(H)

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 29, 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:	*Lashley, Adeline & Morrison, Jessica v. Erie County Water Authority, County of Erie and John Yonkosky*
Document Received:	Summons and Complaint
Name of Claimants:	Adeline Lashley & Jessica Morrison 98 Kilhoffer Street Buffalo, New York 14211
Claimant's attorney:	Craig Z. Small, Esq. Law Office of Craig Z. Small 1725 Liberty Building Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle M. Parker (dld)
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

This paper received at the
Erie County Attorney's Office
from John Celano on
the 27 day of August, 2013
at 1:35 a.m./p.m.
Assistant County Attorney

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

ADELINE LASHLEY
98 Kilhoffer Street
Buffalo, New York 14211

Plaintiff,

vs

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

COUNTY OF ERIE
c/o Erie County Attorney's Office
95 Franklin Street, Suite 1634
Buffalo, New York 14202

JOHN YONKOSKY
7181 Parkside Drive
Hamburg, New York 14075

Defendants.

SUMMONS
Index No: 801558/2013

To the above-named Defendant(s):

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the plaintiff's attorney, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within ***twenty*** (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within ***thirty*** (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie because of residence of plaintiff.

DATED: Buffalo, New York
August 14, 2013

Yours, etc.

CRAIG Z. SMALL, Esq.
LAW OFFICE OF CRAIG Z. SMALL
Attorneys for Plaintiff
Office & P. O. Address
1725 Liberty Building
Buffalo, New York 14202
(716) 847-2600

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

ADELINE LASHLEY,

Plaintiff,

vs.

VERIFIED COMPLAINT

Index No: 801558/2013

COUNTY OF ERIE, ERIE COUNTY WATER AUTHORITY and JOHN YONKOSKY

Defendants.

The plaintiff Adeline Lashley by her attorneys, LAW OFFICE OF CRAIG Z. SMALL, as and for her complaint against the defendants herein, alleges as follows:

1. By virtue of the application of the exemption listed in Section 1602(6) of Article 16 of the CPLR, the limitations on liability imposed by that Article do not apply to the causes of action set forth herein.

2. At all times hereinafter mentioned, the plaintiff Adeline Lashley is a resident of the City of Buffalo, County of Erie and State of New York.

3. Upon information and belief, and at all times hereinafter mentioned, the Defendant, County of Erie, is a government entity in the State of New York, and as such is the administrator and entity in control of the Erie County Water Authority, 295 Main Street located in the City of Buffalo, County of Erie and State of New York.

4. Upon information and belief and at all times hereinafter mentioned, the defendant John Yonkosky was and still does reside in the Town of Hamburg, County of Erie and State of New York.

5. Upon information and belief and at all times herein mentioned, the plaintiff Adeline Lashley was a passenger on a certain 2010 Ford bus owned by We Care Transportation, bearing

New York license number 56642BA.

6. Upon information and belief and at all times hereinafter mentioned, the defendant Erie County Water Authority was the owner of a certain 2012 Ford Van, bearing New York license number R31673.

7. Upon information and belief and at all times hereinafter mentioned, the defendant John Yonkosky, was the operator of the 2012 Ford Van owned by Erie County Water Authority, and was operating the vehicle through his employment and with the permission of defendants Erie County Water Authority and County of Erie.

8. That Sheridan Drive near the intersection with Millersport Highway in the Town of Amherst is a public and much-traveled thoroughfare within the County of Erie and State of New York.

9. That on or about the 11th day of February, 2013, the plaintiff was a passenger on the We Care bus stopped at a red light on Sheridan Drive when operator/defendant John Yonkosky rear-ended the We Care bus.

10. That the aforesaid collision was caused solely by reason of the negligence of the defendant, and not by reason of any negligence on the part of the plaintiff contributing thereto.

11. That as a result of the foregoing, the plaintiff Adeline Lashley has sustained a serious injury as defined in Subsection (d) of Section 5102 of the Insurance Law of the State of New York.

12. That as a result of the negligence of the defendants as aforesaid in causing the aforementioned collision, the plaintiff suffered injuries to her head, neck, limbs and body, being rendered sick, sore, lame and disabled, being caused to suffer great pain and was obliged to expend large sums of money for the treatment of said injuries, all of which she is informed and verily believes are of a permanent nature, all to her damage.

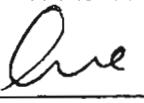
WHEREFORE, plaintiff demands judgment against the defendants in a fair and reasonable amount to be determined; together with the costs and disbursements of this action; and for such

other and further relief as the Court deems just and proper.

DATED: Buffalo, New York
August 14, 2013

Yours, etc.,

LAW OFFICE OF CRAIG Z. SMALL
Attorneys for Plaintiff



Craig Z. Small, Esq.
Office & P. O. Address
1725 Liberty Building
Buffalo, New York 14202
Tel.: (716) 847-2600

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

ADELINE LASHLEY, being duly sworn, deposes and says that she resides in Buffalo, New York; that she is the plaintiff in the within action; that she has read the foregoing complaint and knows the contents thereof; that same is true to her own knowledge, except as to those matters therein to be alleged upon information and belief, and that as to those matters she believes it to be true.

