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

November 13, 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:	*Monaco, Lisa, Estate of, by Michael Monaco, Individually and as Administrator v. Erie County, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Michael J. Monaco 1660 Kenmore Avenue Buffalo, New York 14216
Claimant's attorney:	Thomas M. Mercure, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

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.

In the Matter of the Claim of
MICHAEL J. MONACO, Individually
and as Administrator of the Estate
of LISA M. MONACO,

Claimant,

- against -

ERIE COUNTY,
ERIE COUNTY DEPARTMENT OF PUBLIC
WORKS DIVISION OF HIGHWAYS,
TOWN OF AMHERST,
TOWN OF AMHERST HIGHWAY
DEPARTMENT,
TOWN OF TONAWANDA
and
TOWN OF TONAWANDA HIGHWAY
DEPARTMENT,

NOTICE OF CLAIM

TO: ERIE COUNTY
95 Franklin Street, Suite 1634
Buffalo, NY 14202

ERIE COUNTY DEPARTMENT OF PUBLIC
WORKS DIVISION OF HIGHWAYS
95 Franklin Street, 14th Floor
Buffalo, NY 14202

TOWN OF AMHERST
Amherst Municipal Building
5583 Main Street
Williamsville, NY 14221

TOWN OF AMHERST HIGHWAY DEPARTMENT
1042 N. Forest Road
Williamsville, NY 14221

ERIE COUNTY
D.P.W.
HIGHWAYS-BFLO
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TOWN OF TONAWANDA
Municipal Building
2919 Delaware Avenue
Kenmore, NY 14217

and

TOWN OF TONAWANDA HIGHWAY DEPARTMENT
450 Woodward Avenue
Kenmore, NY 14217

PLEASE TAKE NOTICE, that MICHAEL J. MONACO, Individually and as Administrator of the Estate of LISA M. MONACO, has and hereby makes a claim against ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, TOWN OF TONAWANDA and TOWN OF TONAWANDA HIGHWAY DEPARTMENT, and in support of said claim states the following:

1. The Post Office address of the claimant is 1660 Kenmore Avenue, Buffalo, New York 14216.

2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. On or about the 17th day of October, 2013, the claimant, MICHAEL J. MONACO, was appointed Administrator of the Estate of LISA M. MONACO pursuant to an Order of the Surrogate's Court of the County of Erie and State of New York, and Limited Letters of Administration of the Estate of LISA M. MONACO, were served on the claimant, MICHAEL J. MONACO, and the said claimant thereupon duly qualified and thereafter acted and is still acting as such Administrator.

4. The claim of MICHAEL J. MONACO on behalf of the Estate of LISA M. MONACO is for wrongful death, pain and suffering, and personal injury sustained and including without limitation, potential medical expenses and the claim of MICHAEL J. MONACO, is for the loss of services, society and companionship as a result of his sister's accident and death and for consequential damages generally.

5. The claim arose at the intersection of Willowridge and Niagara Falls Boulevard, located within the Towns of Amherst and Tonawanda, County of Erie and State of New York.

6. The claim arose in substance as follows: On or about the 9th day of August, 2013, at approximately 5:10 a.m., the claimant's decedent, LISA M. MONACO, while lawfully and properly crossing the street at the above-referenced intersection was struck by a motor vehicle as a result of poor street lighting conditions, making it difficult for drivers to see pedestrians, and a traffic signal that changes too quickly, not allowing enough time for individuals such as the decedent and others time to cross the street, resulting in serious injuries and death to the claimant's decedent, LISA M. MONACO.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, TOWN OF TONAWANDA and TOWN OF TONAWANDA HIGHWAY DEPARTMENT, and more particularly, among other things, in failing and omitting to keep proper street lighting and a traffic signal that allows enough time for pedestrians to cross

the intersection, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, TOWN OF TONAWANDA and TOWN OF TONAWANDA HIGHWAY DEPARTMENT, and in violation of the regulations, rules and standards promulgated thereunder.

8. Upon information and belief, as a result of the aforesaid accident, the claimant's decedent, LISA M. MONACO, sustained severe bodily injuries, was painfully and seriously injured, sustained wrongful death and pain and suffering and shock to her nerves and nervous system; and more particularly, the claimant's decedent, LISA M. MONACO, sustained injuries and death as a result of blunt force trauma of the head and neck.

9. As the result of injuries and death sustained by the claimant's decedent, LISA M. MONACO, the claimant, MICHAEL J. MONACO, Individually and as Administrator of the Estate of LISA M. MONACO, has suffered the loss of services, society and companionship of his sister to which he was fully entitled.

WHEREFORE, claimant requests that ERIE COUNTY, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, TOWN OF TONAWANDA and TOWN OF TONAWANDA HIGHWAY DEPARTMENT, honor and pay the claim on behalf of MICHAEL J. MONACO, Individually and as Administrator of the Estate of LISA M. MONACO.

DATED: Buffalo, New York
October 31, 2013

MICHAEL J. MONACO, Individually and as
Administrator of the Estate of LISA M. MONACO

LIPSITZ GREEN SCIME CAMBRIA LLP

By:

THOMAS M. MERCURE, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: #58216.0001]

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

MICHAEL J. MONACO, Individually and as Administrator of the Estate of LISA M. MONACO, being duly sworn deposes and says that he is the claimant above named; and makes this claim on behalf of self; he has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

MICHAEL J. MONACO, Individually and as
Administrator of the Estate of LISA M. MONACO

Sworn to before me on this
4th day of November, 2013.

Lynn M. Bochenek
Notary Public

LYNN M. BOCHENEK
Notary Public, State of New York
No. 02BO6278258
Qualified In Erie County
My Commission Expires March 25, 2017

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