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

January 6, 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:	*Moore, Michael v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Michael Moore 246 Fletcher Street Tonawanda, New York 14150
Claimant's attorney:	William D. Murphy, Esq. Maxwell Murphy, LLC 1230 Delaware Avenue Buffalo, New York 14209

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
SUPREME COURT : COUNTY OF ERIE

This paper received at the
Erie County Attorney's Office
from Jay Bauer on
the 27 day of December, 2013
at 3:10 a.m./p.m.
Assistant County Attorney

In the Matter of the Claim of

MICHAEL MOORE
246 Fletcher Street
Tonawanda, New York 14150,

Claimant,

vs.

COUNTY OF ERIE,

Respondent.

NOTICE OF CLAIM

TO: County of Erie
C/O Department of Law
95 Franklin Street, Room 1634
Buffalo, New York 14202

PLEASE TAKE NOTICE, that in accordance with the requirements of New York General Municipal Law §50-e the Claimant, MICHAEL MOORE, claims and demands the following against the Respondent, COUNTY OF ERIE:

1. The name and post office address of the Claimant is:

   MICHAEL MOORE
   246 Fletcher Street
   Tonawanda, New York 14150

   The name and post office address of the Claimant's attorney is:

   WILLIAM D. MURPHY, ESQ.
   MAXWELL MURPHY, LLC
   1230 Delaware Avenue
   Buffalo, New York 14209

2. This Claim is for personal injuries and derivative losses sustained through the negligence and violations of the Respondent, its agents and employees in: violating the Federal and State constitutional rights of MICHAEL MOORE; violating 42 U.S.C. §1983; violating the laws and regulations of the State of New York and County of Erie; violating the Correction Law of the State of New York including violating §500-b and §500-c of the Correction Law; failing to abide by the dictates and prohibitions of Title 9 of the New York Code of Rules and Regulations §7000, et seq. regarding the conduct, maintenance and operation of correctional services in Erie County including the conduct, maintenance and operation of the Erie County Holding Center; violating New York State Labor Law §§200, 240(1) and 241(6); causing the Erie County Holding Center to be understaffed; appointing, employing and promoting managers, superintendents, deputies and employees who are inadequately and improperly trained and educated for the duties to which they are assigned; failing to properly train managers, superintendents, deputies and employees for their duties within the Erie County Sheriff's Department and at the Erie County Holding Center; repeatedly and consistently disregarding known or serious risks of harm to inmates at the Erie County Holding Center; repeatedly failing to provide adequate medical treatment and services to inmates at the Erie County Holding Center; inadequately managing medical services and treatment; pervasively maintaining a physical environment at the Erie County Holding Center that poses an unreasonable risk of serious harm to inmates' health and safety; failing to provide proper equipment to the Claimant for the painting work he was performing; failing to provide proper safety devices for the painting work the Claimant was performing; failing and/or refusing to provide proper, timely medical treatment to the Claimant after he was injured; and in allowing

the Claimant's injuries to progress and worsen by failing to provide appropriate and necessary medical treatment.

4. This Claim arose on October 7, 2013 at approximately 10:30 a.m. when MICHAEL MOORE suffered a fall and was injured, and continued until his release from the Erie County Holding Center at 40 Delaware Avenue in Buffalo, New York.

5. Upon information and belief, the structures and property that comprise the Erie County Holding Center at 40 Delaware Avenue, Buffalo, New York were owned by the Respondent on October 7, 2013.

6. On October 7, 2013 at approximately 10:30 a.m. the Claimant, MICHAEL MOORE, was working as a laborer at the Erie County Holding Center performing painting work and standing on the milk crate provided to him when he was caused to fall off the milk crate as it slipped across the concrete floor. When he fell he hit the wall and then fell to the ground and suffered serious and permanent injuries to his head, neck, right arm and back. Claimant's injury was caused by the Respondent's failure to provide a safe place to work, failure to place proper safety devices, and failure to provide proper safety devices to prevent the Claimant from falling from his elevated work area.

7. Following the Claimant's incident on October 7, 2013 and continuing until his release from the Erie County Holding Center, Respondent repeatedly failed to provide adequate medical treatment and services to the Claimant, inadequately managed the Claimant's medical services and treatment, failed and/or refused to provide proper, timely medical treatment to the Claimant after he was injured, and allowed the Claimant's injuries to progress and worsen, all despite the Claimant's repeated requests for proper medical treatment.

8. The injuries to Claimant, MICHAEL MOORE, have resulted and will result in past and future medical expenses; past and future loss of earnings, fringe benefits, and unemployment compensation; reduced earning capacity; past and future pain and suffering and loss of enjoyment of life; past and future loss of household services; as well as other damages.

9. Claimant MICHAEL MOORE was caused to suffer the above-mentioned injuries and damages due to the negligence and unlawful behavior of the Respondent, its agents, employees and/or contractors in negligently failing to provide Claimant with a safe place to work, failing to comply with §§200, 241(6) and 240(1) of the New York State Labor Law when the Claimant MICHAEL MOORE was caused to fall from his elevated work site while performing construction work at the Erie County Holding Center as a result of the Respondent's failure to provide and place proper safety devices to prevent him from injury, failing to comply with the rules and regulations promulgated under the New York State Labor Laws, and in negligently failing to provide proper medical treatment to the Claimant once he was injured.

10. The injuries of the Claimant MICHAEL MOORE have resulted and will result in past and future medical expenses including costs for hospitalization, surgery, medications, physical therapy, rehabilitation, custodial care, diagnostic tests, radiological tests, follow-up medical examinations; as well as medical and home equipment and devices; past and future loss of earnings, fringe benefits, Social Security benefits and unemployment compensation; reduced earning capacity; past and future pain and suffering and loss of enjoyment of life; and past and future loss of household services.

WHEREFORE, the Claimant, MICHAEL MOORE, hereby claims and demands from Respondent, COUNTY OF ERIE, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondent, its agents, servants or employees.

DATED: December 24, 2013
Buffalo, New York

WILLIAM D. MURPHY, ESQ.
MAXWELL MURPHY, LLC
Attorneys for Claimant
1230 Delaware Avenue
Buffalo, New York 14209
(716) 885-1300

VERIFICATION

MICHAEL MOORE, being duly sworn, deposes and says: I am the Claimant above named; I have read the foregoing Notice of Claim and know its contents; the same is true to my own knowledge, except as to those matters therein stated to be alleged on information and belief, and, as to those matters, I believe it to be true.

MICHAEL MOORE

Subscribed and sworn to before me
this 10th day of December 2013.

Notary Public

MATTHEW GRIMALDI
Lic. #01GR6248011
Notary Public-State of New York
Qualified in NIAGARA COUNTY
My Commission Expires 09/06/2015