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

September 3, 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:	*Maiola, Michael v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Michael A. Maiola 282 Washington Highway Snyder, New York 14226
Claimant's attorney:	Aaron F. Glazer, Esq. Gibson, McAskill & Crosby, LLP 69 Delaware Avenue, Suite 900 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

In the Matter of the Claim of

NOTICE OF CLAIM

MICHAEL A. MAIOLA

against

COUNTY OF ERIE

PLEASE TAKE NOTICE, that Claimant hereby makes a claim against the **COUNTY OF ERIE** and in support of said claim states the following:

1. The Claimant resides at 282 Washington Highway, Snyder, New York 14226.

2. The attorneys for the Claimant are GIBSON, McASKILL & CROSBY, LLP, 69 Delaware Avenue, Suite 900, Buffalo, New York 14202.

3. The claims of Claimant are for: The negligence, carelessness and recklessness of Respondent by creating and allowing a dangerous and defective condition, failing to maintain the roadway and for violations of various rules, regulations and laws of the State of New York, County of Erie and Town of Aurora, which are a proximate cause of personal injuries to Claimant, MICHAEL A. MAIOLA.

4. The claims arose in substance as follows: On June 9, 2013, Claimant, MICHAEL A. MAIOLA, was injured when he was lawfully operating his motorcycle on Behm Road in the Town of Aurora, New York, when he struck an area of uneven, dangerous and defective roadway. Further, there was a large bump in the road where an area of railroad track was defectively covered causing a dangerous and defective roadway. The roadway was also poorly maintained by Respondent. The dangerous and defective roadway is located on Behm Road

approximately 300 feet west of Route 240, in the Town of Aurora, New York. Also, the speed limit at the location is unsafe due to the design and contours of the roadway. Photographs depicting the location of the incident are attached as **Exhibit A**.

5. As a result of the June 9, 2013 incident, Claimant, MICHAEL A. MAIOLA, sustained left ankle ligament and tendon damage, road rash and serious and permanent scarring, left knee lacerations, left arm lacerations, left elbow pain and swelling, left shoulder labral tear, right arm lacerations and scarring, together with other serious and permanent injuries to his left knee, left shoulder, left ankle and right arm.

6. As a result of the aforesaid incident and resulting injuries and damage to his motorcycle, the Claimant claims damages against the COUNTY OF ERIE in an amount in excess of the jurisdictional limits of all lower courts.

WHEREFORE, the Claimant requests that the COUNTY OF ERIE honor and pay the claims on behalf of the Claimant in excess of the jurisdictional limit.

Dated: Buffalo, New York
August 29, 2013

Aaron F. Glazer, Esq.
on behalf of the Claimant,
MICHAEL A. MAIOLA

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

AARON GLAZER, being duly sworn, deposes and says:

That Your Deponent is the attorney of record for the Claimant in the above entitled action and as such is filing the within Notice of Claim on behalf of the Claimant ***MICHAEL A. MAIOLA***; that Your Deponent has read the foregoing claim, notice and statement and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief and as to those matters Your Deponent believes the same to be true; the source of Your Deponent's knowledge and information is an investigation of this matter, documents and writings in Your Deponent's possession and actual conversations with the Claimant.

