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 29, 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:	*Bratcher, Mark v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Mark Bratcher 162 Choate Avenue Buffalo, New York 14221
Claimant's attorney:	Charles S. Desmond, II 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 Park
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MARK BRATCHER
162 Choate Avenue
Buffalo, New York 14221,

Claimant,

NOTICE OF CLAIM

vs.

ERIE COUNTY
95 Franklin Street
Buffalo, New York 14202,

Respondent.

RECEIVED
Hand delivery
JAN 27 2014
ERIE COUNTY
DEPARTMENT OF LAW

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

PLEASE TAKE NOTICE that MARK BRATCHER as claimant, hereby makes a claim against the ERIE COUNTY, and in support of such claim states the following:

1. The name and post office address of the Claimant is as follows: MARK BRATCHER, 162 Choate Avenue, Buffalo, New York 14221.

2. The attorneys for the Claimant are: Gibson, McAskill & Crosby, 69 Delaware Avenue, Suite 900, Buffalo, New York 14202.

3. The claims of Claimant are for: The negligence, carelessness, and recklessness of Respondent, ERIE COUNTY. Further, it will be alleged that Respondent failed to adequately staff and supervise security at Ralph Wilson Stadium, and to hire and contract for reasonable and adequate security companies on November 17, 2013. Further, Respondent failed to require that

security companies require staffing and security in the concourse and entranceway to the seating area at the stadium at all times. Further, Respondent failed to stop, warn, or prevent fans from sliding down the railing and causing injuries to other fans in the stadium.

4. The facts and circumstances of this claim are as follows: that on November 17, 2013, while Claimant was a fan at Ralph Wilson Stadium, a fan in the upper level was continuously sliding down a railing along the side of the seating area. On the fan's fifth attempt sliding down the rail, he lost his balance and fell onto Claimant's head, neck, back and shoulders in the seating level below. Photographs of the area where the incident occurred and the fan falling are attached. As a result of being fallen on, Claimant sustained a closed head injury, cervical and lumbar injuries and shoulder injuries.

5. As a result of the aforesaid incident, the Claimant claims damages against ERIE COUNTY for part of future pain and suffering, loss of enjoyment of life, past and future lost wages and past and future wages, past and future medical bills and the per moment effect of his injuries, in an amount in excess of the jurisdictional limits of all lower courts.

WHEREFORE, the Claimant, MARK BRATCHER respectfully requests that ERIE COUNTY honor and pay the claims on behalf of the Claimant as set forth in paragraph 5 herein.

Dated: January 21, 2014
Buffalo, New York

GIBSON, McASKILL & CROSBY, LLP

By: _____

Charles S. Desmond, II, Esq.
Attorneys for Claimant
69 Delaware Avenue, Suite 900
Buffalo, New York 14202
Telephone: (716) 856-4200

VERIFICATION

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

CHARLES S. DESMOND, II, being duly sworn, deposes and says that he is a member of Gibson, McAskill & Crosby, LLP, attorneys for the claimant, MARK BRATCHER, herein; that he 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 upon information and belief, and that as to those, deponent believes same to be true.

