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

September 9, 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:	*Kochan, Rose T. and Robert Z. v. City of Buffalo, NFTA, County of Erie, Erie Canal Harbor Development Corp. and NYS Urban Development Corp. d/b/a Empire State Development Corp.*
Document Received:	Notice of Claim
Name of Claimant:	Rose T. and Robert Z. Kochan 3243 S. Lyth Road Blasdell, New York 14219
Claimant's attorney:	Robert J. Maranto, Jr., Esq. Andrews, Bernstein, Maranto & Nicotra, PLLC 420 Franklin Street Buffalo, New York 14202

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.

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

ROSE T. KOCHAN and ROBERT Z. KOCHAN,
Individually and as wife and husband,
3243 S Lyth Rd
Blasdell, NY 14219,

Claimants,

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Kathrine Peterson on
the 2nd day of Sept, 2014
at 3:96 a.m./p.m.
Assistant County Attorney

CITY of BUFFALO
65 Niagara Square
1100 City Hall
Buffalo, NY 14202;

NIAGARA FRONTIER TRANSPORTATION
AUTHORITY
181 Ellicott Street
Buffalo, NY 14203;

COUNTY of ERIE
95 Franklin Street
Room 1634
Buffalo, NY 14202

ERIE CANAL HARBOR DEVELOPMENT CORPORATION
95 Perry Street, Suite 500
Buffalo, NY 14203

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION
95 Perry Street, Suite 500
Buffalo, NY 14203

Respondents.

PLEASE TAKE NOTICE, that the Claimants, ROSE T. KOCHAN and ROBERT Z. KOCHAN, individually and as wife and husband, hereby intends to file a claim against the CITY of BUFFALO, NIAGARA FRONTEIR TRANSPORTATION AUTHORITY, COUNTY of ERIE, ERIE CANAL HARBOR DEVELOPMENT CORPORATION, NEW YORK URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION and in support of said claim states the following:

1. The Post Office address of the Claimant is 3243 S Lyth Rd, Blasdell, New York, 14219.

2. The attorneys for Claimants are Andrews, Bernstein, Maranto & Nicotra, PLLC, and their post office address is 420 Franklin Street, Buffalo, New York 14202, Telephone: (716) 842-2200.

3. This claim arose as follows: On or about June 6, 2014, at approximately 11:30 a.m., Claimant ROSE T. KOCHAN, had attended a tour at the Queen City Ferry Company/Buffalo River History Tours of the grain elevators located on 1 Naval Park Cove, Buffalo, NY 14202. The tour was offered by the Town of Orchard Park Senior Center as a recreational activity. Claimant, ROSE T. KOCHAN, attended the tour and fell on the dock's steps walking away from the boat, "Julia Mae." Furthermore, upon information and belief, the CITY of BUFFALO, NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the COUNTY of ERIE, ERIE CANAL HARBOR DEVLOPMENT CORPORATION, and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION own, control, operate, and maintain property on and near 1 Naval Park Cove, Buffalo, NY 14202 and the Central Wharf at Canalside.

4. A series of photographs depicting the area where Claimant, ROSE T. KOCHAN, fell is attached hereto as Exhibit **"A."** In addition, a circle has been drawn on Exhibit **"A"** to demonstrate the area of Claimant, ROSE T. KOCHAN's, fall.

5. This incident was caused by the negligence, carelessness, and recklessness on the part of the CITY of BUFFALO, NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the COUNTY of ERIE, ERIE CANAL HARBOR DEVLOPMENT CORPORATION, and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, through their agents, servants and/or employees as follows:

a. The respondents and/or their agents, servants, or employees were negligent in failing to maintain the premises in a reasonable and safe condition;

b. The respondents and/or their agents, servants, or employees were negligent in creating and/or maintaining a dangerous and hazardous condition on the premises;

c. The respondents and/or their agents, servants, or employees were negligent in failing to remedy the aforesaid condition;

d. The respondents and/or their agents, servants, or employees were negligent in failing to warn the plaintiff of the dangerous and hazardous conditions in the subject of the premises;

e. The respondents and/or their agents, servants, or employees were negligent in failing to inspect the premises;

f. The respondents and/or their agents, servants, or employees or their agents were negligent in failing to take proper measures to correct the dangerous condition in the subject area;

g. The respondents and/or their agents, servants, or employees were negligent in failing to observe the dangerous condition in the subject area; and

h. The respondents were otherwise negligent.