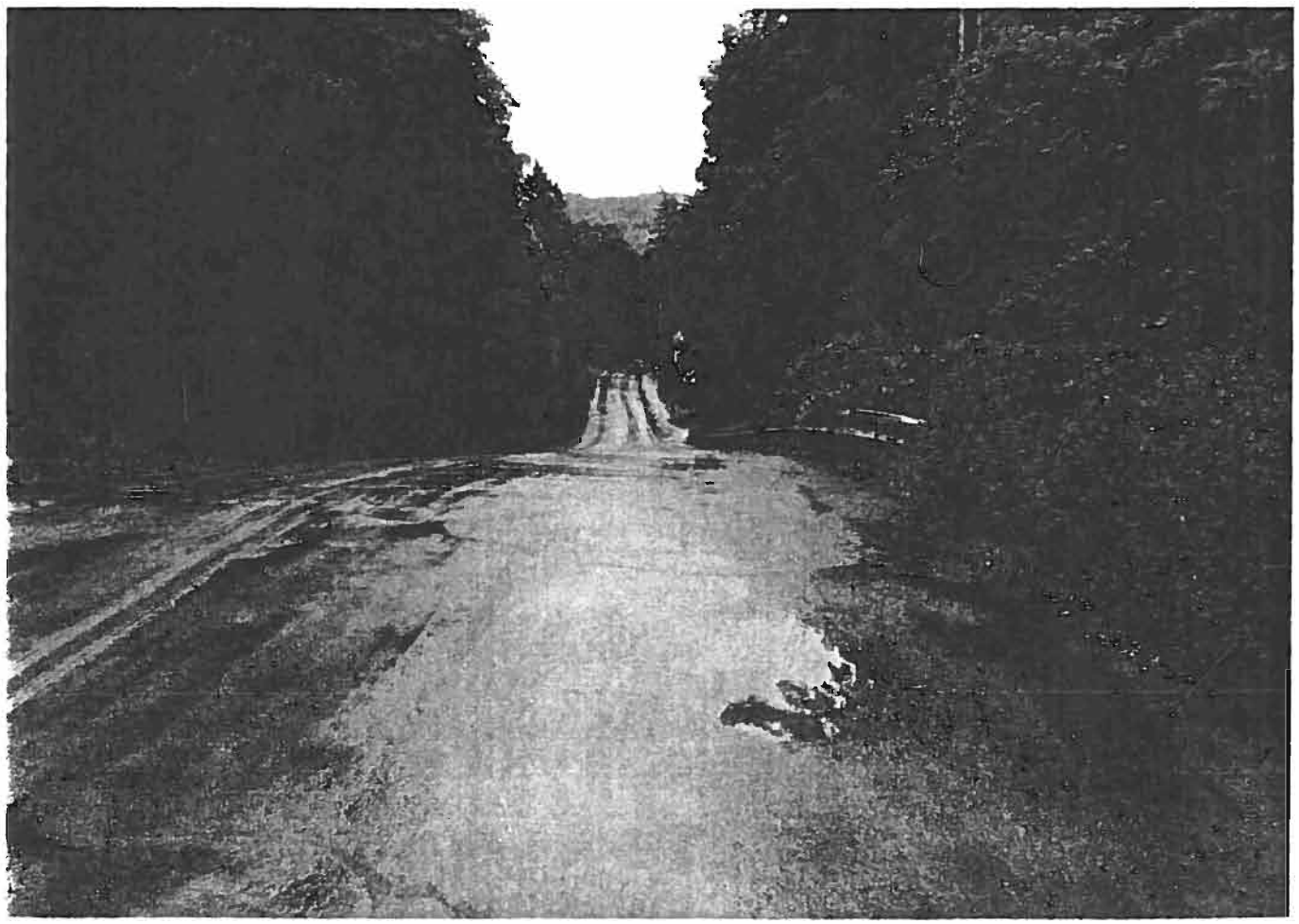
AARON F. GLAZER, ESQ.

