

ECLEG MAR02'12 AM10:39



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

MEMORANDUM

GA

TO: Robert Graber, Clerk, Erie County Legislature
FROM: Michelle M. Parker, First Assistant County Attorney *Michelle*
DATE: February 29, 2012
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 four (4) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Sheila G. and Richard Scott vs County of Erie, et al.
Terry Henderson vs County of Erie
Donald Frazier vs County of Erie
Arthur R. Foster III vs County of Erie

MMP/crj

Attachments

cc: Michael A. Siragusa, Erie County Attorney

5D-2



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

February 29, 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:	Sheila G. and Richard Scott vs 237 Linwood Avenue, County of Erie, et al.
Document Received:	Summons and Complaint
Name of Claimant:	Sheila G. and Richard Scott
Claimant's Attorney:	J. Michael Hayes, Esq. 69 Delaware Avenue, Suite 1111 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL SIRAGUSA
Erie County Attorney

By: MICHELLE M. PARKER
First Assistant County Attorney

MMP/crj
Enclosure
cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

SHEILA G. SCOTT and
RICHARD SCOTT, her husband,
121 Rodney Avenue
Buffalo, New York 14214

SUMMONS

Index No. : _____

Plaintiffs,

vs.

237 LINWOOD AVENUE, INC.
237 Linwood Avenue
Buffalo, New York 14209

NEW YORK DIALYSIS SERVICES, INC.,
d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER
c/o CT Corporation System
111 Eighth Avenue, New York New York 10011

FILED
02/13/2012/ 13:21:37
ERIE COUNTY CLERK
RCPT # 12023594
I 2012000512

FRENSENIUS MEDICAL CARE HOLDINGS, INC.
c/o CT Corporation System
111 Eighth Avenue, New York New York 10011

COUNTY OF ERIE
Rath Building
95 Franklin Street
Buffalo, New York 14202

This paper received at the
Erie County Attorney's Office
from JAMES HOELSCHER on
the 17th day of FEBRUARY, 2012
at 12:00 a.m./p.m.

Defendants.

Sheela P. Kimmey
Assistant County Attorney


TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiffs who reside in Erie County, New York.

DATED: BUFFALO, NEW YORK
February 13, 2012

Yours Respectfully,

A handwritten signature in black ink, appearing to read "J. Michael Hayes", is written over a horizontal line. The signature is enclosed within an oval-shaped scribble.

J. MICHAEL HAYES

Law Office of J. Michael Hayes

Attorneys for Plaintiffs

Office and P.O. Address:

69 Delaware Avenue - Suite 1111

Buffalo, New York 14202

(716) 852-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

SHEILA G. SCOTT and RICHARD SCOTT,
her husband,

Plaintiffs,

COMPLAINT

vs.

Index No. : _____

237 LINWOOD AVENUE, INC.,
NEW YORK DIALYSIS SERVICES, INC.,
d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER,
FRENSENIUS MEDICAL CARE HOLDINGS, INC.
COUNTY OF ERIE,

Defendants.

The Plaintiffs, SHEILA G. SCOTT and RICHARD SCOTT, her husband, by their attorneys, J. MICHAEL HAYES, for their Complaint against Defendants, 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., individually and d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER, FRENSENIUS MEDICAL CARE HOLDINGS, INC. and COUNTY OF ERIE, herein allege:

1. Presently and at all times hereinafter mentioned, the Plaintiffs, SHEILA G. SCOTT and RICHARD SCOTT, her husband, were and are residents of the City of Buffalo, County of Erie and State of New York.

2. Upon information and belief, presently and at all times hereinafter mentioned the Defendant, 237 LINWOOD AVENUE, INC., is a domestic corporation authorized to do business in the State of New York and with offices for the transaction of business located in the County of Erie and State of New York.

3. Upon information and belief, presently and at all times hereinafter mentioned, Defendant, NEW YORK DIALYSIS SERVICES, INC. d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER, is a domestic corporation that operated a business located at 237 Linwood Avenue, Buffalo, New York.

4. Upon information and belief, presently and at all times hereinafter mentioned, Defendant, FRESENIUS MEDICAL CARE HOLDINGS, INC., is a domestic corporation that operates a business located at 237 Linwood Avenue, in the City of Buffalo, County of Erie, New York.

5. Upon information and belief, presently and at all times herein mentioned, the COUNTY OF ERIE was a Municipal Corporation existing by virtue of the laws of the State of New York with offices for the transaction of business located in the County of Erie, New York.