6. The claim for ROSE T. KOCHAN is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages.

7. The claim for ROBERT Z. KOCHAN is for loss or services, society and companionship of Claimant, ROSE T. KOCHAN.

8. By virtue of the negligence, carelessness and recklessness of the CITY of BUFFALO, NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the COUNTY of ERIE, ERIE CANAL HARBOR DEVLOPMENT CORPORATION, and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, Claimant, ROSE T. KOCHAN, was caused to suffer serious, significant and permanent injuries from this incident, including but not limited to the left shoulder and left wrist. Claimant, ROSE T. KOCHAN, also suffered other injuries and complications as yet undetermined as a result of this

incident and, and by reason of the same, Claimant, ROSE T. KOCHAN, sustained damages amount which cannot be reasonably calculated at this time.

9. By virtue of the negligence, carelessness, and recklessness of the CITY of BUFFAI NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the COUNTY of ERIE, ER CANAL HARBOR DEVLOPMENT CORPORATION, and NEW YORK STATE URBAI DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, Claimant, ROSE T. KOCHAN, has also incurred hospital and medical expenses, loss of income and other necessary related expenses, the amount of which is undetermined to date.

WHEREFORE, Claimants request that the CITY of BUFFALO, NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the COUNTY of ERIE, ERIE CANAL HARBOR DEVLOPMENT CORPORATION, and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, compensate Claimant, ROSE T. KOCHAN, for her injuries, and economic damages, and Claimant, ROBERT Z. KOCHAN, for his loss.

DATED: Buffalo, New York
August 29, 2014

Yours, etc.

By: _____

Robert J. Maranto, Jr., Esq.
ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC
Attorney for Claimants
420 Franklin Street
Buffalo, New York 14202
(716) 842-2200

VERIFICATION

STATE OF NEW YORK :
COUNTY OF ERIE : ss.
CITY OF BUFFALO :

ROSE T. KOCHAN, being duly sworn, depose and says that she is the Claimant in this action for; that she has read the foregoing Notice of Claim in this action and know the contents thereof; that the same is true to the knowledge of deponents; except as to the matters therein stated to be alleged on information and belief, and that as to those matters, she believes them to be true.

