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 30, 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:	*Johnson, Demetrius, Jr., an Infant, by Tempest Sabrina Thomas, as p/n/g v. County of Erie and Erie County Department of Social Services*
Document Received:	Notice of Claim
Name of Claimant:	Tempest Sabrina Thomas o/b/o Demetrius T. Johnson, Jr. 151 Mill Street Buffalo, New York 14212
Claimant's attorney:	Denis J. Bastible, Esq. Cellino & Barnes, P.C. 350 Main Street 2500 Main Place Tower Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle Parker
First Assistant County Attorney

MMP:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Bob Schwan on
the 19 day of September, 2014
at 11:25 a.m./p.m.
Assistant County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE
****

TEMPEST SABRINA THOMAS as Parent
And Natural Guardian of
DEMETRIUS T. JOHNSON, JR., an Infant
Claimants,

v.

COUNTY OF ERIE
ERIE COUNTY DEPARTMENT
OF SOCIAL SERVICES
Respondent,

****

NOTICE OF CLAIM

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support there of, the claimant states:

1. Claimant's address is 151 Mill Street, Buffalo, NY 14212.

2. DEMETRIUS T. JOHNSON, JR., the infant, resided with the claimant at the above address.

3. The claimant is represented by Cellino & Barnes, P.C. with offices located at 2500 Main Place Tower, 350 Main Street Buffalo, New York 14202, telephone (716) 854-2020.

4. By virtue of the negligence of the employees, agents or servants of COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES were negligent in the foster care placement of DEMETRIUS T. JOHNSON, JR., age 2.

5. By virtue of the negligence of the employees, agents or servants of COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES were negligent in supervising the foster care placement of DEMETRIUS T. JOHNSON, JR.

6. By virtue of the negligence of the employees, agents or servants of COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES were negligent in the selection of foster care parents and "respite" foster care parents in regard to the placement of DEMETRIUS T. JOHNSON, JR.

7. The incident in which personal injuries were sustained by the claimant occurred on or about August 31, 2014. DEMETRIUS T. JOHNSON, JR. was in a "respite" foster care placement at the direction of ERIE COUNTY and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, through its agents, servants and employees.

8. DEMETRIUS T. JOHNSON, JR. was somehow able to ingest mineral spirits a/k/a paint thinner and as a result has sustained physical serious injuries. Currently, he is in Women and Children's Hospital in what is believed to be an induced coma and on a respirator.

9. By virtue of the negligence of the employees, agents or servants of COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

10. Upon information and belief, claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
September 8, 2014

Yours, etc.,

CELLINO & BARNES, P.C.

By: _____
Denis J. Bastible, Esq.
Attorneys for Plaintiffs
2500 Main Place Tower
350 Main Street
Buffalo, NY 14202-3725
(716) 888-8888

TO: COUNTY OF ERIE
95 Franklin Street, Room 1254
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
95 Franklin Street
Buffalo, New York 14202

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)

TEMPEST SABRINA THOMAS being duly sworn, deposes and says that she is the Claimant and the Parent and Natural Guardian of DEMETRIUS T. JOHNSON, JR., an Infant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

TEMPEST SABRINA THOMAS

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)

On the 17th day of September, in the year 2014 before me, the undersigned, personally appeared TEMPEST SABRINA THOMAS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public/Commissioner of Deeds

WILLIAM J. HARZEWSKI
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires 5/11/18