6. Upon information and belief, on or about November 3, 2010 and prior thereto, Defendant, 237 LINWOOD AVENUE, was the owner of the property, buildings and appurtenances attached thereto located at 237 Linwood Avenue.

7. Upon information and belief, on or about November 3, 2010 and prior thereto, Defendant, NEW YORK DIALYSIS SERVICES, INC. d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER, was the owner of the property, buildings and appurtenances attached thereto located at 2237 Linwood Avenue.

8. Upon information and belief, on or about November 3, 2010 and prior thereto, Defendant, FRESENIUS MEDICAL CARE HOLDINGS, INC., was the owner of the property, buildings and appurtenances attached thereto located at 2237 Linwood Avenue.

9. Upon information and belief, on or about November 3, 2010, and prior thereto, Defendants 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., individually and d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER, FRENSENIUS MEDICAL CARE HOLDINGS, INC., through their officers, agents, servants and/or employees were responsible for the design, construction, maintenance, upkeep, operation, control, lighting, marking, signing and inspection of the aforesaid premises at 237 Linwood Avenue, Buffalo, New York, including but not limited to, entrance/exit doors, handicap ramp and railings, floorings, coverage, approaches, walkways, steps, entrances and exits thereto and/or a part thereof.

10. Upon information and belief, the aforementioned premises at 237 Linwood Avenue, Buffalo, New York, the entrance thereto and exits therefrom and the ramps attached thereto were negligently, carelessly and recklessly improperly or inadequately designed, constructed, protected, maintained, inspected, lighted, marked, signed, ramped, covered, nailed and caused and permitted dangerous, unsafe and defective conditions to exist at the exit/entrance of the premises thereby permitting the continuance and/or causing and creating dangerous and hazardous conditions.

11. Upon information and belief, Defendants, 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER and FRENSENIUS MEDICAL CARE HOLDINGS, INC., constructed the aforementioned ramp and entrance/exit way without proper or any building permits or inspection.

12. Upon information and belief, Defendants, 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER and FRENSENIUS MEDICAL CARE HOLDINGS, INC., built and constructed the

aforementioned ramp and entrance in violation of existing building and handicap codes, rules and regulations.

13. Upon information and belief, the Defendants, 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER and FRENSENIUS MEDICAL CARE HOLDINGS, INC., individually and/or through their officers, agents, servants and/or employees, had actual and/or constructive notice of the aforesaid conditions and failed to remedy same within a reasonable period of time.

14. On or about the 3rd day of November, 2010, Plaintiff, SHEILA G. SCOTT, was lawfully upon the premises located at 237 Linwood Avenue at the entranceway/doorway/ramp thereto in Buffalo, New York, when she was caused to fall.

15. Upon information and belief, the aforementioned incident was caused or contributed to due to the negligence and careless conduct on the part of the Defendants, 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER and SIDNEY ANTHONI, their officers, agents, servants and/or employees.

16. Upon information and belief, Plaintiff, SHEILA G. SCOTT is and/or has received Medicaid provided by the County of Erie.

17. Upon information and belief, the County of Erie claims a recovery right/"lien" out of any resolution in the above matter by virtue of medical expenses they claim to have incurred.

18. Upon information and belief, the Defendant, County of Erie, is a necessary party to this action in that for and before complete relief may be accorded, the County of Erie's claim

must be considered, finalized, allocated and determined by way of compromise, settlement or Court determination and said Defendant has refused to join as a party plaintiff.

19. Upon information and belief, this action falls within one or more of the exceptions enumerated in Article 16 of the CPLR.

20. As a result of the forgoing, Plaintiff, SHEILA G. SCOTT, sustained severe and serious personal injuries all to her damages in excess of the jurisdictional limits of all the lower courts of the State of New York that would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION,
PLAINTIFFS ALLEGE:**

21. Repeat and reallege each and every allegation contained in paragraphs "1" through "20" of the Complaint with the same force and effect as if fully set here at length.

22. Presently and at all times hereinafter mentioned, the Plaintiff, RICHARD SCOTT, is the spouse of Plaintiff, SHEILA G. SCOTT, and as such was and is entitled to her services, society, companionship and consortium.

