(6)

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 17, 2014

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

Dear Mr. 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:	*Detig, Pamela D. v. Erie County Sheriff's Office*
Document Received:	Notice of Claim
Name of Claimant:	Pamela D. Detig 3951 East River Road Grand Island, New York 14072
Claimant's attorney:	William J. Costello II, Esq. 1980 Whitehaven Road Grand Island, New York 14072

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF

PAMELA D. DETIG

-AGAINST-

ERIE COUNTY SHERIFF
ERIE COUNTY SHERIFF'S DEPARTMENT

TO:

ERIE COUNTY SHERIFF
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

PLEASE TAKE NOTICE that claimant herein hereby makes claim and demand against you as follows:

1. The name and post-office address of the claimant and her attorney is:

CLAIMANT	CLAIMANT'S ATTORNEY
PAMELA D. DETIG 3951 EAST RIVER ROAD GRAND ISLAND, NY 14072	WILLIAM J. COSTELLO, II 1980 WHITEHAVEN ROAD GRAND ISLAND, NY 14072

2. The nature of the claim:

On April 7, 2014, Erie County Sheriff, Christopher J. Soluri, intentionally and maliciously overstepped his authority and violated the rights of the claimant, conducting an illegal arrest of the claimant without probable cause, lacking information sufficient to support a reasonable belief that the offence of

which claimant was charged and for which she was arrested was committed.

On April 7, 2014, the Town of Grand Island Fire Company conducted an unauthorized, unnoticed "fire drill" at property located at 3943 East River Road, Grand Island, New York, which property is immediately adjacent to claimant's home located at 3951 East River Road.

The Fire Chief of that Company is MATTHEW OSINSKI
The Deputy Fire Chief of that Company is CHRISTOPHER J. SOLURI
The First Assistant Fire Chief of that Company is MATTHEW SADKOWSKI

Prior to April 7, 2014, First Assistant Fire Chief Mark Sadkowski and Fire Chief, Matthew Osinski, of the Town of Grand Island Fire Company, assured the owner of 3953 East River Road, Grand Island, New York, that neighbors to the property located at 3943 East River Road, Grand Island, New York, that NOTICE would be given to neighbors of any drill to be conducted at 3943 East River Road, Grand Island, New York. See attached Affidavit of Brenda Lester.

Erie County Sheriff Christopher J. Soluri, who is also the Town of Grand Island Fire Company's Deputy Fire Chief, is also Superior to Mark Sadkowski within the Fire Company.

Arriving at claimants property in response to a call made by Town of Grand Island Fire Company's First Assistant Chief, Mark Sadkowski, Erie County Sheriff, Christopher J. Soluri, who is also the Superior Officer within the Town of Grand Island Fire Company to Mark Sadkowski and in fact the Town of Grand Island Fire Company's Deputy Fire Chief, charged upon the claimant, refusing to allow the claimant to speak or make inquiry into the fire that claimant understood was engulfing the property at 3943 East River Road.

Upon information and belief the call to dispatch by First Assistant Fire Chief, Mark Sadkowski, reported "problem with neighbor".

There was no problem with neighbor but rather a report by one member of the Grand Island Fire Company to another member of the Grand Island Fire Company both of whom had the responsibility to and FAILED TO NOTICE THE NEIGHBORS OF 3943 EAST RIVER ROAD OF A DRILL. The problem reported to dispatch upon information and belief was the Fire Company's problem of not having NOTICED neighbors and in particular the superior officers of the Grand Island Fire Company, charged with the responsibility of their subordinates, to wit:

MATTHEW OSINSKI, FIRE CHIEF
CHRISTOPHER J. SOLURI, DEPUTY FIRE CHIEF
MARK SADKOWSKI, FIRST ASSISTANT FIRE CHIEF

Claimant asked First Assistant Fire Chief, Mark Sadkowski, to call the police. First Assistant Fire Chief, Mark Sadkowski asked claimant if she wanted him to call the police to which claimant said "YES".

Claimant then left First Assistant Fire Chief Sadkowski and went into her home at 3951 East River Road Grand Island, New York, to locate her phone and the telephone number of her neighbor, Brenda Lester, to advise her of the fire at her home and to determine what she knew about any "drill" she may have permitted at her home. Claimant awaited from her home the arrival of what she believed would be unbiased, unprejudiced police to aid her in making contact with the owner of 3943 East River Road, Grand Island, New York.

