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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

October 25, 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:	*Semoff, Maxwell v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Maxwell Semoff 568 Bird Avenue, Apt. 2, Rear Buffalo, New York 14222
Claimant's attorney:	John B. Licata, Esq. Hogan Willig One John James Audubon Parkway Amherst, New York 14228-1169

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

In the Matter of the Claim of

MAXWELL SEMOFF,

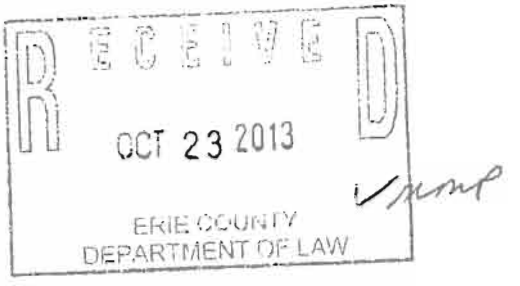
Claimant,

-against-

COUNTY OF ERIE
95 Franklin Street, Suite 1634
Buffalo, New York 14202

Respondent,

NOTICE OF CLAIM



TO: COUNTY OF ERIE
Office of County Attorney
95 Franklin Street, Suite 1634
Buffalo, New York 14202

PLEASE TAKE NOTICE, the Claimant herein hereby makes a claim and demand against the COUNTY OF ERIE, pursuant to § 50-e of the General Municipal law.

1. **The names and post-office addresses of the Claimants and their attorneys are:**

CLAIMANT	**ATTORNEY**
Maxwell Semoff 568 Bird Avenue Apt 2, Rear Buffalo, New York 14222	John B. Licata HOGANWILLIG, PLLC 2410 North Forest Road, Suite 301 Amherst, New York 14068 (716) 932-6583

2. **The nature of the claim:**

Maxwell Semoff submits a claim for personal injuries and economic damages sustained due to the negligence of the County of Erie and/or its agents, servants or employees, as further set forth below.

3. **The date, time when, the place where and the manner in which the claim arose is as follows:**

On June 21, 2013, at approximately 10:30 a.m., on the west side of Main Street at the last curb-cut, or driveway, before the intersection of Main Street and Hertel Avenue in a southbound direction. The driveway is cut into the sidewalk in front of the building occupied by Materion. Maxwell Semoff was turning his bicycle from traffic on Main Street near Hertel Avenue when his front tire could not negotiate the difference in elevation between the roadway and driveway, such excessive difference in elevation causing Maxwell Semoff and his bicycle to fall, injuring Mr. Semoff and damaging the bicycle.

4. **The items of damages or injuries claimed are:**

That as a direct and proximate result of the negligence of the County of Erie, its agents, servants and/or employees, Maxwell Semoff sustained serious personal injuries, including but not limited to fractured bones in his wrists, injuries to his arms, pain and suffering, medical bills, special damages, and economic loss.

DATED: Amherst, New York
September 17, 2013

John B. Licata
HoganWillig
Attorneys for Claimant
2410 North Forest Road, Suite 301
Amherst, New York 14068

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

MAXWELL SEMOFF, being duly sworn, deposes and says that they 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 as to those matters, he believes them to be true.

MAXWELL SEMOFF

Sworn to before me this
17th day of September 2013

NOTARY PUBLIC

JOHN B. LICATA
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 29, 2014