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

August 28, 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:	*Sebastiano, Michael F., Jr. v. Erie County Sewer District #1, Erie County Division of Sewerage Management and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Michael F. Sebastiano, Jr. 1126 Greenfield Drie Alden, New York 14004
Claimant's attorney:	Theresa M. Walsh, Esq. 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: _____
Jeremy C. Toth
Second Assistant County Attorney

JCT:dld
Enc.

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

MICHAEL F. SEBASTIANO, JR.
1126 Greenfield Drive
Alden, New York 14004

Claimant

vs.

NOTICE OF CLAIM

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondent

TO: Michael A. Siragusa, Esq.
ERIE COUNTY ATTORNEY
95 Franklin Street, Room 1634
Buffalo, New York 14202

TO WHOM IT MAY CONCERN:

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

1. The claimant herein is Michael F. Sebastiano, Jr., and he resides at 1126 Greenfield Drive, Alden, New York 14004.

2. The claimant herein is represented by the law firm of BROWN CHIARI, LLP, 5775 Broadway, Lancaster, New York 14086.

3. The subject claim is for property damage sustained to 1396 Harlem Road, Cheektowaga, New York 14206 which is owned by the claimant.

4. The incident giving rise to these damages occurred on or about May 28, 2013 at 1396 Harlem Road, Cheektowaga, New York 14206.

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

> At the aforesaid location, 1396 Harlem Road, Cheektowaga, New York, a collapse occurred on top of the residence's lateral sewer line at the street level, Harlem Road, which also resulted in damage to the lines in the residence including breakage of the sanitary house and waste lines which will require repair and expenses related thereto, including but not limited to, repair and replacement of the lateral sewer line and affected lines in the residence. Upon information and belief, the aforesaid incident was caused by the negligence of the respondent by its agents, servants, and/or employees in failing to properly design, construct, install, inspect and/or maintain Harlem Road in or around the area of the aforesaid location and/or failing to properly design, construct, install, inspect and/or maintain the sanitary sewer system and/or lines the aforesaid location.

6. The subject claim is for a sum estimated to be between $15,000 and $21,000.

DATED: 8/26/13

Michael F. Sebastiano, Jr.

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 26th day of August, 2013, Michael F. Sebastiano, Jr., being duly sworn, deposes and says that she a claimant in this matter; that she has read the foregoing Notice of Claim and knows the contents thereof; that it is true to her personal knowledge, except as to matters stated to be upon information and belief, and as those matters she believes to be true.

Michael F. Sebastiano, Jr.

Sworn to before me on this
26th day of August, 2013.

HEATHER ANN LARIVEY
Notary Public, State Of New York
Qualified In Erie County
My Commission Expires November 5. 2013

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.

Theresa M. Walsh, Esq.
BROWN CHIARI LLP
Attorneys for Claimant
5775 Broadway
Lancaster, New York 14086-2360
(716) 681-7190

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

MICHAEL F. SEBASTIANO, JR.
1126 Greenfield Drive
Alden, New York 14004

Claimant

vs.

NOTICE OF CLAIM

ERIE COUNTY DIVISION OF
SEWERAGE MANAGEMENT
95 Franklin Street
Buffalo, New York 14202

Respondent

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ERIE COUNTY ATTORNEY
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Buffalo, New York 14202

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Attorneys for Claimant
5775 Broadway
Lancaster, New York 14086-2360
(716) 681-7190

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

MICHAEL F. SEBASTIANO, JR.
1126 Greenfield Drive
Alden, New York 14004

Claimant

vs.

NOTICE OF CLAIM

ERIE COUNTY SEWER
DISTRICT #1
3789 Walden Avenue
Lancaster, New York 14086

Respondent

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ERIE COUNTY ATTORNEY
95 Franklin Street, Room 1634
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