESTATE OF RYAN PATRICK PURCELL and his next-of-kin and distributees, for the injuries he sustained, his conscious pain and suffering, his fear of impending death, funeral expenses incurred by his Estate in an amount to be determined by the trier of fact of this claim.

PLEASE TAKE FURTHER NOTICE, that in the event of a default by the COUNTY OF ERIE to pay the claim aforementioned within the time for compliance of this demand, an action will be commenced by the Claimant against the COUNTY OF ERIE to recover damages for the injuries and losses above claimed.

DATED: Buffalo, New York
January 5, 2012

Yours etc.

SMITH, MINER, O'SHEA & SMITH, LLP

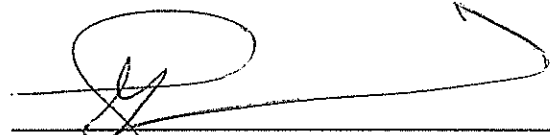
By: 

Philip J. O'Shea, Jr., Esq.

Attorneys for Claimants,
Lisa M. Purcell & Peter D. Purcell, As
Administrators of the Estate of
Ryan Patrick Purcell, Deceased
Office and P.O. Address:
69 Delaware Avenue, Suite 1212
Buffalo, New York 14202-3891
(716) 855-3611

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

LISA M. PURCELL and PETER D. PURCELL, being duly sworn, depose and say that they are the Claimants referred to above; that they have read the foregoing and that the statements contained therein are true except as to such statements which are based upon information and belief, which statements they believe to be true.

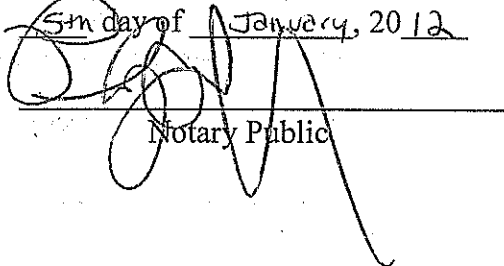


LISA M. PURCELL, As Admin. of
the Estate of Ryan Patrick Purcell, Deceased



PETER D. PURCELL, As Admin. of
the Estate of Ryan Patrick Purcell, Deceased

Sworn to, before me, this
5th day of January, 2012



Notary Public

PHILIP J. O'SHEA, JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2015