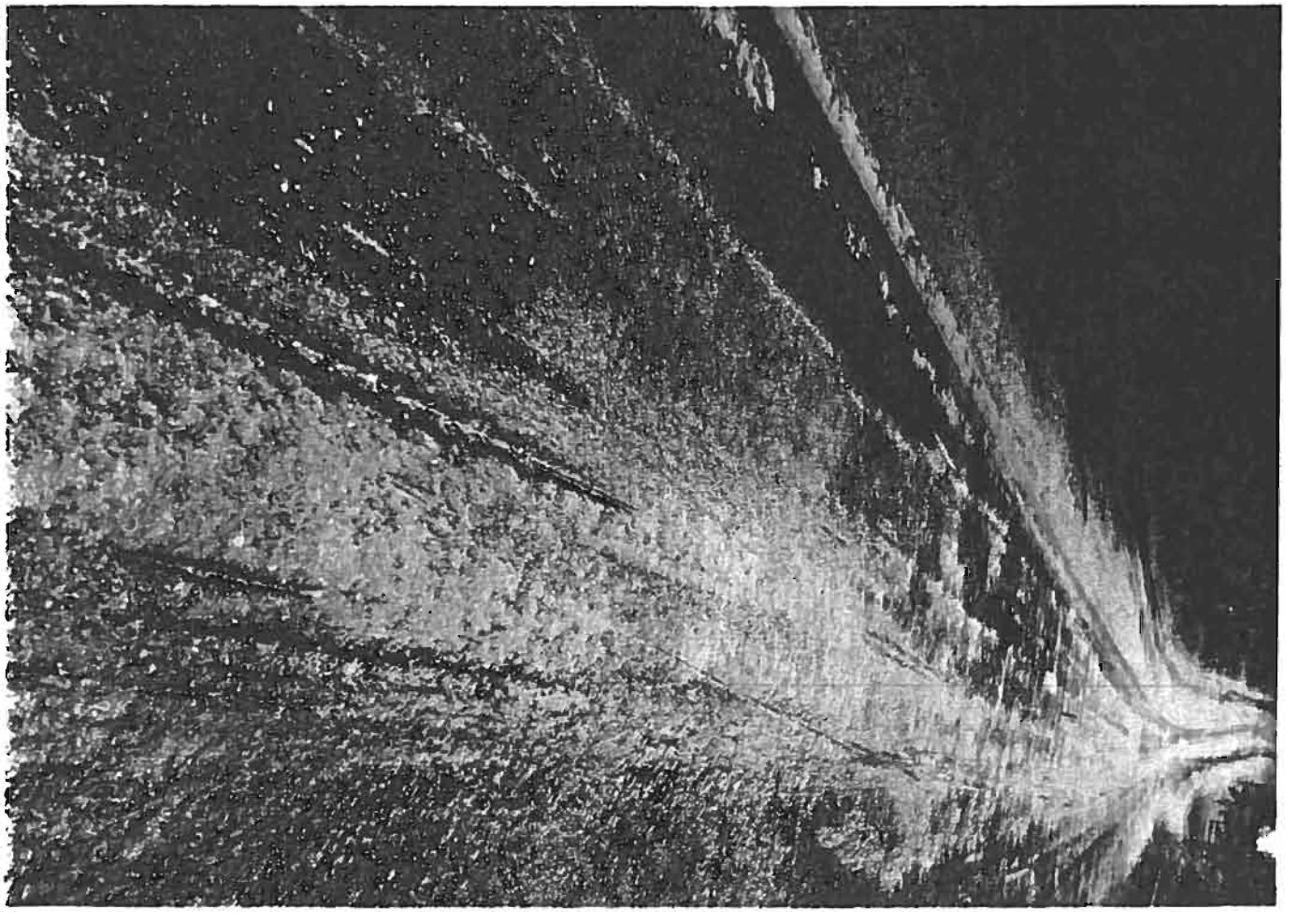
Subscribed and sworn before me
this 29 day of August , 2013

