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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 C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

May 2, 2013

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:	*Kocher, Stephen v. Erie County Sheriff's Department*
Document Received:	Notice of Claim
Name of Claimant:	Stephen Kocher 1739 Sandridge Road Alden, New York 14004
Claimant's attorney:	Lawrence J. Strauss, Esq. Lawrence J. Strauss PLLC 63 Kenmore Avenue Amherst, New York 14226

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enclosure

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

STEPHEN KOCHER
1739 SANDRIDGE ROAD
ALDEN, NEW YORK 14004
Claimant,

NOTICE OF CLAIM

-vs-

ERIE COUNTY SHERIFF'S DEPARTMENT
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202
Respondents.

PLEASE TAKE NOTICE, that the Claimant, **STEPHEN KOCHER,** hereby presents his notice of claim against the **ERIE COUNTY SHERIFF'S DEPARTMENT**, and in support thereof, the Claimant states:

1. That the Claimant, Stephen Kocher resides at 1739 Sandridge Road Alden, New York 14004.
2. Stephen Kocher's date of birth is September 4th, 1962.
3. Mr. Kocher is a citizen of the United States of America, and a resident of the State of New York.
4. Mr. Kocher's lawyer, Lawrence Strauss, has his principal place of business at 63 Kenmore Avenue Amherst, New York 14226.
5. The circumstances giving rise to this claim occurred on or about February 14th, 2013 at approximately 10:00 p.m., at Mr. Kocher's residence.
6. At that time and place the following acts and events occurred: Mr. Kocher was sleeping in his living room. He was awakened by a bright light through his front window. He saw an Erie County Sheriff vehicle at or near his home. He went outside to find out why. Mr. Kocher was ordered to lay flat on his stomach, by an Erie County Sheriff. At that time, the officer points his weapon, projecting a green light onto Mr. Kocher's chest. Mr. Kocher was recovering from hip surgery and was unable to promptly respond to the officer's order. Mr. Kocher told the officer that he was recovering from hip surgery and that it would take him more time to comply with his order. The officer ignores him and repeats his order. Mr. Kocher complies. By this time, several other Erie County officers point weapons at Mr. Kocher. An officer places his knee on Mr. Kocher's injured hip and applies hand cuffs. Finally, Mr. Kocher is shoved into the back of an Erie Country Police Van.
7. After several minutes, while cuffed in the van, an Erie County Police officer tells Mr. Kocher he is free to go and releases the hand cuffs. Apparently, the officers were informed that Mr. Kocher was "the wrong guy" because the Sheriff's Department had located the culpable person, who was the subject of their search.
8. This entire incident occurred in the presence of several of Mr. Kocher's neighbors.
9. As a result of this unlawful detention, Mr. Kocher has sustained an exacerbation of pre-existing conditions and injuries. Mr. Kocher will sustain a longer period of disability, resulting in lost future earnings. Mr. Kocher suffered shock, fear and emotional anguish. Finally, Mr. Kocher's constitutional rights and protections under the Constitutions of the United States of America and the State of New York were violated.

10. The injuries, harms and economic loses as stated in the preceding paragraph are the direct result of the negligence, recklessness and intentional actions of the Erie County Sheriff's Department as detailed in paragraph"6".
11. This Notice of Claim is being presented within the time constraints prescribed by the General Municipal Law of the State of New York, Section 50 (e).

PLEASE TAKE FURTHER NOTICE, that the Claimant requests that this claim by allowed and paid by the Erie County Sheriff's Department and notifies you that unless this claim is adjusted and paid within ninety (90) days form the presentation of this claim, it is our intention to commence an action against the Erie County Sheriff's Department to recover for all damages and injuries sustained by the Claimant, together with the costs and disbursements of such actions.

DATED: Amherst, New York
April 22nd, 2013

Sworn to before me this

22 day of April, 2013

Sara J. Steinberg
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 3/8/2014

Stephen Kocher

Lawrence Strauss, Esq.
Attorney for Claimant