Claimant's property is located less than twelve feet from the property at 3943 East River Road and claimant was met with

unresponsive answers to her questions of what was going on at 3943 East River Road, being told "you have no interest". Mark Sadkowski, having been the Volunteer Fireman and First Assistant Fire Chief who assured the owner of 3943 East River Road, that NOTICE would be given to neighbors placed a call to dispatch which claimant thought to be for her to have police arrive to assist her in contacting the owner of 3943 East River Road and to protect not only claimant's property but claimant's neighbors property as well.

Fellow Volunteer Fireman and Officer of the Grand Island Fire Company Soluri arrived and:

Failed to conduct an investigation of what was the "problem with neighbor"

Failed to inquire of claimant what issues she was raising with the Volunteer Fireman, Mark Sadkowski. Failed to be responsive to claimants repeated question of "why is this about me" claimant not realizing that the men of the fire company were coming after me to cover their failures as officers of the Grand Island Fire Company in their official capacities set forth above.

Turned the unnoticed, unauthorized "fire drill" and the failure of the Grand Island Fire Company, and its Officers, which include:

MATTHEW OSINSKI, FIRE CHIEF,
CHRISTOPHER J. SOLURI, DEPUTY FIRE CHIEF
MARK SADKOWSKI, FIRST ASSISTANT FIRE CHIEF

Into an opportunity to cover the failures of the Fire Company and its officers, which are inclusive of Arresting Officer Christopher J. Soluri, by, without a reasonable belief or probable cause arrested claimant denying her of her state and federally protected rights.

3. The time when, the place where and the manner in which the claim arose:

The incident occurred on April 7, 2014, at or about 8:30 p.m. at claimant's home located at 3951 East River Road, Grand Island, New York, all as reported above.

4. The total items of damage or injuries claimed are unknown in their entirety to date, but include and are not limited to:

a. Professional, public, personal, societal, community, familial embarrassment and humiliation and loss of prestige and recognition gained and sought after years of educational pursuits, career pursuits, societal pursuit, community pursuits ,etc. tarnished as a result of a false arrest by Deputy Fire Chief of the Grand Island Fire Company and Erie County Sheriff, Christopher J. Soluri.

b. The public humiliation of claimant being arrested alongside claimant's house, in full view of claimant's neighbors and her community.

c. The public humiliation and embarrass and costs of claimants 'motor vehicle being impounded from her home driveway and the public humiliation and costs of retrieving that vehicle from impound.

d. The public humiliation and embarrassment of claimant having to appear at the Erie County Sherriff's Department for finger printing and mug shots.

e. The professional humiliation and embarrassment of the charges being brought in claimant's home town Justice Court and the public humiliation and embarrassment of said charges having to be brought before the local town

court and Justices with whom claimant is professionally associated having to be acknowledge a change of venue as appropriate.

f. The public humiliation of claimant having to appear in open court in the Village of Kenmore Justice Court on separate occasions for arraignment and subsequent motion appearances.

g. The time spent in defending this action, its emotional toll on the claimant, the impact the emotional toll and time spent has had on the profession and health of the claimant.

h. The loss of earnings as a result of the emotional impact of the wrongful charges brought against the claimant as a result of the negligent and careless disregard for the welfare, health and safety of the citizens and residents of the Town of Grand Island.

i. The loss of claimant's New York State Driver's License and the humiliation and embarrassment of having to hire individuals to transport claimant to meet with clients and/or to attend claimant's business otherwise required.

j. The out of pocket expenses for legal counsel, impound expenses, filing fees, the hiring of individuals and/or companies for transport to and from appointment or scheduled appearances required for claimant's profession.

k. The loss of income occasioned by claimant not being able to perform her regular business as a result of not having an unrestricted New York State Driver's License.

1. Such other and further damages as are realized by claimant as a result of the negligence of the Town of Grand Island set forth above.

That said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

PAMELA D. DETIG

STATE OF NEW YORK)
COUNTY OF ERIE)

I, PAMELA D. DETIG, am the claimant in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief and as to those matters I believe them ~~to be~~ true.

PAMELA D. DETIG

Sworn to before me this 3rd
Day of July, 2014.

