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 26, 2014

Mr. ~~Robert M. Graber~~ Scott W Kroll, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. ~~Graber~~ Kroll:

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:	*Zielinski, Ann Marie v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Ann Marie Zielinski 6235 Seneca Street Elma, New York 14059
Claimant's attorney:	James P. Verrastro, Esq. Spadafora & Verrastro, LLP 2 Symphony Circle Buffalo, New York 14201

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.

SPADAFORA & VERRASTRO, LLP
Attorneys and Counselors at Law
The Birge Mansion

James P. Verrastro
Kelly A. Feron
Richard E. Updegrove
Joseph C. Todoro
Katie M. Poleon*

***Also admitted in Illinois**

John E. Spadafora, Retired

Legal Assistants:
Kathy L. Verrastro
Linda A. Laurendi
Renee Noody
Rebekah O'Hara

June 17, 2014

County of Erie
Attention: Claims Department
95 Franklin Street
Buffalo, New York 14202

Re:	Our client:	Ann Marie Zielinski
	Accident date:	6/6/14
	Vehicle Owner:	County of Erie
	Vehicle Operator:	F. B. Czerniejewski

Dear Sir/Madam:

Ms. Zielinski has retained our firm relative the severe personal injuries she sustained in a most unfortunate accident that occurred on June 6, 2014. The accident site location was Seneca Street located in the Town of Elma.

POLICY LIMITS:

Please advise as to applicable insurance policy limits as to the Erie County vehicle involved in this accident.

ADDITIONAL POLICY LIMITS:

Please advise as to applicable bodily injury liability insurance limits, of any excess, additional, supplemental, umbrella, or any other bodily injury liability coverage, which would provide further coverage as to this accident.

TITLE AND LEASE DOCUMENTATION:

May this letter serve to request written documentation which would identify the title owner(s) of said vehicle involved in the above accident.

IF APPLICABLE, NON OWNER / OPERATOR:

Please provide all documentation and written response as to any secondary, excess or additional coverage which would be applicable to this accident on the basis that your insured's motor vehicle was operated by the non-owner/operator.

2 Symphony Circle, Buffalo, New York 14201-1340
(716) 854-1111
Fax (716) 854-3460 (Service by FAX Not Accepted)

PHOTOGRAPHS – FORMAL DEMAND TO PRESERVE:

Please provide copies of any photographs which depict the damage to any vehicle involved in the subject motor vehicle collision. In the event that you do not wish to provide same as a courtesy, please allow this correspondence to serve as a formal demand to preserve any such photographs which will be discoverable under New York Civil Practice Law and Rules in the event litigation is commenced.

STATEMENTS – FORMAL DEMAND FOR FULL AND COMPLETE COPY

Please immediately provide a full and complete duplicate copy of any statements taken or a full and complete copy of any recordings made prior to the date of this correspondence.

UNDER NO CIRCUMSTANCES IS CONTACT TO BE MADE WITH OUR CLIENT FROM THIS DATE FORWARD. ALL FUTURE COMMUNICATIONS SHOULD BE DIRECTED TO THE ATTENTION OF THE UNDERSIGNED.

Enclosed is a copy of the Accident Information Exchange Form.

To expedite please advise of all insurance policy limits, title documentation and/or excess coverage documentation, via fax, with formal confirmation to follow by mailing.

Please set reserves in a significant amount as a result of absolute liability of your insured and injuries sustained by my client.

Your anticipated cooperation is appreciated.

Very truly yours,

James P. Verrastro

JPV/ren
Enclosure
cc: Ann Marie Zielinski

ACCIDENT INFORMATION EXCHANGE FORM

NY State Law requires that any accident resulting in a fatality, injury or damage to property of any person (including damage to your vehicle) or entity over $1000 be reported by YOU to the Department of Motor Vehicles (DMV) within 10 days after an accident. Failure to report an accident or failure to give correct information is a misdemeanor and may result in the suspension/revocation of your driver's license (or operating privilege in NYS) and all vehicle certifications or registrations.

Report your Accident to DMV on DMV form MV-104 (Report of Motor Vehicle Accident). Police Accident Reports (DMV form MV-104A) DO NOT satisfy YOUR civilian reporting requirement.

Accident Report #	Local Codes	Date	Time	# of Veh.	Town, City, Road Name
R1EC3834MVN0	14-038124	06/06/2014	10:53 AM	2	ELMA, TOWN OF - 1562 SENECA ST

Police Agency	Officer's Name/Badge ID#
ERIE CO. SHERIFF - 01400	HIGGINS T 0181

VEHICLE # 001

Operator's Name	Date of Birth	Address
ZIELINSKI ANNMARIE	02/17/1963	6235 SENECA ST

City/State/Zip	Motorist I.D.#	Vehicle Year and Make	License Plate # and State
ELMA NY 14059	809668589	2012 CHEV	BDS2471 NY

Vehicle Type	Insurance Code and Company	Vehicle Owner
4DSD	328 - STATE FARM MUT AUTO CO	ZIELINSKI ANN M

Vehicle Towed By	Vehicle Towed To
SMOKEYS	SMOKEYS

Miscellaneous Notes

VEHICLE # 002

Operator's Name	Date of Birth	Address
CZERNIEJEWSKI F B	06/17/1968	108 PETER ST

City/State/Zip	Motorist I.D.#	Vehicle Year and Make	License Plate # and State
BUFFALO NY 14207-0000	413193711	2013 FRHT	R31784 NY

Vehicle Type	Insurance Code and Company	Vehicle Owner
DUMP	997 - SELF-INSURER	ERIE COUNTY

Vehicle Towed By	Vehicle Towed To

Miscellaneous Notes

Please wait 14 days before contacting DMV to request a copy of your accident report.

If you want to purchase a copy of the police accident report, form MV-104A,
complete DMV's "REQUEST FOR COPY OF ACCIDENT REPORT" form MV-198C and send it to DMV.
The form and instructions are available at www.dmv.ny.gov or at your local DMV office.

THE FORM MV-104A MAY ALSO BE PURCHASED BY CONTACTING THE INVESTIGATING POLICE AGENCY.
ERIE COUNTY SHERIFFS DEPT., 10 DELAWARE AVE., BUFFALO, NY 14202
To obtain a blank civilian Accident Report (Form MV-104),
visit the DMV office nearest you
or
access forms online at www.dmv.ny.gov