(5)

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

January 14, 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:	*Turner, Robert v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Robert Turner 211 Winslow Avenue Buffalo, New York 14208
Claimant's attorney:	David P. Feldman, Esq. 69 Delaware Avenue Suite 600 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker (dld)
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK : COUNTY OF ERIE

In The Matter of ROBERT TURNER,

Claimant, **NOTICE OF CLAIM**

-against-

COUNTY OF ERIE

TO THE CLERK OF ERIE COUNTY LEGISLATURE and
TO THE ERIE COUNTY ATTORNEY:

PLEASE TAKE NOTICE, that the undersigned ROBERT TURNER pursuant to statute in such case made and provided does hereby claim damages for personal injury sustained by him against the County of Erie, its agents, servants and employees and in support thereof states:

1. Post Office address of claimant Robert Turner is 211 Winslow Avenue, Buffalo NY 14208.
2. Attorney for claimant is David P. Feldman, Esq., 69 Delaware Ave., Suite 600, Buffalo NY 14202.
3. The claim herein asserted is for personal injuries caused by the negligence of employees of the Erie County Correctional Facility, Alden New York.
4. This claim for medical infection, and for malpractice arose September 18, 2013, and was continuously treated by employees of the Erie County Correctional Facility until December 13, 2013 when claimant herein was released from custody.

5. The circumstances by which said claim arose are as follows:

- Plaintiff was confined to the Erie County Correctional Facility on August 10, 2013. On or about September 18, 2013, Claimant reported to medical personnel at the Erie County Correctional Facility of infection which had occurred in claimant's neck.
- Employees of the Erie County Correctional Facility failed to offered any medical treatment to claimant until October 5, 2013, at which time claimant was seen by medical personnel at the Erie County Correctional Facility.
- Personnel at the Erie County Correctional Facility continuously treated Plaintiff thereafter until he was released on December 13, 2013.

6. The Erie County Correctional Facility its agents, servants, and employees were negligent in that said facility carelessly and negligently expose claimant to unsanitary conditions resulting in the infection sustained by claimant. Erie County Correctional Facility its agents, servants and employees further failed promptly and adequately to treat the infection from which claimant suffered.

7. By reason of the negligence aforesaid Plaintiff is totally infected with an incurable and destructive disease which will result in grave disability and fatality.

WHEREFORE, Claimant presents the foregoing claim. Demand is hereby presented for adjustment and payment.

DATED: Buffalo, New York
January 6, 2014

Robert Turner
ROBERT TURNER

DAVID P. FELDMAN
Attorney for Claimant
69 Delaware Avenue, Suite 600
Buffalo, New York 14202
Tel: (716) 845-5300
Fax: (716) 852-6784

VERIFICATION

ROBERT TURNER, being duly sworn, deposes and says: that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Robert Turner

Robert Turner

Sworn to before me this
6 day of January, 2014.

Notary Public

DAVID P. FELDMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 9/8/14