NOTARY PUBLIC

WILLIAM J. COSTELLO II
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 20 18

STATE OF NEW YORK
KENMORE VILLAGE COURT : COUNTY OF ERIE

PEOPLE OF THE STATE OF NEW YORK
PLAINTIFF

VS.

PAMELA D. DETIG
DEFENDANT

AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS

STATE OF NEW YORK)
COUNTY OF ERIE)

BRENDA LESTER, being duly sworn, deposes and says:

I am a resident of the County of Erie and State of New York. I am the co-owner of the property at 3943 East River Road, Grand Island, New York, having purchased same from the Estate of John Dempsey on June 15, 2012.

The executor of the Estate of John Dempsey was Pamela D. Detig, who lives at 3951 East River Road, Grand Island, New York.

I purchased the property with the intent to either refurbish or demolish the structure. In approximately summer of 2013, I ultimately decided to demolish the home and accomplish a new build on that location.

In furtherance of that project, I visited the Town of Grand Island, New York, to obtain information on the "process", which included the necessary permits; including but not limited to: architectural review, variance, site grading, demolition and building.

During one of my visits it was mentioned in passing that sometimes folks allow the fire department to conduct training exercises prior to a demolition. In addition, I spoke with various architects, it was mentioned briefly in those conversations that a controlled burn would be an efficient and inexpensive way to "tear" the structure down. I had also read several articles and seen u tube videos where people had allowed for training on a pre-demolition structure.

Based on these multiple suggestions to donate the use of the structure for training, I stopped at the Grand Island Fire Department in March to make my offer. I thought it would be a goodwill gesture to my future neighborhood. I spoke with a fireman who stated the chief would be in contact with me. He was not available, as there was a monthly meeting going on at the fire hall. At this time, we laughed about conducting a controlled burn. I was surprised to hear they are still done. I indicated that probably wouldn't be possible due to the close proximity of my one neighbor. He indicated that with the demo scheduled in 4-6 weeks that it would not be possible, due to the volume of paperwork involved.

I spoke with the Fire Chief, Matt, whose last name I have learned to be Osinski for the first time on the phone the first week of April. He wanted to meet with me at the demo site to see and discuss the event. On Saturday, April 5th, both the Fire Chief and Assistant stopped by the property, 3943 East River Road to check over the possible drill site. They walked the property and viewed it inside and out to become familiar with the property. We once again joked about a controlled burn. They noted the distance between the house to be demolished and the home located at 3951 East River Road. They indicated it would be difficult to get a permit for that. At this time they indicated they would notify the neighbors of training to be held at this address. I never gave it a second thought and was disappointed that they did not notify any nearby neighbors prior to conducting the drill. Especially

was only a training exercise at the location of 3943 East River Rd. At this time I explained to him that based on what happened, I in all likelihood would need to cancel any further training. He stated he understood and again thanked me for the opportunity, even if it turns out to be the only one. At some time after this call I called the assistant and canceled any future training.

After further discussions with Pam Detig, it was decided to allow additional training on the condition the fire department notify all the surrounding neighbors as original informed. Pam Detig pointed out that in recent history, the EMT of Grand Island had been there for her and her family on the recent passing of both her husband and mother and she was gratefully for all they did.

I received a phone call from the Chief after I left a message with the assistant chief, about going forward with the additional training. He indicated he would like to meet again. At this meeting, the Chief indicated that no notice was given to the neighbors for the first training exercise, as things got busy and they ran out of time. The Chief explained that they planned on using the structure in the up and coming week two to three times to do ladder and roof training.

During this meeting with the Chief he explained that the assistant and his family went door to door in the neighborhood to notify the neighbors of the up and coming additional training. In addition, the Chief stated that in his Assistant's "visits" to the neighbors, Dennis McGinn, located across the street at 3942 East River Rd, informed the Assistant that he called the Grand Island Town Hall to complain about the lack of notice. The chief also informed me that Dennis McGinn indicated he did call 911, at some point during the first training exercise. The dispatcher at this time informed him that the fire department was at 3943 E River Rd for a training exercise.

BRENDA LESTER

Subscribed and sworn to before
Me this 16 day of June, 2014.

MICHELE M. GOLDING
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires: 6/19/15