ADELINE LASHLEY

Sworn to before me this
2 day of ~~July~~ Aug 2013

Notary Public

CRAIG Z. SMALL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/14/20 13

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Erie

----------x

Adeline Lashley,
Plaintiff(s)/Petitioner(s),

Index No. 801558/2013

- against -

Erie County Water Authority
County of Erie
John Jedkosky,
Defendant(s)/Respondent(s).

----------x

NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING SUPREME COURT CASES

PLEASE TAKE NOTICE that plaintiff(s)/petitioner(s) [defendant(s)/respondent(s)] in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System ("NYSCEF") in accordance with the procedures therefor, set forth in Uniform Rule 202.5-b and described below. Under that Rule, filing and service of papers by electronic means cannot be made by a party nor can electronic service be made upon a party unless that party has consented to use of the System for the case in question. Each party served with this Notice must promptly file with the court and serve on all other parties either a consent or a declination of consent to electronic filing and service through NYSCEF for this case. (See Instruction # 2 below.)

General Information

Electronic filing offers significant benefits for attorneys and litigants, permitting documents to be filed with the County Clerk and the court and served, between or among consenting parties, by posting the documents on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. There is no fee to use the NYSCEF System, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print documents from the docket. Normal filing fees must be paid, but this can be done by credit or bank card on-line. For additional procedures and information, see Uniform Rule 202.5-b, any e-filing protocol that may have been promulgated by the court in question, and the NYSCEF Website at www.nycourts.gov/efile.

Instructions

1. Service of this Notice constitutes consent to e-filing and a statement of intent by the undersigned to use the NYSCEF System in this case. When an action or proceeding is being commenced through the NYSCEF System, this Notice must accompany service of the initiating papers.

2. Each party served with this Notice may consent to e-filing either: (i) by filing with the court and serving on all parties of record a consent to e-filing, or (ii) if an authorized e-filing user, by filing a consent electronically in the manner provided at the NYSCEF site. Parties who do not wish to consent must file and serve a written declination of consent. If one party or some but fewer than all parties consent, NYSCEF may be used by and between or among consenting parties.

3. Each participating attorney, unless already registered, or self-represented party must **PROMPTLY** create a NYSCEF account and obtain the confidential Filing User Identification Number and Password necessary to use the system. To create a NYSCEF account, go to www.nycourts.gov/efile, click the Create an Account link, and follow the instructions.

4. For additional information about NYSCEF, see the *User's Manual* and *Frequently Asked Questions* on the Website, or contact the court in question or the NYSCEF Resource Center (at 646-386-3033 or efile@courts.state.ny.us).

Dated: 8/21/13

(Signature) 716-847-2600 (Phone)

Craig Z. Small, Esq. (Name) 716-847-2626 (Fax)

Small Law Firm (Firm) cSmall@Smallaw.com (E-mail)

1725 Liberty Building (Address)

Buffalo, New York 14202

Attorney(s) for Plaintiff(s) Petitioner(s)

2/11/13

NYSCEF - Erie County Supreme Court
Confirmation Notice

This is an automated response for Supreme Court / Court of Claims cases. The NYSCEF site has received your electronically filed document(s) for:

Adeline Lashley - v. - Erie County Water Authority et al

Index Number NOT assigned

Documents Received

Doc #	Document Type	Motion #	Date Received
1	SUMMONS + COMPLAINT		08/16/2013 11:38 AM

Filing User

Name: **CRAIG Z. SMALL**

Phone

Fax #:

E-mail Address: **csmall@smallaw.com**

Work Address: **1725 LIBERTY BLDG. BUFFALO, NY 14202**

E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 08/16/2013 11:38 AM:

SMALL, CRAIG Z. - csmall@smallaw.com

NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

JESSICA MORRISON
41 Jones Street
Buffalo, New York 14206

Plaintiff,

vs

SUMMONS
Index No: 801559/2013

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

COUNTY OF ERIE
c/o Erie County Attorney's Office
95 Franklin Street, Suite 1634
Buffalo, New York 14202

JOHN YONKOSKY
7181 Parkside Drive
Hamburg, New York 14075

Defendants.

To the above-named Defendant(s):

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the plaintiff's attorney, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within ***twenty*** (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within ***thirty*** (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie because of residence of plaintiff.

DATED: Buffalo, New York
August 14, 2013

Yours, etc.

CRAIG Z. SMALL, Esq.
LAW OFFICE OF CRAIG Z. SMALL
Attorneys for Plaintiff
Office & P. O. Address
1725 Liberty Building
Buffalo, New York 14202
(716) 847-2600

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

JESSICA MORRISON,

Plaintiff,

vs.

COUNTY OF ERIE, ERIE COUNTY WATER AUTHORITY and JOHN YONKOSKY

Defendants.

