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

July 9, 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:	*Goldwater, Brian M. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Brian M. Goldwater 7 Harmony Circle Orchard Park, New York 14127
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Jeremy C. Toth
Second Assistant County Attorney
jeremy.toth@erie.gov

JCT/dld
Enc.

Brian M. Goldwater

7 Harmony Circle

Orchard Park, NY 14127
716 662 3333

July 5, 2013

This paper received at the
Erie County Attorney's Office
from Brian Goldwater on
the 5 day of July, 2013
at 10:55 a.m./p.m.
S M
Assistant County Attorney

Erie County Attorney's Office

95 Franklin St Suite 1634

Buffalo, NY 14202

To whom it may concern:

On Sunday June 23, 2013 I was riding my bicycle westbound on Jewett Holmwood Rd in the town of Orchard Park, NY in the county of Erie. This is a county road.

At approximately 11:30a.m., I was riding my bike and entered an area where broken glass was in the road – the glass caused my bike to slip and I fell to the ground. I sustained injuries and a passer-by called 911 for emergency assistance. I was treated on the scene for lacerations and glass injuries and taken by ambulance to Mercy Hospital in South Buffalo. Orchard Park police also were called to the scene. While on the scene and then at the hospital, I was treated for multiple lacerations (hand, forearm, fingers), shoulder contusion, finger dislocation of the PIP joint on my right ring finger, and abrasion of multiple sites. X-rays were taken of my right hand and wrist. Glass was removed from multiple lacerations. I was discharged at approximately 4:00pm of the same date. I returned to the scene at approximately 5:00pm and took photographs showing that the glass still had not been removed by the county. I also left two messages with the department of public works on Monday June 24, 2013. I received a return call on Tuesday June 25, 2013 in which I spoke with the County and advised of the accident and glass location.

On Monday June 24, 2013 I was treated by Excelsior Orthopedics, LLP for these same injuries. A follow-up treatment was also performed on July 2, 2013 by Excelsior Orthopedics which included removal of stiches and X-rays.

On Saturday June 29, 2013 I witnessed that the glass on Jewett Holmwood rd (which caused my injuries) still was not removed by Erie County. The enclosed pictures support this.

I wish to file a claim against the County of Erie New York for the damages caused by its negligence in the maintenance of the road. The glass caused my bike to slip causing my fall to the ground where injuries were sustained. Erie County has demonstrated negligence with regards to its maintenance of this road and the hazard that remains present.

My claim is for my actual out of pocket costs associated with the medical treatment of the injuries caused by this accident. These damages are estimated to be an amount not to exceed $5,000. I request payment upon delivery of detailed invoices and statements indicating the medical treatments provided and my actual out of pocket expense amount.

Sincerely,

Brian M. Goldwater

Enclosed:

- Copy of Medical Records from 6/23/13 Hospitalization
- Copy of Medical Records from 6/24/13 Treatment
- Copy of Medical Records from 7/2/13 followup treatment
- Copy of photographs from the scene on 6/23/13
- Copy of photographs from the scene on 6/29/13