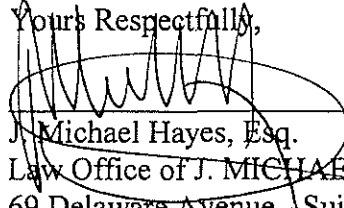
23. As a result of the aforesaid incident, the Plaintiff, RICHARD SCOTT, has been deprived of the services, society, companionship and consortium of his spouse all to his damage in an amount in excess of the jurisdictional limits of all lower courts in the State of New York.

WHEREFORE, Plaintiffs, SHEILA G. SCOTT and RICHARD SCOTT, her husband, demand judgment against the Defendants, 237 LINWOOD AVENUE, INC., NEW YORK DIALYSIS SERVICES, INC., d/b/a FMS BUFFALO ARTIFICIAL KIDNEY CENTER, FRENSENIUS MEDICAL CARE HOLDINGS, INC. and COUNTY OF ERIE in a sum in excess of the jurisdictional limits of all lower courts in the State of New York together

with the costs and disbursements, and such other and further relief as this Court deems just,
proper and equitable.

DATED: BUFFALO, NEW YORK
February 13, 2012

Yours Respectfully,



J. Michael Hayes, Esq.
Law Office of J. MICHAEL HAYES
69 Delaware Avenue - Suite 1111
Buffalo, New York 14202
TEL: (716) 852-1111



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

February 29, 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: Terry Henderson vs County of Erie
Document Received: Notice of Claim
Name of Claimant: Terry Henderson
Claimant's Attorney: Michael A. Bottar, Esq.
AXA Tower II, Suite 1600
120 Madison Street
Syracuse, New York 13202

Should you have any questions, please call.

Very truly yours,

MICHAEL SIRAGUSA
Erie County Attorney

By: MICHELLE M. PARKER
First Assistant County Attorney

MMP/crj
Enclosure

cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ERIE

In the Matter of the Claim of TERRY HENDERSON,

Claimant(s),

NOTICE OF CLAIM

-against-

COUNTY OF ERIE,

Respondent(s).

TO: Erie County Law Department
ATTN: Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, NY 14202

Erie County Clerk
ATTN: Mr. Christopher L. Jacobs
92 Franklin Street
Buffalo, NY 14202

PLEASE TAKE NOTICE, that the undersigned hereby makes claim against the COUNTY OF ERIE ("County") and, in support of such claim, states the following:

1. The claimant is Terry Henderson. Her post office address is 557 Charlesgate Circle, Amherst, New York 14051.

2. The attorney for the claimant is Bottar Leone, PLLC, with an office and post office address at AXA Tower II – Suite 1600, 120 Madison Street, Syracuse, New York 13202.

3. The claim herein is for past and future conscious pain and suffering, disfigurement, disability, wage loss and expenses arising out of negligent medical care rendered on about September 27, 2011 through on or about November 18, 2011, when Terry Henderson was an inpatient at Erie County Medical Center.

4. Upon information and belief, at the aforementioned time and place, Terry Henderson did receive, or should have received, medical care and/or treatment from several officers, agents and/or employees of the County of Erie.

5. Upon information and belief, the respondents, by and through their officers, agents and/or employees, were negligent, careless and reckless in that they: failed to possess the degree of skill, training and care as was possessed and exercised by the average qualified members of the medical profession within their specialty; failed to keep abreast of relevant literature and appropriate methods of practice; failed to reasonably, timely and properly assess and evaluate Terry Henderson's condition, including an injury to her right shoulder; failed to appreciate and/or identify a right shoulder injury; failed to reasonably, timely and properly prescribe medication, therapy and/or treatment to Terry Henderson; failed to provide follow-up care after admitting Terry Henderson to Erie County Medical Center; failed to have and/or follow rules, regulations, procedures, or protocols regarding patients with signs and symptoms of a dislocated right shoulder; failed to relay Terry Henderson's right shoulder symptoms and/or complaints to attending and/or consulting physicians; failed to utilize the nursing chain-of-command when reporting Terry Henderson's right shoulder symptoms and/or complaints; failed to order and/or reorder indicated diagnostic studies of Terry Henderson's right shoulder; failed to reasonably and properly interpret and/or reinterpret diagnostic studies performed of Terry Henderson's right shoulder; failed to order additional diagnostic studies indicated under the circumstances; failed to reasonably and properly transfer Terry Henderson to another