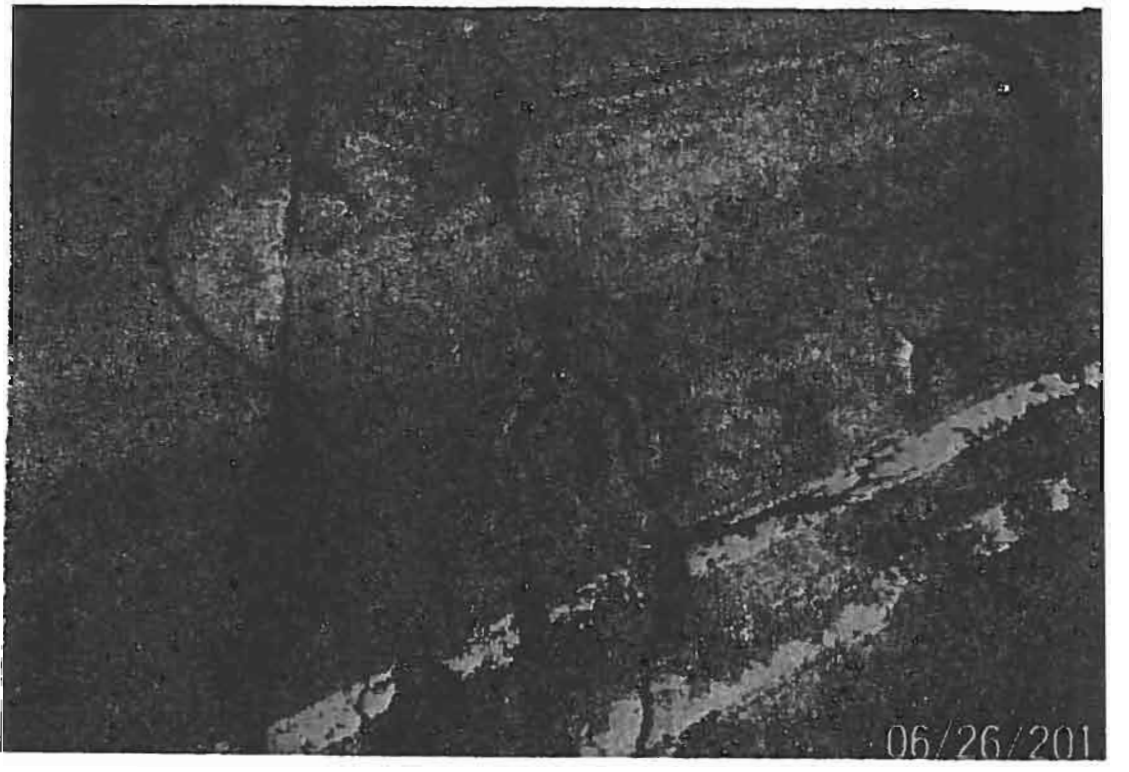
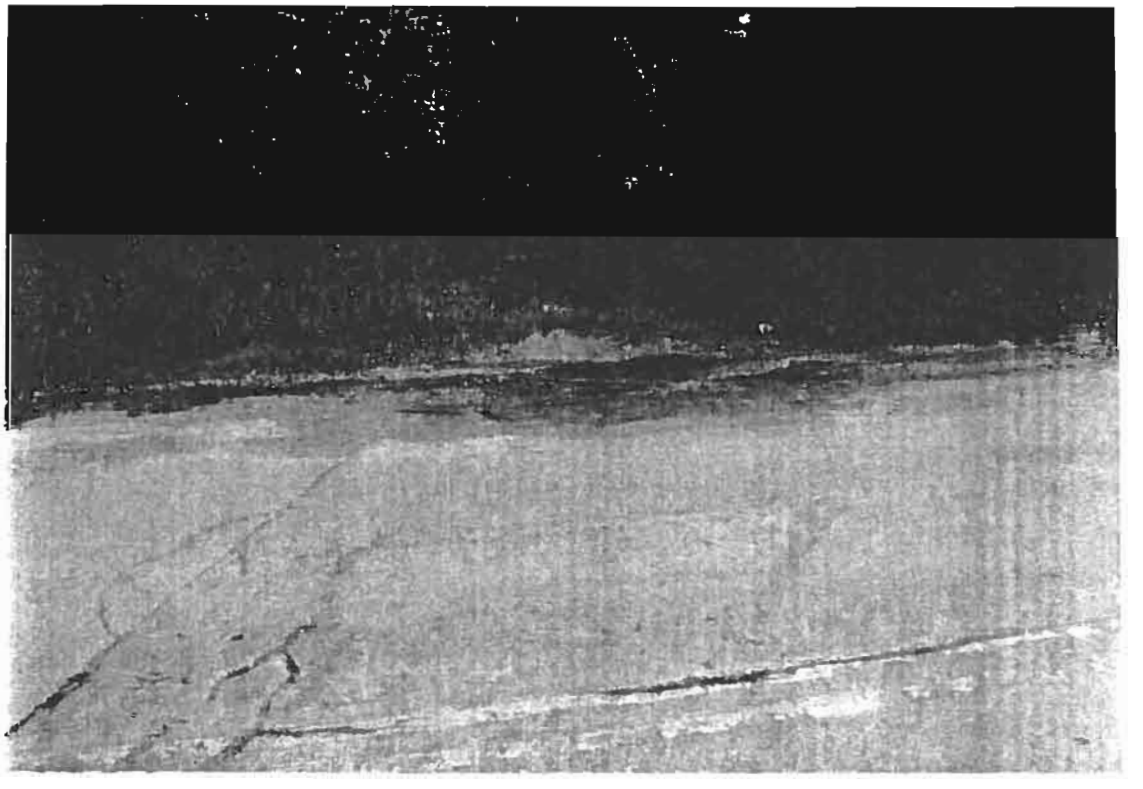
Sharon A Yell

SHARON A. YELL
Notary Public State of New York
Qualified in Erie County
My Commission Expires: Nov. 25, 2014

EXHIBIT A






06/26/201