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:	*Ballowe, Mary v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Mary Ballowe 5497 George Drive Hamburg, New York 14075
Claimant's attorney:	Aaron F. Glazer, Esq. Gibson, McAskill & Crosby, LLP 69 Delaware Avenue, Suite 900 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
SUPREME COURT : COUNTY OF ERIE

MARY BALLOWE,
5497 George Drive
Hamburg, New York 14075
Claimant,

vs.

COUNTY OF ERIE
92 Franklin Street
Buffalo, New York 14202

Respondent.

NOTICE OF CLAIM

TO: Erie County Attorney's Office
95 Franklin Street – Room 1634
Buffalo, New York 14202

Erie County Clerk
92 Franklin Street
Buffalo, New York 14202

PLEASE TAKE NOTICE, that Claimant hereby makes a claim against the COUNTY OF ERIE and in support of said claim states the following:

1. The Claimant resides at 5497 George Drive, Hamburg, New York, 14075.

2. The attorneys for the Claimant are GIBSON, McASKILL & CROSBY, LLP, 69 Delaware Avenue, Suite 900, Buffalo, New York 14202.

3. The claims of Claimant are for: The negligence, carelessness and recklessness of Respondent by creating and allowing a dangerous and defective condition to exist in the roadway in front of 7821 Backcreek Road and for violations of various rules, regulations and laws of the State of New York, County of Erie and Town of Boston, which are the proximate cause of

personal injuries to Claimant. Specifically, Respondent failed to maintain and properly repair the road causing larger and more dangerous potholes in the roadway.

4. The claims arose in substance as follows: On October 19, 2013, Claimant, MARY BALLOWE, was injured when she was lawfully walking on Backcreek Road in the Town of Boston and was caused to trip and fall on/in a pot hole on a dangerous and defective roadway owned and maintained by Respondent, COUNTY OF ERIE, New York. The pothole was located almost directly in front of 7821 Backcreek road on the west side of the street and has since been filled in with asphalt. Photos depicting the dangerous condition are attached as **Exhibit A.**

5. As a result of the October 19, 2013 incident, Claimant, MARY BALLOWE, sustained a fracture of her left ankle, together with other serious and permanent injuries to her left ankle, medical expenses and loss of wages.

6. As a result of the aforesaid incident and resulting injuries, the Claimant claims damages against the COUNTY OF ERIE in an amount in excess of the jurisdictional limits of all lower courts.

WHEREFORE, the Claimant requests that the COUNTY OF ERIE honor and pay the claims on behalf of the Claimant in excess of the jurisdictional limit.

