(11)

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

July 23, 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:	*Resofsky, Louis P. v. County of Erie, Town of Cheektowaga, Oakgrove Construction, Inc. and Oakgrove Leasing, Ltd.*
Document Received:	Notice of Claim
Name of Claimant:	Louis P. Resofsky 2496 George Urban Boulevard Depew, New York 14043
Claimant's attorney:	C. Daniel McGillicuddy, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221-5986

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.

This paper received at the
Erie County Attorney's Office
from Maryanne Geisinger on
the 3rd day of July 2014
at 9:37 a.m./p.m.
Cricka Bennett
Assistant County Attorney

STATE OF NEW YORK
COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF:

LOUIS P. RESOFSKY
2496 George Urban Boulevard
Depew, New York 14043

Claimant,

-against-

NOTICE OF CLAIM

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

TOWN OF CHEEKTOWAGA
3301 Broadway Street
Cheektowaga, New York 14227,

OAKGROVE CONSTRUCTION, INC.
6900 Seneca Street
Elma, New York 14059, and

OAKGROVE LEASING, LTD.
6900 Seneca Street
Elma, New York 14059

Respondent.

PLEASE TAKE NOTICE that **LOUIS P. RESOFSKY**, hereby makes claim against **COUNTY OF ERIE, TOWN OF CHEEKTOWAGA, OAKGROVE CONSTRUCTION, INC.**, and **OAKGROVE LEASING, LTD.** and in support thereof Claimant alleges:

1. That the undersigned Claimant, LOUIS P. RESOFSKY, residing at 2496 George Urban Boulevard, Depew, NY 14043, by and through his attorney, C. DANIEL

MCGILLICUDDY, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the COUNTY OF ERIE, TOWN OF CHEEKTOWAGA, OAKGROVE CONSTRUCTION, INC., and OAKGROVE LEASING, LTD. for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by LOUIS P. RESOFSKY.

2. That the said injuries were sustained by LOUIS P. RESOFSKYon May 21, 2014 at approximately 9:48 p.m. The Claimant, LOUIS P. RESOFSKY was operating his 1993 Chevrolet motor vehicle when he drove his motor vehicle into a large hole on the Eastbound Kensington Expressway at or near the exit ramp to Dick Road, due to a large gap in between the construction cones in a work zone operated/maintained and controlled by OAKGROVE CONSTRUCTION, INC., and/or OAKGROVE LEASING, LTD., and/or operated/owned/maintained and controlled by the COUNTY OF ERIE, and/or operated/owned/maintained and controlled by the TOWN OF CHEEKTOWAGA, and their servants, agents or employees.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, LOUIS P. RESOFSKY, by the COUNTY OF ERIE, TOWN OF CHEEKTOWAGA, OAKGROVE CONSTRUCTION, INC., and OAKGROVE LEASING, LTD., jointly and severally, their servants, agents or employees in failing to train, instruct and supervise, failing to properly space the construction cones and or/barricade in a work zone at equal distances apart, in failing to properly mark/place an exit ramp sign in a construction/work zone, in failing to properly light an area in a construction/work zone where a large hole existed in the roadway, in failing to properly direct

traffic in a construction zone, along with the other acts of negligence, carelessness and recklessness, including failure to train, instruct and supervise their agents, servants and employees in the proper and safe operation of a construction/work zone.

4. That as a result of the foregoing, the Claimant, LOUIS P. RESOFSKY, sustained very serious injuries, sustaining neck, left elbow, left hand including a fracture of the left 5th metacarpal, chest, ribs, back and other injuries. These injuries will be of a permanent or indefinite duration, and Claimant LOUIS P. RESOFSKY, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

5. That the said injuries were occasioned solely and wholly as a result of the negligence, carelessness and recklessness of the COUNTY OF ERIE, TOWN OF CHEEKTOWAGA, OAKGROVE CONSTRUCTION, INC., and OAKGROVE LEASING, LTD., jointly and severally through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto which constituted a reckless disregard for the safety of the other motorists on the road.

DATED: Williamsville, New York
June 25, 2014

C. Daniel McGillicuddy, Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

LOUIS P. RESOFSKY, being duly sworn, depose and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

LOUIS P. RESOFSKY

Sworn to before me this
2nd day of June, 2014

Notary Public

TYLER M. ALSPAUGH
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01AL6246399
Qualified in Erie County
Commission Expires August 8, 2015