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:	*Smith, Sandra F. v. City of Buffalo and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Sandra F. Smith 26 South Putnam Street Buffalo, New York 14213
Claimant's attorney:	Anthony J. Tantillo, Esq. William 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: _____
Jeremy C. Toth
Second Assistant County Attorney
jeremy.toth@erie.gov

JCT/dld
Enc.

This paper received at the
Erie County Attorney's Office
from Monique Gissing
the 1st day of July, 2013
at 1:25 a.m./p.m.
Kelly Brinkworth
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

SANDRA F. SMITH
26 South Putnam Street
Buffalo, New York 14213

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
1100 City Hall
65 Niagara Square
Buffalo, New York 14202

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondent.

PLEASE TAKE NOTICE that **SANDRA F. SMITH**, hereby makes claim against the CITY OF BUFFALO and COUNTY OF ERIE and in support thereof alleges:

1. That the undersigned, SANDRA F. SMITH, residing at 26 South Putnam Street, Buffalo, New York 14213, by and through her attorney, Anthony J. Tantillo, Esq. William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claim damages against the CITY OF BUFFALO and COUNTY OF ERIE for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by her.

2. That the said injuries were sustained by SANDRA F. SMITH on June 6, 2013 when she fell down the stairs located in the basement at the property of 65 Niagara Square, Buffalo, New York 14202, County of Erie and State of New York which is owned and operated by CITY OF BUFFALO and COUNTY OF ERIE.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, SANDRA F. SMITH, by the CITY OF BUFFALO and COUNTY OF ERIE, their servants, agents or employees in failing to provide a safe stairway, along with the other acts of negligence, carelessness and recklessness.

4. That the aforesaid CITY OF BUFFALO and COUNTY OF ERIE by and through their agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

5. That as a result of the foregoing, the Claimant, SANDRA F. SMITH, sustained very serious injury to her right leg and other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, SANDRA F. SMITH, were and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the CITY OF BUFFALO and COUNTY OF ERIE and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

DATED: Williamsville, New York
June 26, 2013

Anthony J. Tantillo, Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

SANDRA F. SMITH, being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

Sandra F. Smith
SANDRA F. SMITH

Sworn to before me this
26th day of June, 2013

Notary Public

MOHAMMED RAHEEMUDDIN
No. 01RA6096329
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/08/2015