medical facility for indicated medical care; improperly discharged Terry Henderson without a proper diagnosis; failed to appreciate and respond timely and appropriately to a dislocated right shoulder; failed to timely reduce a dislocated right shoulder; failed to prevent nerve injury and dysfunction due to the chronic dislocation of Terry Henderson's right shoulder; failed to obtain a timely consultation from another physician, specifically one board certified in orthopedic surgery, regarding Terry Henderson's condition when they knew or should have known of the foreseeable consequences of their inability or failure to properly and skillfully provide Terry Henderson with acceptable medical care during the course of her treatment; failed to make a full and complete examination of Terry Henderson prior to initiating and/or discontinuing treatment; failed to fully evaluate and adequately treat Terry Henderson as she then and there presented; failed to adequately appreciate the signs and symptoms of Terry Henderson and act upon those signs and symptoms accordingly; failed to inform and to warn of the risks involved or associated with Terry Henderson's condition; failed to properly and adequately follow-up on Terry Henderson's care so as to timely recognize and respond to damage caused by their improper diagnosis and/or treatment; and were otherwise negligent and committed medical malpractice under the circumstances.

6. Upon information and belief, as a direct and proximate result of the negligence, carelessness and recklessness of the respondents herein, Terry Henderson has and will experience conscious pain and suffering, mental anguish, lost enjoyment of life, and has and will suffer severe and permanent bodily injury including the loss of strength, mobility and function in her right shoulder, arm, hand and fingers.

7. Upon information and belief, as a direct and proximate result of the negligence, carelessness and recklessness of the respondents herein, Terry Henderson has and will experience pecuniary loss, including a loss of wages and benefits

8. Upon information and belief, as a direct and proximate result of the negligence, carelessness and recklessness of the respondents herein, Terry Henderson has and will incur medical expenses.

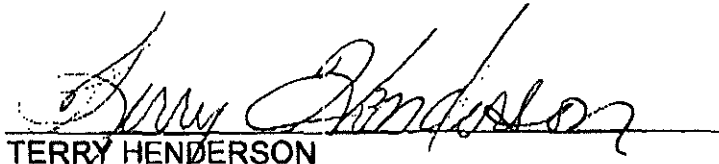
9. Pursuant to General Municipal Law, Section 50(e), an itemized statement of the damages as set forth herein will be provided upon the request of the respondent.

WHEREFORE, the claimant hereby files this Notice of Claim pursuant to §50(e) of the General Municipal Law of the State of New York, seeking compensation for her injuries in a fair and reasonable amount.

Dated: February 14, 2012

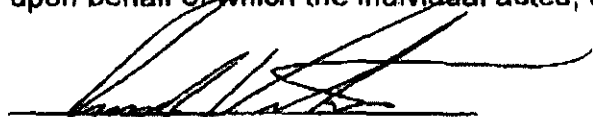

MICHAEL A. BOTTAR, ESQ.
Attorney for Claimant(s)

Dated: February 14th, 2012


TERRY HENDERSON

State of New York) ss.:
County of ERIE)

On the 14th day of February, 2012, before me, the undersigned, a notary public in and for said state, personally appeared TERRY HENDERSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

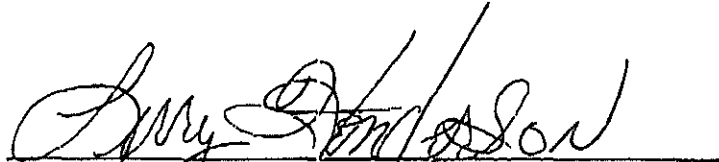

NOTARY PUBLIC

JOSEPH VETRANO
Notary Public, State of New York
No. 01VE6142517
Qualified in Erie County
My Commission Expires 03/20/2014

VERIFICATION


State of New York)
County of ERIE) SS:

TERRY HENDERSON, being duly sworn, deposes and says: I am the Claimant in the above captioned action. I have read the annexed Notice of Claim and know the contents thereof and state that the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true.



TERRY HENDERSON

Sworn to before me this 14th
day of February, 2012.



Notary Public

JOSEPH VETRANO
Notary Public, State of New York
No. 01VE8142517
Qualified in Erie County
My Commission Expires 03/20/2014



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

February 29, 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: Donald Frazier vs County of Erie
Document Received: Notice of Claim
Name of Claimant: Donald Frazier
Claimant's Attorney: LeRoi C. Johnson, Esq.
181 Franklin Street, Suite 120
Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL SIRAGUSA
Erie County Attorney

By: MICHELLE M. PARKER
First Assistant County Attorney

MMP/crj
Enclosure

cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF

Donald Frazier
Claimant,

NOTICE OF CLAIM

-vs.-

County of Erie
Erie County Sheriff's Department
and the Erie County Holding Center

Respondents.

