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 7, 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:	*Doster, Margaret v. County of Erie and Town of Aurora*
Document Received:	Notice of Claim
Name of Claimant:	Margaret Doster 55 Lexington Avenue Hamburg, New York 14075
Claimant's attorney:	Gelber & O'Connell, LLC 6512 Main Street Amherst, New York 14221

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.

'13/10/25

This paper received at the
Erie County Attorney's Office
from Eric Myers on
the 28 day of October 2013
at 3:56 a.m./p.m.
Assistant County Attorney

IN THE MATTER OF THE CLAIM:

MARGARET DOSTER
55 Lexington Avenue
Hamburg, New York 14075

Claimant,

Vs

THE COUNTY OF ERIE;
69 Delaware Avenue
Buffalo, New York 14202

THE TOWN OF AURORA
251 Quaker Road
East Aurora, New York 14052

Respondents

NOTICE OF CLAIM

TO:

THE COUNTY OF ERIE
69 Delaware Avenue, Suite 300
Buffalo, New York 14202

TO:

THE TOWN OF AURORA
251 Quaker Road
East Aurora, New York 14052

SIRS:

PLEASE TAKE NOTICE, that the undersigned, **MARGARET DOSTER**, by and through her attorneys, **GELBER & O'CONNELL, LLC**, claims damages and pain and suffering sustained by reason of the wrongful, negligent, and careless acts and/or omissions of the Respondents, **THE COUNTY OF ERIE and THE TOWN OF AURORA** their agents, servants and/or employees and in support thereof, Claimant states:

1. The Claimant, **MARGARET DOSTER**, resides at 55 Lexington Avenue Town of Hamburg, County of Eric and State of New York.
2. The name and post office address of Claimant's attorneys are, **GELBER & O'CONNELL, LLC**, 6512 Main Street, Amherst, New York, 14221, attorneys of record for said Claimant, **MARGARET DOSTER.**
3. Upon information and belief, the date of the happening of the collision in which serious injuries were sustained, and the time at which such claim arose were on August 5, 2013 at approximately 11:20 a.m.
4. Upon information and belief, the place of said collision resulting in the injuries hereinafter alleged was at or near the intersection of Jewett-Holmwood Road and Grover Road in the Town of Aurora in the County of Erie.
5. Upon information and belief, the claim of said Claimant, **MARGARET DOSTER**, arose in the following manner. On or about the 13th day of August, 2013, **MARGARET DOSTER**, was traveling east bound on Jewett-Holmwood Road at the intersection of Grover Road when Claimant, **MARGARET DOSTER** was struck by another vehicle which passed a stop sign on Grover Road without stopping allegedly due to overgrown foliage that allegedly hid such signage and other signage warning of the approaching intersection creating and causing a dangerous and defective condition for which the Claimant, **MARGARET DOSTER**, was caused to sustain permanent and severe injuries and other damages.
6. That the said collision was caused by the wrongful, careless and negligent acts and omissions of the Respondents, **THE COUNTY OF ERIE and THE TOWN OF AURORA,** their agents, servants and/or employees, who, acting in the course and scope of their employment failed to protect the claimant and failed to provide for her safety while operating her automobile on a public roadway by failing to timely, properly and safely remove overgrown foliage to insure that the signage was visible; failed to timely and properly enact and/or engage in regular maintenance of foliage at said intersection, failed to supervise the activities of the property owner(s) to insure the safety to the public and negligently creating a dangerous and hazardous condition which led to the injuries and damages sustained by the claimant and were otherwise careless, reckless and negligent.

7. These acts of commission and/or omission foreseeably subjected Claimant to the collision and the injuries and damages of the nature described herein and created the condition which gave rise to her injuries and damages. As a result of the said collision, claimant, **MARGARET DOSTER,** sustained serious injuries which include, but are not limited to; left tibial plateau fracture; left tibial spine fracture, left lateral meniscus tear; underwent open reduction and internal fixation of the left lateral tibial plateau fracture; left tibial spine open reduction internal fixation; and left lateral meniscectomy. The full extent of her injuries is not yet presently known. Said injuries have and continue to cause the Claimant to expend money for medical treatment and rehabilitation. Claimant further has, is continuing to and will continue to suffer from extensive economic damage as a result of a lengthy rehabilitation and ongoing disability including but not limited to loss of income, loss of business opportunities, damage to her business and as a result of the need to expend significant monies to otherwise protect her business.
8. THIS NOTICE is made and served on behalf of said Claimant, **MARGARET DOSTER,** in compliance with the provision of 50-E of the General Municipal Law and such other laws and statutes as are in the case made and provided. You will take further notice that the Claimant, **MARGARET DOSTER,** demands payment of said claim, and unless said claim is paid in a reasonable time, it is the intention of the claimants to commence suit against the Respondents, **THE COUNTY OF ERIE and TOWN OF AURORA.**

Dated: Amherst, New York
October 24, 2013

Margaret L. Doster
Magaret Doster

'13/10/25

VERIFICATION

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

MARGARET DOSTER, being duly sworn, deposes and says, that she is the Claimant in the foregoing action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her knowledge, except as to those matters alleged to be upon information and belief, and as to those matters, she believes them to be true.

Margaret X. Doster
MARGARET DOSTER

Subscribed and sworn to before me
this 24 day of Oct. 2013.

NOTARY PUBLIC

TIMOTHY G. O'CONNELL
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 30, 2016