Dated: Buffalo, New York
December 23, 2013

GIBSON, McASKILL & CROSBY, LLP

By: _____

Aaron F. Glazer, Esq.
Attorneys for Claimant
69 Delaware Ave., Suite 900
Buffalo, New York 14202
Telephone: (716) 856-4200
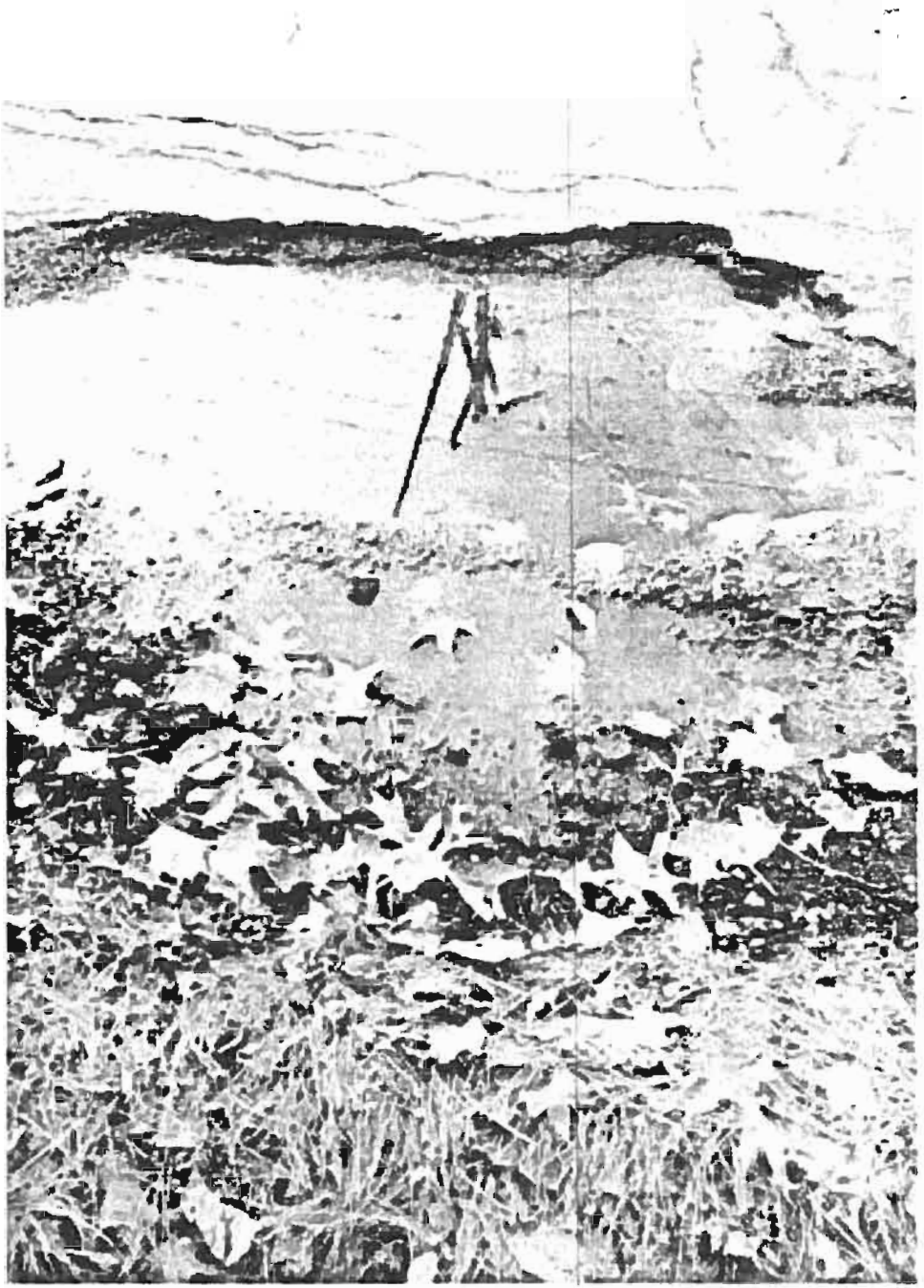