(4)

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 15, 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:	*Darnley, Lori v. Department of Social Services and Erie County*
Document Received:	Notice of Claim
Name of Claimant:	Lori Darnley 57 Riverside Street, Lower Buffalo, New York 14207
Claimant's attorney:	Arienne J. Irving, Esq. William K. Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221

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.

IN THE MATTER OF THE CLAIM OF:

LORI DARNLEY
57 Riverside Street
Lower
Buffalo, New York 14207

Claimant

-against-

DEPARTMENT OF SOCIAL SERVICES
95 Franklin Street
Buffalo, New York 14202, and

ERIE COUNTY
95 Franklin Street
Buffalo, New York 14202

Respondents

NOTICE OF CLAIM

PLEASE TAKE NOTICE that the undersigned **LORI DARNLEY** hereby presents in accordance with New York Public Authorities Law § 1299-P, this Notice of Claim and makes claim against the Department of Social Services and Erie County, and in support thereof alleges:

1. The name of the Claimant is LORI DARNLEY, and she resides at 57 Riverside Street Lower Buffalo, New York 14207. The attorneys for the Claimant are William K. Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986.

2. The nature of the Claim is one to recover damages for personal injuries and conscious pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, medical expenses and property damage and all other damages allowed by law resulting from the injuries suffered by the Claimant, LORI DARNLEY, as a result of the negligence of the Department of Social Services and Erie County.

3. The incident which forms the basis of the claim herein occurred on Wednesday, June 5, 2013 at 57 Riverside Street Buffalo, New York. On that date and at that time, the Claimant LORI DARNLEY was walking down the stairs in her apartment building, Hopeful Holdings which is part of Section 8 housing, when she fell due to impromper and negligent maintenance and care of the stairs causing the Claimant, LORI DARNLEY, to be violently thrown forward, resulting in her suffering bodily injury.

4. That as a result of the foregoing, the Claimant LORI DARNLEY sustained very serious and substantial injuries, including right knee pain, left ankle pain, abdominal pain and other injuries which necessitated emergency medical attention. These injuries may be of a permanent or indefinite duration, and the Claimant LORI DARNLEY has been and may be forced to expend sums of money for hospitals, doctors, and other medically related expenses. Other injuries will be disclosed as revealed through diagnosis by treating physicians and other medical personnel.

5. That the said injuries were occasioned as a result of the negligence of the Department of Social Services and Erie County, in failing to inspect and confirm the Section 8 property was within building codes and being properly maintained, managed, operated, and/or controlled.

WHEREFORE, the Claimant LORI DARNLEY requests that this claim be allowed and paid by the Department of Social Services and/or Erie County.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the Department of Social Services and/or Erie County within thirty (30) days from the date of service of the Notice of Claim, said Claimant intends to commence an action in the Supreme Court of the State of New York against the Respondents, seeking a sum which exceeds the jurisdictional

limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: August 1, 2013

Arienne J. Irving, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
Office and Post Office Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

LORIE DARNLEY, being duly sworn, deposes and says that he is the Claimant in the above-titled action, that she has read the foregoing Claim and knows the contents thereof, that the same is true to the knowledge of your deponent, except as to those matters alleged to be stated upon information and belief, and as to those matters, she believes them to be true.

Lorie Darnley
LORIE DARNLEY

Sworn to before me this
5 day of August, 2013

Tamara L. Wagner
Notary Public

TAMARA L. WAGNER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 08/10/2014