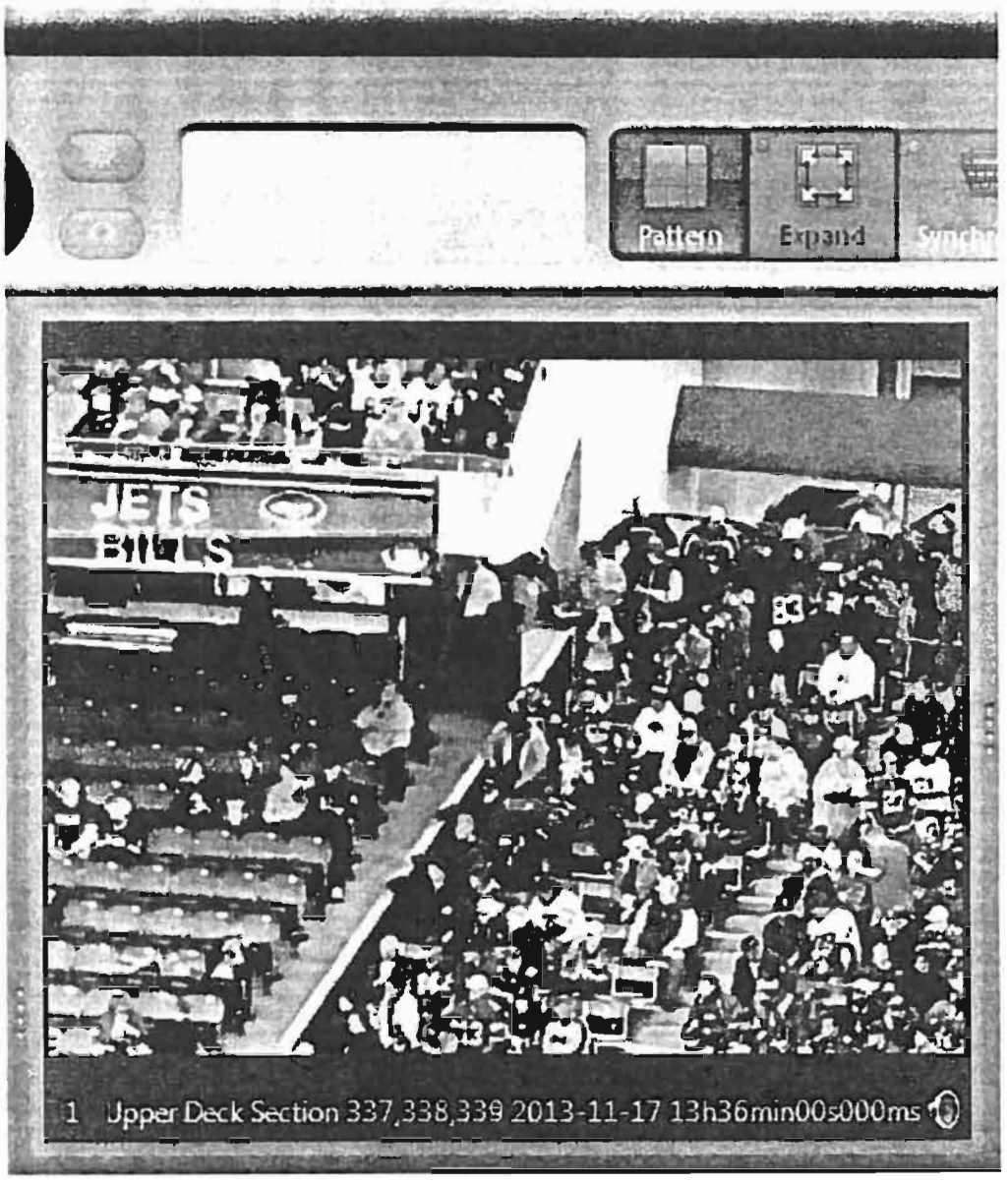
The sources of deponent's information and the grounds for his belief are reports and correspondence from representatives of the claimant presently in the file of this case in deponent's office.

CHARLES S. DESMOND, II

Sworn to before me this
21st day of January, 2014.