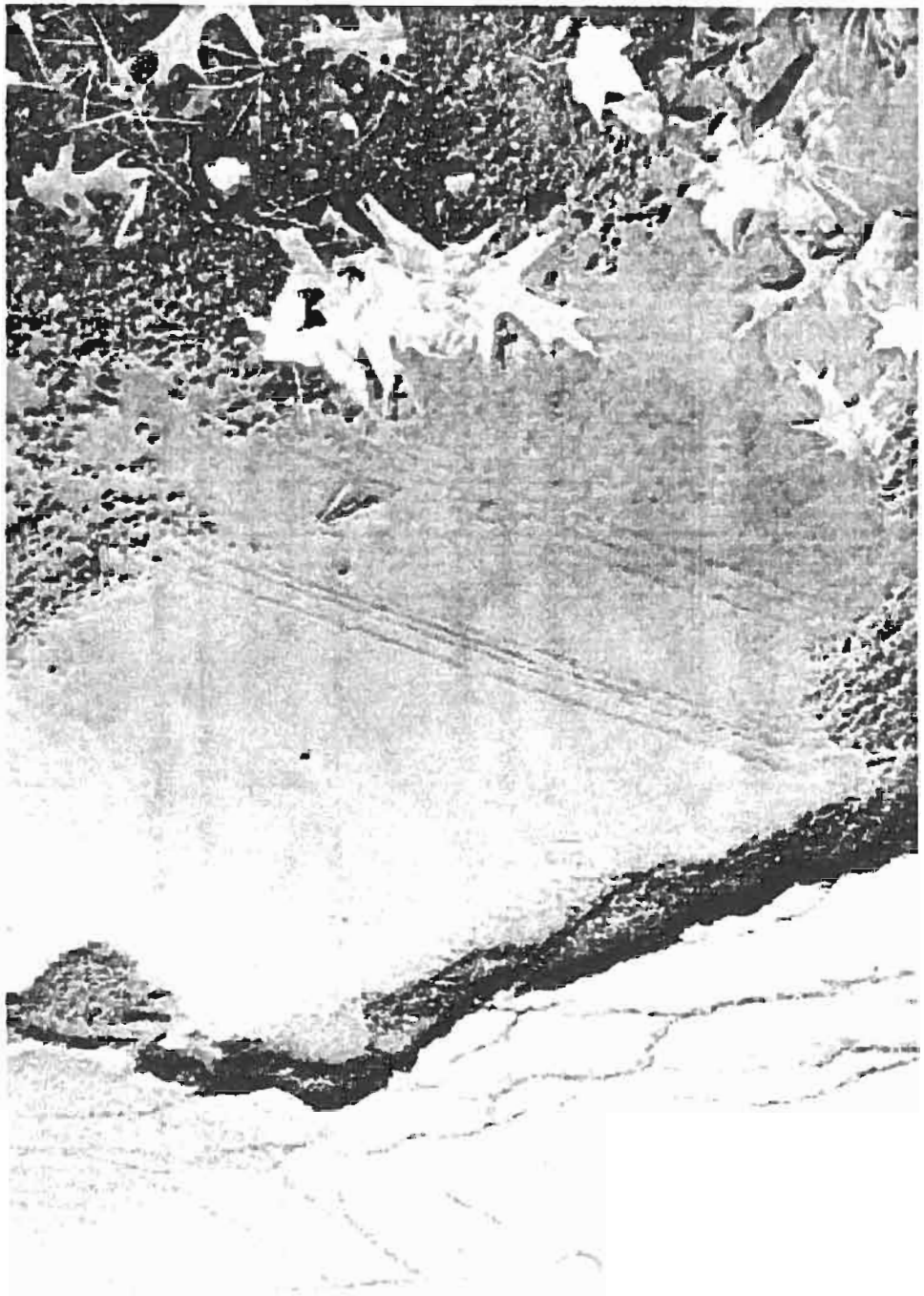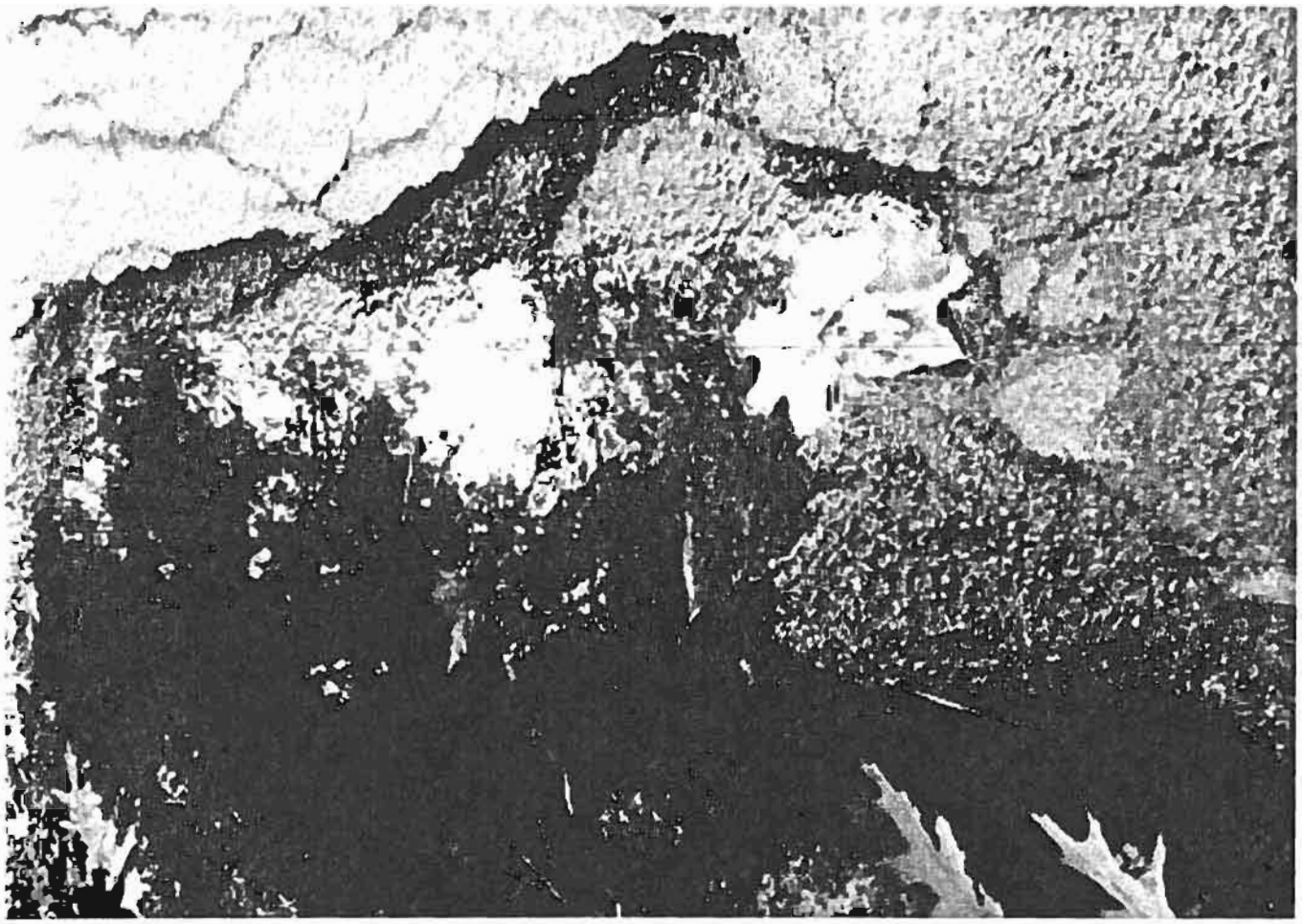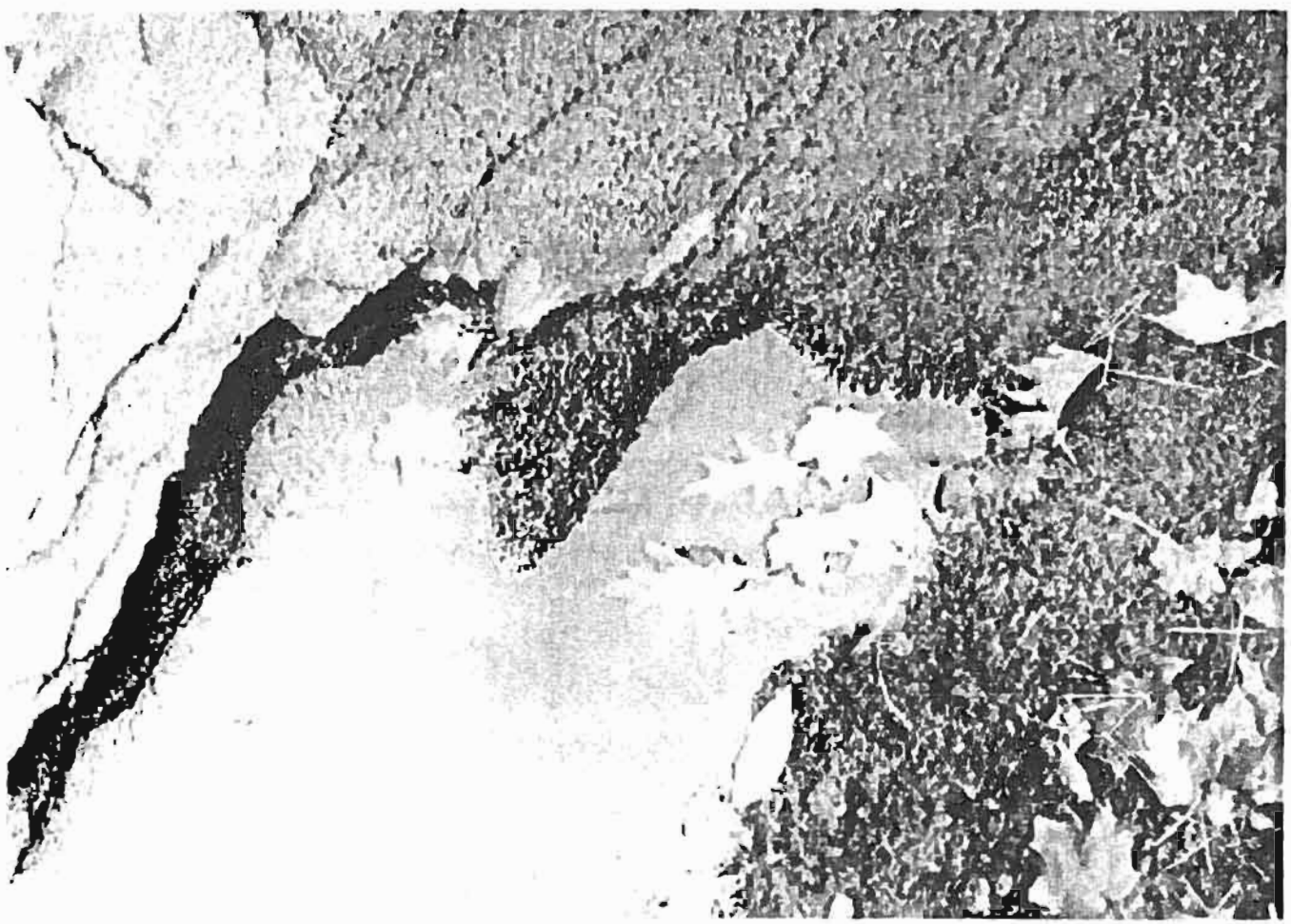
EXHIBIT A