Rose T. Kochan
ROSE T. KOCHAN

Sworn to before me this 29
day of August 2014

Stacie Leigh Duderwick
Notary Public

STACIE LEIGH DUDERWICK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires December 30, 2017
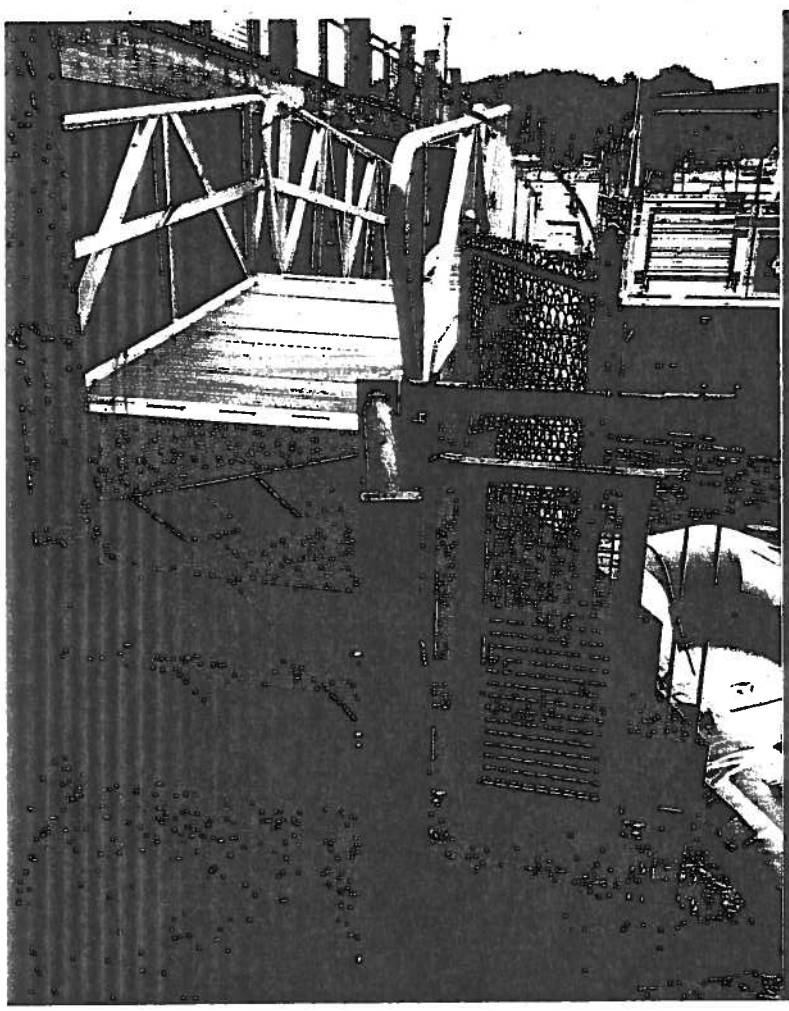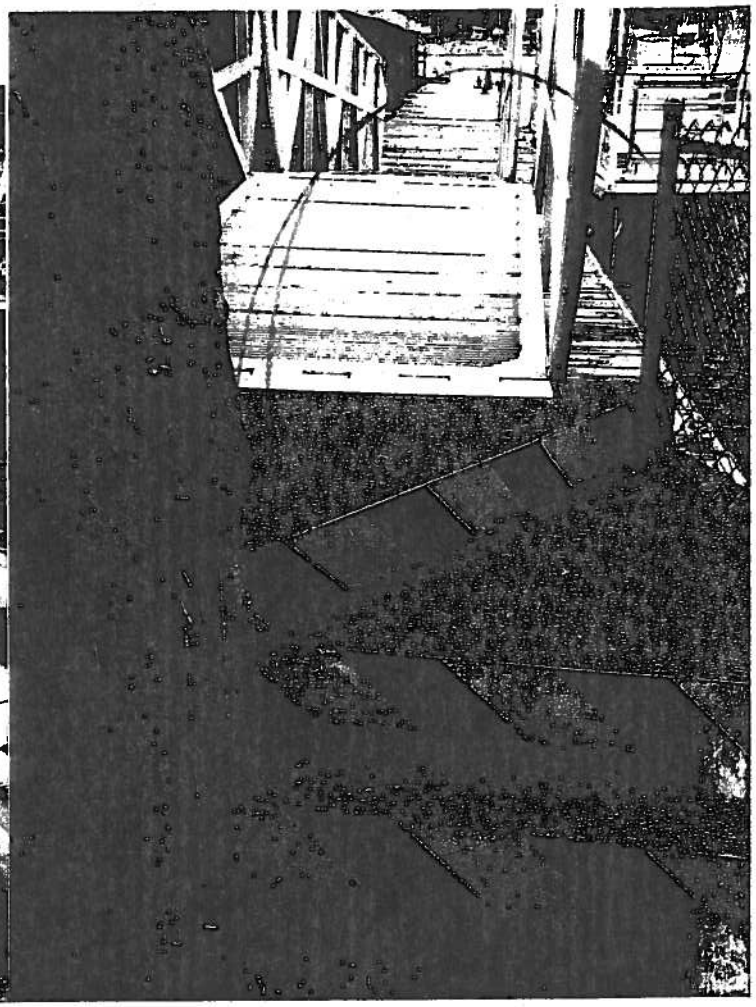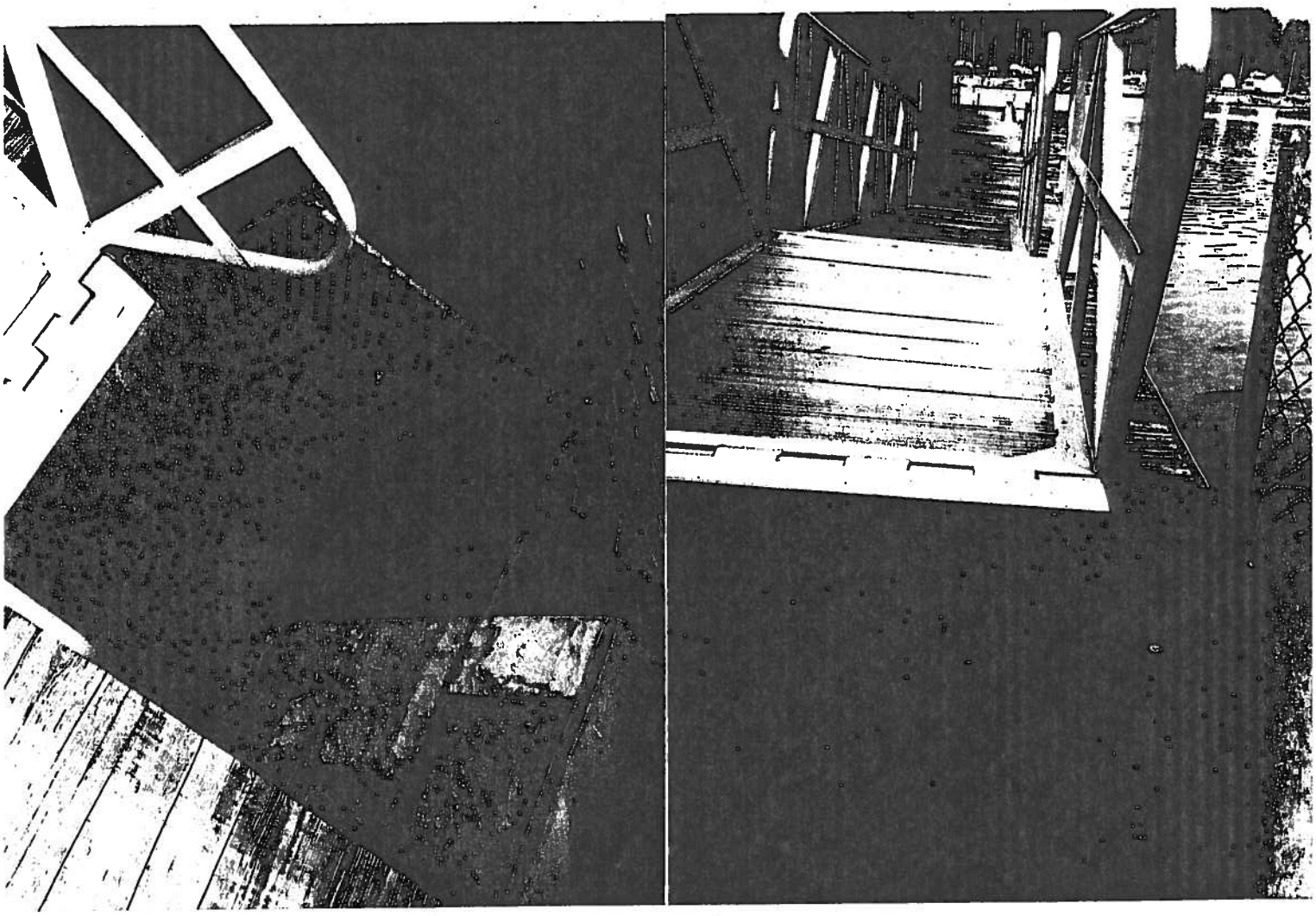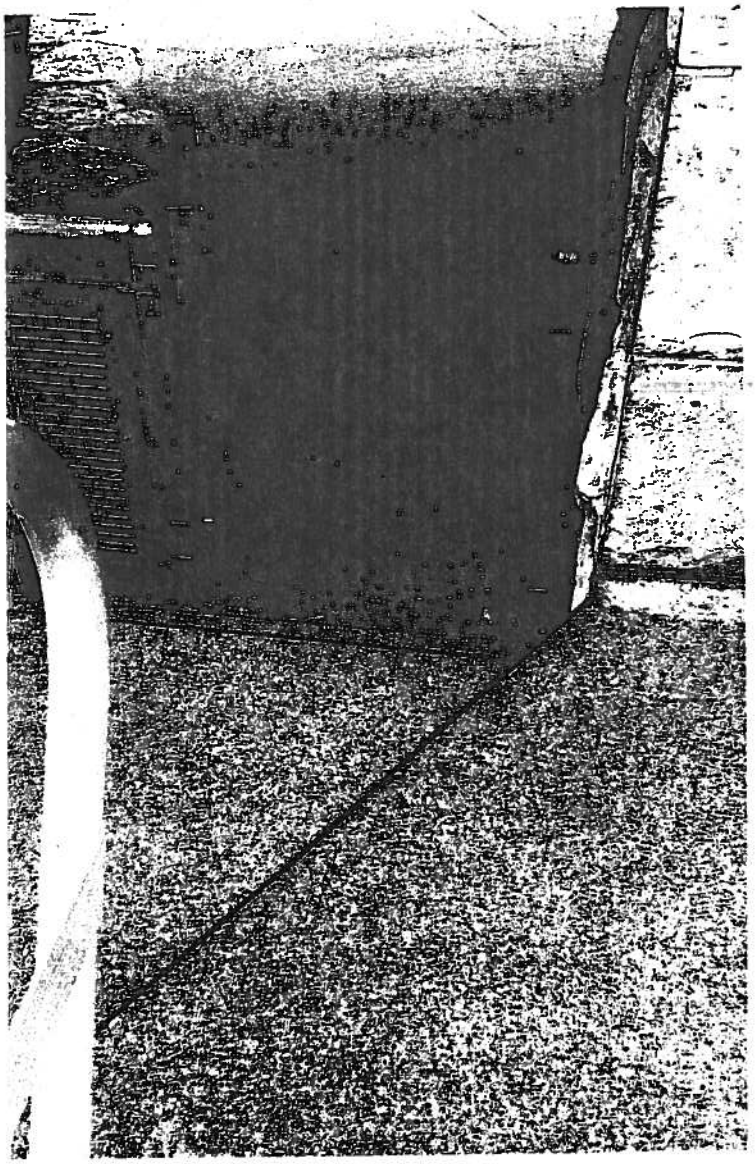
EXHIBIT A