Sharon A Yell
Notary Public

SHARON A. YELL
Notary Public State of New York
Qualified in Erie County
My Commission Expires: Nov. 25, 2014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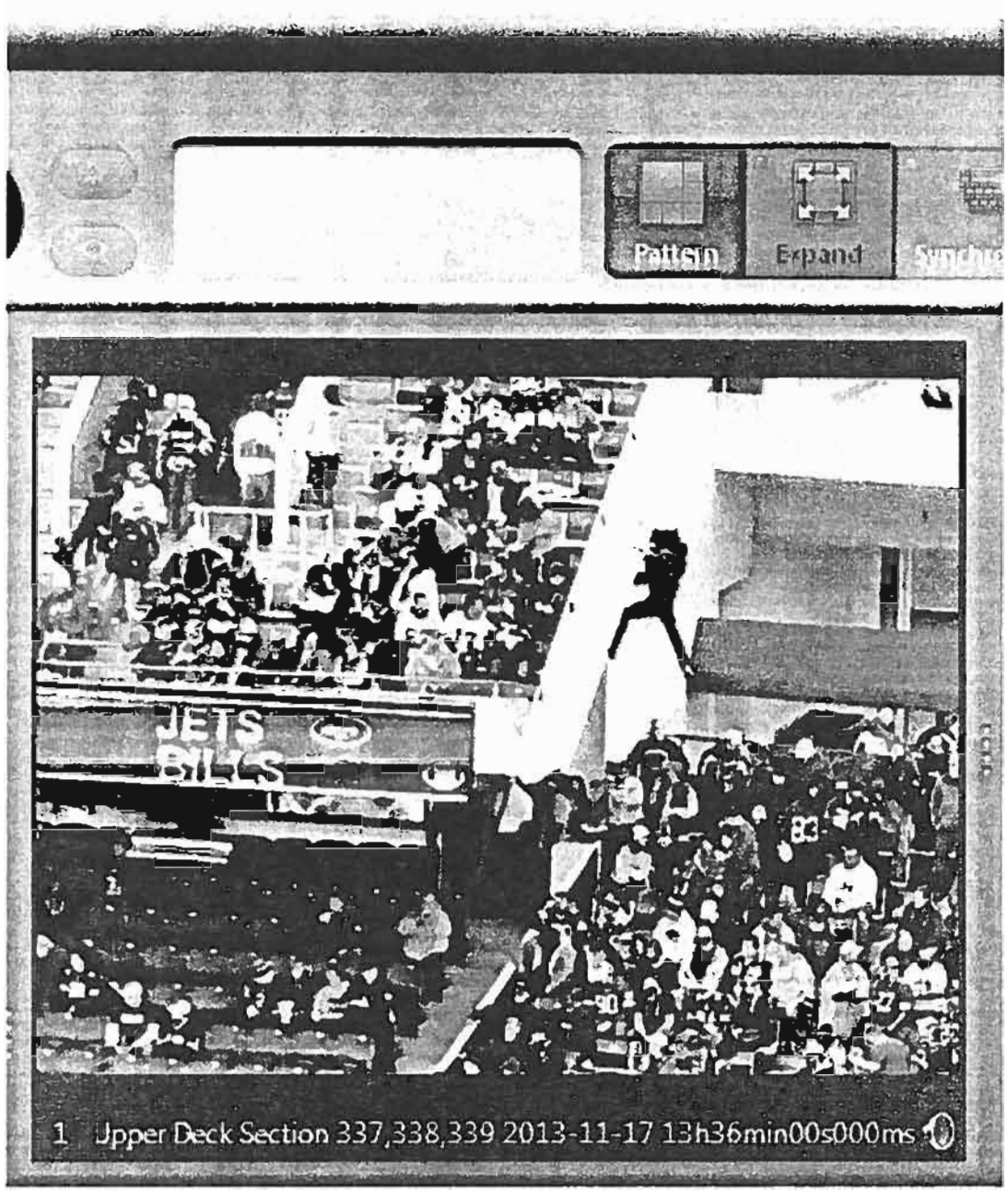
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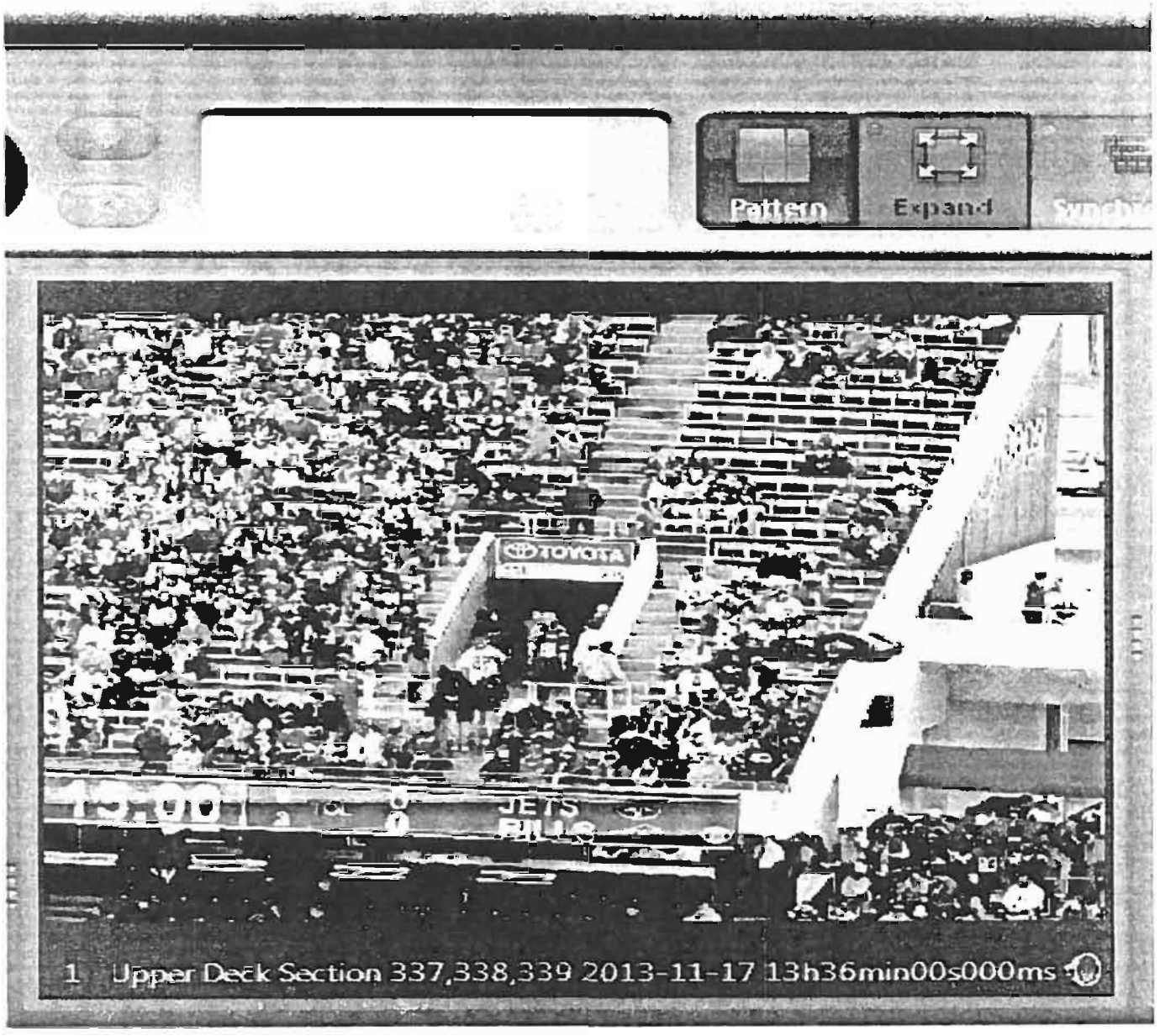
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