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 19, 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:	*Pier, Mark John v. County of Erie and Timothy B. Howard*
Document Received:	Notice of Claim
Name of Claimant:	Mark John Pier 44 S. Seine Drive Cheektowaga, New York 14227
Claimant's attorney:	Jeffrey S. Krajewski 2956 Union Road Cheektowaga, New York 14227

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle M. Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enclosure

- -

This paper received at the
Erie County Attorney's Office
from Donald G. Vickey on
the 17th day of July, 2013
at 10:30 a.m./p.m.
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

MARK JOHN PIER
44 S. SEINE DRIVE
CHEEKTOWAGA, N.Y. 14227

Claimant

v.

NOTICE OF CLAIM

COUNTY OF ERIE
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

ERIE COUNTY SHERIFF
TIMOTHY B. HOWARD
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

Respondents

- -

TO: OFFICE OF THE ERIE COUNTY ATTORNEY
OFFICE OF THE ERIE COUNTY SHERIFF

- -

SIRS:

PLEASE TAKE NOTICE, that the undersigned, MARK JOHN PIER claims from the COUNTY OF ERIE and the OFFICE OF THE ERIE COUNTY SHERIFF TIMOTHY B. HOWARD damages for pain and suffering sustained by reason of the wrongful, negligent and careless acts and/or omissions of the COUNTY OF ERIE and the OFFICE OF THE ERIE COUNTY SHERIFF TIMOTHY B. HOWARD, their agents, servants and/or employees, and in support thereof, the Claimant sets forth the following:

I) The claimant, MARK JOHN PIER resides at 44 S. SEINE DRIVE, Cheektowaga, New York.

2) The name and address of the Claimants' attorneys are, LAW OFFICE OF JEFFREY S. KRAJEWSKI, 3099 WILLIAM STREET, CHEEKTOWAGA, NY, attorneys of record for said Claimant, MARK JOHN PIER.

3) Upon information and belief, the date of the happening of the accident in which the serious injuries were sustained by MARK JOHN PIER, and the time when such claim arose was on or about the 19th day of April 2013.

4) Upon information and belief, the happening of the said accident, resulting in injuries hereinafter alleged occurred on or about April 19, 2013, while the Claimant MARK JOHN PIER was being transported in a motor vehicle owned and operated by the Respondent's for the purpose of transporting the claimant from the Cheektowaga Justice Court, 3223 Union Road, Cheektowaga, New York to the Erie County Holding Center, 50 Delaware Avenue, Buffalo, New York 14202.

5) Upon information and belief, the claim of MARK JOHN PIER, arose in the following manner:

> At the aforementioned time and place, and while in the custody and control of the Respondent's, their agents, servants or employees, MARK JOHN PIER was struck, assaulted or otherwise subjected to violent physical acts by other individuals/ inmates who were under the care, custody and control of the Respondent's, their agents, servants or employees present at the aforesaid time and place causing serious personal injury to the Claimant.

6) Upon information and belief, the accident was caused by the wrongful, negligent and careless acts and/or omissions of the COUNTY OF ERIE and the OFFICE OF THE ERIE COUNTY SHERIFF TIMOTHY B. HOWARD, their agents, servants and/or employees acting in the scope and course of their employment. The acts of negligence include, but are not limited to:

a. Failing to provide for and ensure the safety of the Claimant while the Claimant was in the care, custody and control of the Respondents;

b. Failure to receive and safely keep the Claimant, a person lawfully committed to the custody of the Erie County Sheriff,

c. Negligently permitting and allowing other inmates who were lawfully in the custody and control of the Respondents to cause physical injury to the Claimant while the Claimant was in the care, custody and control of the Respondents;

d. Negligently failing to take the appropriate steps to ensure the safety of the Claimant.

7) As a result of said accident, claimant MARK JOHN PIER sustained serious injuries, including both physical and psychological injuries, as well as pain and suffering, including injuries to his head, face and nose including various other contusions and abrasions.

8) This notice is made and served on behalf of said MARK JOHN PIER, in compliance with the provisions of 50-h of the General Municipal Law and such other laws and statutes as are in the case made and provided.

9) You will take further notice that the Claimant, MARK JOHN PIER, demands payment of said Claim, and unless said Claim is paid within a reasonable time, it is the

intention of the Claimant to commence suit against the COUNTY OF ERIE and the OFFICE OF THE ERIE COUNTY SHERIFF (TIMOTHY B. HOWARD).

DATED: Cheektowaga, New York
July 13, 2013

Yours, etc.

Jeffrey S. Krajewski
Law Office of Jeffrey S. Krajewski
3099 William Street
Cheektowaga, NY 14227
(716) 656-1272

VERIFICATION

STATE OF NEW YORK }
COUNTY OF ERIE } SS:

MARK JOHN PIER, being duly sworn deposes and says that he is the CLAIMANT in the foregoing CLAIM, that he has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief, and as to those matters he believes them to be true.

MARK JOHN PIER

Sworn to before me this

12 day of July, 2013

NOTARY PUBLIC

JEFFREY S. KRAJEWSKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/30/14