VERIFIED COMPLAINT

Index No: 801559/2013

The plaintiff Jessica Morrison by her attorneys, LAW OFFICE OF CRAIG Z. SMALL, as and for her complaint against the defendants herein, alleges as follows:

1. By virtue of the application of the exemption listed in Section 1602(6) of Article 16 of the CPLR, the limitations on liability imposed by that Article do not apply to the causes of action set forth herein.

2. At all times hereinafter mentioned, the plaintiff Jessica Morrison is a resident of the City of Buffalo, County of Erie and State of New York.

3. Upon information and belief, and at all times hereinafter mentioned, the Defendant, County of Erie, is a government entity in the State of New York, and as such is the administrator and entity in control of the Erie County Water Authority, 295 Main Street located in the City of Buffalo, County of Erie and State of New York.

4. Upon information and belief and at all times hereinafter mentioned, the defendant John Yonkosky was and still does reside in the Town of Hamburg, County of Erie and State of New York.

5. Upon information and belief and at all times herein mentioned, the plaintiff Jessica Morrison was the driver of a certain 2010 Ford bus owned by We Care Transportation, bearing

New York license number 56642BA.

6. Upon information and belief and at all times hereinafter mentioned, the defendant Erie County Water Authority was the owner of a certain 2012 Ford Van, bearing New York license number R31673.

7. Upon information and belief and at all times hereinafter mentioned, the defendant John Yonkosky, was the operator of the 2012 Ford Van owned by Erie County Water Authority, and was operating the vehicle through his employment and with the permission of defendants Erie County Water Authority and County of Erie.

8. That Sheridan Drive near the intersection with Millersport Highway in the Town of Amherst is a public and much-traveled thoroughfare within the County of Erie and State of New York.

9. That on or about the 11th day of February, 2013, the plaintiff was the driver of the We Care bus stopped at a red light on Sheridan Drive when operator/defendant John Yonkosky rear-ended the We Care bus.

10. That the aforesaid collision was caused solely by reason of the negligence of the defendant, and not by reason of any negligence on the part of the plaintiff contributing thereto.

11. That as a result of the foregoing, the plaintiff Jessica Morrison has sustained a serious injury as defined in Subsection (d) of Section 5102 of the Insurance Law of the State of New York.

12. That as a result of the negligence of the defendants as aforesaid in causing the aforementioned collision, the plaintiff suffered injuries to her head, neck, limbs and body, being rendered sick, sore, lame and disabled, being caused to suffer great pain and was obliged to expend large sums of money for the treatment of said injuries, all of which she is informed and verily believes are of a permanent nature, all to her damage.

WHEREFORE, plaintiff demands judgment against the defendants in a fair and reasonable

amount to be determined; together with the costs and disbursements of this action; and for such other and further relief as the Court deems just and proper.

DATED: Buffalo, New York
August 14, 2013

Yours, etc.,

LAW OFFICE OF CRAIG Z. SMALL
Attorneys for Plaintiff

Craig Z. Small, Esq.
Office & P. O. Address
1725 Liberty Building
Buffalo, New York 14202
Tel.: (716) 847-2600

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

JESSICA MORRISON, being duly sworn, deposes and says that she resides in Buffalo, New York; that she is the plaintiff in the within action; that she has read the foregoing complaint and knows the contents thereof; that same is true to her own knowledge, except as to those matters therein to be alleged upon information and belief, and that as to those matters she believes it to be true.

JESSICA MORRISON

Sworn to before me this
7th day of ~~July~~ August, 2013

Adrianne E Allen
Notary Public

ADRIANNE E ALLEN
Lic. #01AL6234402
Notary Public-State of New York
Qualified In Erie
My Commission Expires 01/18/2016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Erie
----------x

Jessica Morrison
Plaintiff(s)/Petitioner(s),

Index No. 801559/2013

- against -

Erie County Water Authority
County of Erie
John Yankosky
Defendant(s)/Respondent(s).
----------x

NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING SUPREME COURT CASES

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Dated: 8/21/13

(Signature)

Craig Z. Small, Esq (Name)

Small Law Firm (Firm)

1325 Liberty Building (Address)

Buffalo, New York 14202

716-847-2600 (Phone)

716-847-2626 (Fax)

cSmall@Smallaw.com (E-mail)

Attorney(s) for Plaintiff(s) Petitioner(s)

2/11/13

NYSCEF - Erie County Supreme Court
Confirmation Notice

This is an automated response for Supreme Court / Court of Claims cases. The NYSCEF site has received your electronically filed document(s) for:

Jessica Morrison - v. - Erie County Water Authority et al

Index Number NOT assigned

Documents Received

Doc #	Document Type	Motion #	Date Received
1	SUMMONS + COMPLAINT		08/16/2013 11:44 AM

Filing User

Name: **CRAIG Z. SMALL**

Phone

Fax #:

E-mail Address: **csmall@smallaw.com**

Work Address: **1725 LIBERTY BLDG. BUFFALO, NY 14202**

E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 08/16/2013 11:44 AM:

SMALL, CRAIG Z. - csmall@smallaw.com

NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.