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

June 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:	*Serrano, Michael A. v. Town of Hamburg and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Michael A. Serrano 16 Orchard Place Hopewell Junction, New York 12533
Claimant's attorney:	Joseph A. Matteliano, Esq. Augello & Matteliano, LLP 17 Court Street, Suite 200 Buffalo, New York 14202-3204

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

Enclosure

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MICHAEL A. SERRANO

Claimants,

vs.

TOWN OF HAMBURG and
COUNTY OF ERIE,

Defendants.

NOTICE OF CLAIM

TO: HONORABLE KENNETH J. FARRELL, ESQ.
Town Attorney
Town of Hamburg
6100 South Park Avenue
Hamburg, New York 14075

HONORABLE JEREMY A. COLBY, ESQ.
County Attorney
County of Erie
95 Franklin Street, Room 1634
Buffalo, New York 14202

This paper received at the
Erie County Attorney's Office
from Jeremy Drake
the 27 day of June 2013
at 3:55 a.m./p.m.
Kelly Blunkowski
Assistant County Attorney

S I R S:

PLEASE TAKE NOTICE that the undersigned hereby make claim against the TOWN OF HAMBURG and the COUNTY OF ERIE and submit the following in compliance with §50(e) of the General Municipal Law:

The claimant herein is MICAHEL A. SERRANO who resides at 16 Orchard Place, Hopewell Junction, New York 12533. He is represented herein by AUGELLO & MATTELIANO, LLP, whose post office address 17 Court Street, Suite 200, Buffalo, New York 14202.

1. The Claimant, MICHAEL A. SERRANO, makes claim for personal injuries he sustained, pain and suffering, including loss of enjoyment of life, past and

future medical expenses and lost earnings, and the permanent effects of said injuries in an amount to be determined by the trier of fact of this claim.

2. The incident giving rise to this claim occurred on the 1st day of April, 2013 at approximately 11:01 p.m. on Route 5 at or near its intersection with Route 179 in the Town of Hamburg, County of Erie, and State of New York when a motor vehicle operated by MARCY A. SHEEHAN and occupied by MICHAEL A. SERRANO as a passenger struck a concrete barrier separating the eastbound and westbound lanes of Route 5. Thereafter, a second vehicle operated by one CHELSIE A. BERTRAND, 3533 South Creek Road, Hamburg, New York, struck the unoccupied SHEEHAN vehicle. Following the impact between the aforementioned BERTRAND vehicle and the SHEEHAN vehicle, a third vehicle operated by one THOMAS A. GILRAY, JR. struck the SHEEHAN vehicle. Upon information and belief, the Claimant, MICHAEL A. SERRANO, who was a pedestrian at the time, was struck by the GILRAY vehicle and/or the SHEEHAN vehicle. Upon information and belief, said accident was caused, in whole or in part, by the negligence of the TOWN OF HAMBURG and the COUNTY OF ERIE in failing to properly design, construct, maintain and inspect Route 5 on its westbound approach to the bridge over Route 179; in failing to properly maintain the surface of Route 5 in the vicinity; in failing to remove accumulations of ice and snow from said roadway; in failing to install and/or properly install traffic control devices and signs on the westbound approach to the Route 5 bridge over Route 179; in failing to properly and adequately regulate the speed of vehicles traveling on the aforementioned roadway; failing to properly warn motorists of restricted site distances on the aforementioned roadway; designing and/or constructing the roadway without adequate

sight distances; failing to properly sign the roadway; failing to properly maintain the signage existing prior to this accident; failing to properly light the roadway at the location of this accident; failing to properly maintain the lighting at the location of this accident; failing to review and re-evaluate its traffic plan and roadway design in light of its actual operation and accident history and in such other manners as may be within the particular knowledge of the TOWN OF HAMBURG and COUNTY OF ERIE.

As a result of the aforementioned accident, the Claimant, MICHAEL A. SERRANO, among other injuries sustained among other injuries sustained a traumatic brain injury, fractured skull, subdural hematoma, inability to swallow necessitating a feeding tube and repeated suctioning, short term memory loss, impaired motor skills including impaired ability to walk, right shoulder injury including a possible rotator cuff tear, back pain and injuries. The full nature and extent of said injuries are presently unknown to the Claimant.

3. Without conceding that Article 16 of the CPLR applies to this claim, it is alleged, upon information and belief, that this claim falls within one or more of the exceptions set forth in CPLR §1602 including, but not limited to, CPLR §§1602(2); 1602(6) and 1602(7). MICHAEL A. SERRANO sustained serious injury within the meaning of Article 51 of the Insurance Law.

PLEASE TAKE FURTHER NOTICE that in default in the TOWN OF HAMBURG and the COUNTY OF ERIE to pay the sum aforementioned within the time for compliance with this demand within the statutes in such cases made and provided, an action will be commenced by the Claimant against the TOWN OF HAMBURG and the COUNTY OF ERIE to recover damages for the injuries on losses claimed.

DATED: Buffalo, New York
June 25, 2013

Yours, etc.,

Joseph A. Matteliano, Esq.
AUGELLO & MATTELIANO LLP
Attorneys for Michael A. Serrano
17 Court Street, Suite 200
Buffalo, New York 14202

MICHAEL A. SERRANO

Jean Lynn Bahret
Notary Public State of NY
Qualified in Dutchess County
Commission Exp 09-13-2013
No. 01BA6030511

STATE OF NEW YORK)
COUNTY OF DUTCHESS) *SS.:*

MICHAEL A. SERRANO, being duly sworn, deposes and says that he is the Claimant referred to above; that he has read the foregoing, and that the statements contained therein are true except as to such statements which are based upon information and belief, which statements he believes to be true.

MICHAEL A. SERRANO

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

Notary Public

Jean Lynn Bahret
Notary Public State of NY
Qualified in Dutchess County
Commission Exp 09-13-2013
No. 01BA6030511