To:
County of Erie
Department of Law
95 Franklin Street, Rm. 1634
Buffalo, NY 14202

This paper received at the
Erie County Attorney's Office
from Donald Frazier on
the 21 day of February, 2012
at 2:34 a.m./p.m.

Sharon P. Nimosi
Assistant County Attorney

PLEASE TAKE NOTICE THAT, David Frazier, an adult pursuant to the statutes in such cases made and provided, does hereby make a claim against the County of Erie et al and in support of such claim, states as follows:

1. My address is 247 Berkshire Avenue, Upper, Buffalo, NY 14215.
2. My attorney is LeRoi C. Johnson, 181 Franklin Street, Suite 120, Buffalo, NY 14202.
3. The claim of Donald Frazier against the County of Erie et al, is for refusal to permit Mr. Frazier to obtain his seizure medication and for assault to Mr. Frazier by officers while incarcerated at the Erie County Holding Center from 1/10/12-1/14/12, their agents, servants, employees, and or representatives, or one or more of them, in a manner that is hereinafter set forth.
4. The damages shall include but are not limited to all present and future damages incurred for David Frazier:
 - a. All actual and/or compensatory damages attendant to this claim;
 - b. Substantial pain and suffering;
 - d. Punitive damages.

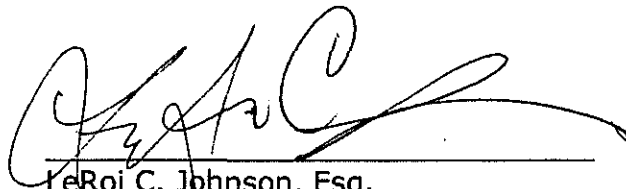
5. The time when the claim arose were sustained in the City of Buffalo, County of Erie and State of New York.

6. The facts and circumstances from which the claim in the above-entitled action are as follows:

Mr. Frazier was arrested on January 10, 2012, and upon booking and questioning, told officers at Erie County Holding Center that he had seizures and had seizure medication on his person. Mr. Frazier was denied his medication during his entire stay at the Holding Center and was hospitalized twice with seizure. He was also beaten by officers at the Holding Center.

PLEASE TAKE FURTHER NOTE THAT, Donald Frazier, respectfully requests that this claim be allowed and paid by the Respondents, County of Erie et al, to recover for his personal injuries and damages sustained by his, as referred to herein together with costs and disbursements of this action and such other and further relief as the court deems just and proper.

Dated: Buffalo, New York
21 February, 2012



LeRoi C. Johnson, Esq.
Attorney for Plaintiff
181 Franklin Street, Suite 320
Buffalo, NY 14202
716-885-6883



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

February 29, 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: Arthur R. Foster III vs County of Erie
Document Received: Notice of Claim
Name of Claimant: Arthur R. Foster III
Claimant's Attorney: Pro Se

Should you have any questions, please call.

Very truly yours,

MICHAEL SIRAGUSA
Erie County Attorney

By: MICHELLE M. PARKER
First Assistant County Attorney

MMP/crj
Enclosure
cc: Michael A. Siragusa, Erie County Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

=====X

Mr. Arthur R Foster ^{Claimant,} III

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 Mr. Arthur R Foster III, 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:
Mr. Arthur R. Foster III 40 Delaware Ave Buffalo NY 14202
Mr. Arthur R. Foster III 40 Delaware Ave Buffalo N.Y. 14202
MR. Arthur R. Foster III 130 Harriet Ave Buffalo NY 14215.
2. This claim is for damages sustained by the Claimant while

he was an inmate at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202-3999.

- 1 -



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

On January Friday 13th 2012 I Arthur R Foster III suffered multiple contusions as well as a fractured neck due to an violent act upon my body by security staff.

On the same date I was given a medication I was known to be allergic to as a punishment for grievances. I on this day became verrey ill.

On the same date A medical device was used on me by medical staff to cause me pain and suffering.

I am demanding 2 million dollars compensation for each violation of my rights totaling 6 million dollars. \$ 6,000,000⁰⁰

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.

Arthur R Foster III
CLAIMANT

VERIFICATION

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

Mr. Arthur R. Foster III, 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.

Arthur R. Foster

Sworn to before me this 22
day of February 2012

Sylvia M. O'Neal
Notary Public

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