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

August 12, 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:	*Baker, John M. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	John M. Baker 33 Aberdeen Street Cheektowaga, New York 14225
Claimant's attorney:	Michael C. Scinta Brown Chiari, LLP 5775 Broadway Lancaster, New York 14086

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

JOHN M. BAKER

vs.

COUNTY OF ERIE

NOTICE OF CLAIM

TO: Michael A. Siragusa, Esq.
ERIE COUNTY ATTORNEY
DEPARTMENT OF LAW
95 Franklin Street, Suite 1634
Buffalo, New York 14202

To whom it may concern:

PLEASE TAKE NOTICE, that the undersigned hereby claim against and the following in compliance with the applicable statutes of the State of New York.

1. The herein is JOHN M. BAKER, who resides at 33 Aberdeen Street, Cheektowaga, NY 14225.

2. The Claimant herein is represented by the law firm of BROWN CHIARI LLP, 5775 Broadway, Lancaster, New York 14086-2360.The subject claim is for personal injuries and medical expenses sustained by reason of injury to Claimant JOHN M. BAKER.

3. The incident giving rise to these damages occurred on or about May 9, 2013 while Claimant JOHN M. BAKER was operating his vehicle south bound on Union Road AKA SR 277 near the construction site on Union Road at the Route 33 overpass in the Town of Cheektowaga, County of Erie, State of New York.

4. The said damages for which claim is hereby made arose in the following manner, to wit:

Claimant JOHN M. BAKER was driving his vehicle southbound on Union Road on or about 5/19/2013 in the vacininty of a construction site on Union Road at the Route 33 overpass in the Town of Cheektowaga when he was injured by a vehicle being operated by ANDREW J. MERCHANT which attempted a left turn and turned into claimant. Upon information and belief, the aforesaid incident was caused by the negligence of the the County of Erie, by and through its agents, servants, and/or employees, in failing to properly mark, barricade, or notify the public of the impending hazard, further failing to render such hazardous condition safe for vehicle traffic, and further failing to properly inspect, repair, maintain and/or construct the area so as to result in a save are for vehicles to pass; negligent in failing to properly design, construct, maintain and/or sign the aforesaid intersection so as to give motorists in all directions and on all intersecting roads proper visibility and adequate notice time of other motorists and their direction of travel and condition existing on the roads of the respondent, and further in failing to properly design and install appropriate traffic control devices so as to provide proper warning, speed control and notification of motorists of the traffic patterns and conditions. The claimaint herein reserves the right to supplement and/or amend these allegations, based upon the results of ongoing and further investigation.

5. Claimant JOHN M. BAKER sustained personal injuries to his neck and back.

6. The subject claim is for a sum to be determined by a jury.

DATED: July 24, 2013

John M. Baker

STATE OF NEW YORK)

COUNTY OF ERIE) ss:

On the 25th day of July, 2013, John M. Baker, being duly sworn, deposes and says that he is the claimant in this matter; that he has read the foregoing Notice of Claim and knows the contents thereof; that it is true to his personal knowledge, except as to matters stated to be upon information and belief, and as those matters he believes to be true.

John M. Baker

Sworn to before me on this
25th day of July, 2013.

Notary Public

Michael C Scinta
Notary Public State of New York
Qualified In Erie County
My Commission Expires 8/4/2019

CERTIFICATION

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.

Michael C. Scinta, Esq.
BROWN CHIARI LLP
Attorneys for
5775 Broadway
Lancaster, New York 14086-2360
(716) 681-7190