(8)

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

October 29, 2014

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	*Flack, William v. Erie County Sheriff's Office and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	William Flack 146 Allendale Road West Seneca, New York 14224
Claimant's attorney:	Robert Viola, Esq. Viola, Cummings & Lindsay LLP 770 Main Street Niagara Falls, New York 14301

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.

IN THE MATTER OF THE CLAIM OF

WILLIAM FLACK

-against-

NOTICE OF CLAIM

ERIE COUNTY SHERIFF'S OFFICE
And
ERIE COUNTY

SIR:

PLEASE TAKE NOTICE **that the claimant herein hereby makes claim and demand against the Erie County Sheriff's Office and ERIE COUNTY as follows:**

1. The name and post office address of the claimant is as follows:

   WILLIAM FLACK; 146 Allendale Road, West Seneca, NY 14224

2. The name and post office address of the claimant's attorney is:

   VIOLA, CUMMINGS & LINDSAY, LLP (Robert Viola, Esq.) **770 Main Street, Niagara Falls, New York 14301.**

3. The nature of the claim:

   On July 30, 2014 the claimant was in the care and custody of officers of the Erie County Sheriff's Office which is under the authority and control of Erie County. Specifically he was in a van driven by officers of the Erie County Sheriff's Office being transported. While handcuffed, he attempted, with permission of and at the direction of the Erie County Sheriff's Office to exit the van. In order to facilitate the exit from the van, steps were placed from the

van to the ground. However, said steps were improperly placed, constructed or operated so as to become an unsafe and dangerous condition causing claimant to fall and sustain injuries. The steps were not equipped with railings, and no assistance was offered by the Erie County Sheriff's Office during claimant's egress from the vehicle. This claim is predicated on the negligence of the Erie County Sheriff's Office in failing to properly assist claimant in his egress from the vehicle and causing and permitting claimant to utilize stairs that were in an unsafe and defective condition.

4. The time and the place where the claim arose:

   The fall and resulting injuries occurred on July 30, 2014 at approximately 5:30 P.M.

5. The items of damage or injuries claimed are:

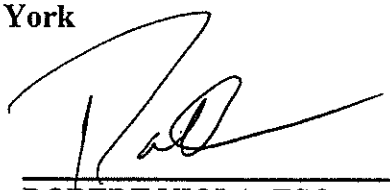
   General Damages for conscious pain and suffering including but not limited to injuries to his left foot and ankle requiring medical care and treatment.

6. **The said claim and demand is hereby presented for adjustment and payment.**

PLEASE TAKE FURTHER NOTICE that if respondent, Erie County and Erie County Sheriff's Office, New York fail and refuse to pay an adjusted claim within thirty (30) days, claimant reserves his right to bring an action against them to recover all

damages and for such other, further and different relief as the Court deems just and proper.

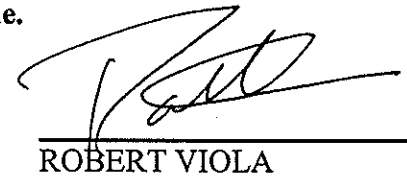
DATED: **Niagara Falls, New York**
October 27, 2014



ROBERT VIOLA, ESQ.
Attorney for Claimant
770 Main Street,
Niagara Falls, NY 14301

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS:
CITY OF NIAGARA FALLS)

ROBERT VIOLA, **being duly sworn, deposes and says that your deponent is attorney for the claimant in the above entitled matter; that you deponent has read the foregoing Notice of Claim and knows the contents thereof and the same are true to your deponent's own knowledge, except as to those matters therein which are stated to be alleged upon information and belief, and as to those matters your deponent believes them to be true.**



ROBERT VIOLA

Sworn to before me this
27th day of October 2014

Notary Public

FRANCES CURCIONE
Commissioner of Deeds
In and for the City of Niagara Falls
State of New York, County of Niagara
My Commission Expires June 30, 2016