(5)

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 13, 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:	*Johnson, Tonia v. Adriane M. Harris, Mieshia S. Jones and County of Erie*
Document Received:	Summons and Complaint
Name of Claimant:	Tonia Johnson 99 Henrietta Avenue Buffalo, New York 14207
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 A. SIRAGUSA
Erie County Attorney

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

MMP:dld

Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TONIA JOHNSON
99 Henrietta Ave.
Buffalo, New York 14207

Plaintiff,

vs.

ADRIANE M. HARRIS
23 Cornwall Avenue
Buffalo, New York 14215

MIESHIA S. JONES
95 Cambridge Avenue
Buffalo, New York 14215

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

Defendants.

AMENDED SUMMONS

Index No: 2013001375

Filed in the Erie County Clerk's Office on.:_____

FILED
ACTIONS & PROCEEDINGS
AUG 07 2013
ERIE COUNTY CLERK'S OFFICE

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
August 7, 2013

This paper received at the
Erie County Attorney's Office
from JAMES HOELSCHER on
the 8th day of AUGUST, 2013
at 12:49 a.m./p.m.
MARTIN POLONY
Assistant County Attorney

Yours Respectfully,

J. Michael Hayes, Esq.
Law Office of J. MICHAEL HAYES
Attorney 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

TONIA JOHNSON,

Plaintiff,

vs.

ADRIANE M. HARRIS,
MIESHIA S. JONES and
COUNTY OF ERIE

Defendants.

AMENDED COMPLAINT

Index No.: 2013001375

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ERIE COUNTY
CLERK'S OFFICE

The Plaintiff, TONIA JOHNSON, by her attorney, J. MICHAEL HAYES, for her complaint against the Defendants, ADERIANE M. HARRIS, MIESHIA JONES and COUNTY OF ERIE, herein alleges:

1. Presently and at all times hereinafter mentioned, Plaintiff, TONIA JOHNSON, was a resident 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, ADRIANE M. HARRIS, was a resident of the City of Buffalo, County of Erie and State of New York.

3. Upon information and belief, presently and at all times hereinafter mentioned, the Defendant, MIESHIA S. JONES, was a resident of the City of Buffalo, County of Erie and State of New York.

4. Upon information and belief, the COUNTY OF ERIE, is 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, State of New York.

5. Upon information and belief, at all times hereinafter mentioned, on or about November 18, 2012, the Defendant, MIESHIA S. JONES, was the owner of the 2008 Dodge motor

vehicle bearing New York State license plate number FSS7986.

6. Upon information and belief, at all times hereinafter mentioned, on or about November 18, 2012, Defendant, ADRIANE M. HARRIS, was operating the aforementioned 2008 Dodge motor vehicle with the permission and consent of the owner, Defendant, MIESHIA S. JONES.

7. Upon information and belief, it will be claimed that on November 18, 2012 at approximately 2:05 p.m., at the intersection of East Ferry and Humboldt in the City of Buffalo, County of Erie and State of New York, a motor vehicle owned by the Defendant, MIESHIA S. JONES and operated by the Defendant, ADRIANE M. HARRIS, came into contact with a vehicle in which Plaintiff, TONIA JOHNSON, was a passenger.

8. Upon information and belief, it will be claimed that the aforesaid incident was caused and contributed to due to the negligence of the Defendants, ADRIANE M. HARRIS and MIESHA S. JONES.

9. Upon information and belief, the COUNTY OF ERIE claims a recovery right and/or "lien" out of any resolution in the above matter by virtue of medical expenses it claims to have incurred.

10. Upon information and belief, the Defendant, COUNTY OF ERIE, is a necessary party to this action in that, for and before complete recovery may be accorded, the Defendant, COUNTY OF ERIE's, claims for medical reimbursement must be considered, finalized, allocated and determined by way of compromise, settlement and/or Court determination and said Defendant has refused to join as a party plaintiff.

11. Upon information and belief, this action falls within one or more of the exceptions enumerated in Article 16 of the CPLR and/or said article is inapplicable to the within action.

12. As a result of the foregoing, the Plaintiff, TONIA JOHNSON, sustained severe and

serious personal injuries including a "serious injury" and economic loss in excess of "basic economic loss" as defined by Article 51 of the New York Insurance Reparations Law all to her damage in a sum in excess of the jurisdictional limits of the lower courts of this state.

WHEREFORE, Plaintiff, TONIA JOHNSON, demands judgment against the Defendants, ADRIANE M. HARRIS and MIESHA S. JONES, 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 further demands than allocation of proceeds/recovery, if any, between Plaintiff, TONIA JOHNSON, and the COUNTY OF ERIE and for such other and further relief as this Court deems just, proper and equitable.

DATED: BUFFALO, NEW YORK
August 7, 2013

Yours Respectfully,

J. Michael Hayes, Esq.
Law Office of J. MICHAEL HAYES
Attorney for Plaintiffs
Office and P.O. Address:
69 Delaware Avenue - Suite 1111
Buffalo, New York 14202
(716) 852-1111