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

December 1, 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:	*Dulanski, Roger v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Roger Dulanski 3255 Hazelmere Avenue Machias, New York 14101
Claimant's attorney:	William B. Collins, Esq. Collins & Collins Attorneys, LLC 267 North Street Buffalo, New York 14201

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.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of
ROGER DULANSKI,

Claimant,

v.

COUNTY OF ERIE,

Respondent.

NOTICE OF INTENTION TO FILE A CLAIM

Claim No.

To: County of Erie
Michael A. Siragusa, Esq.
95 Franklin Street, Suite 1634
Buffalo, New York 14202

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

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

   ROGER DULANSKI
   3255 Hazelmere Avenue
   Machias, New York 14101

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

   William B. Collins, Esq.
   COLLINS & COLLINS ATTORNEYS, LLC
   267 North Street
   Buffalo, New York 14201

2. The claim of **ROGER DULANSKI** is for personal injuries sustained through the negligence, carelessness and violations by the Respondent, their agents, employees and representatives.

3. The time when and place where this claim arose are as follows: On October 6, 2014 at approximately 8:00 a.m., at the Allen Road Bridge on Allen Road in the Town of East Concord, County of Erie, State of New York.

4. The Claimant, **ROGER DULANSKI**, was an employee of Herbert Darling Inc., at the time of the accident, as an operating engineer.

5. On October 6, 2014, the Claimant, **ROGER DULANSKI,** was an operating engineer while during the course of his employment the general contractor, Nichols, Long & Moore, Inc., requested that the Claimant assist them in operating a piece of their equipment. While in the process of climbing into the cab of the machinery by using the track, the Claimant's foot was caused to slip due to oil on the track, which caused his knee to pop. At the time of the accident, the Claimant was working on the Allen Road Bridge in the Town of East Concord, County of Erie and State of New York.

6. Upon information and belief, the Respondent is the owner of the aforesaid roadway and was responsible for the maintenance, creation, design, marking, construction and/or repair of this roadway.

7. The Claimant, **ROGER DULANSKI**, was caused to suffer serious and permanent injuries to his right knee.

8. The injuries to the Claimant, **ROGER DULANSKI**, 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.

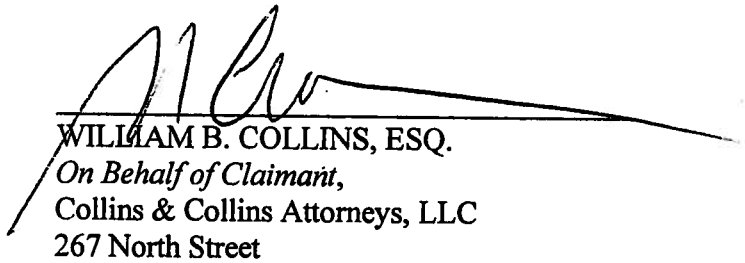
9. The work-related accident the Claimant, **ROGER DULANSKI** was directly and proximately caused by the carelessness negligence, and violation of the New York State Labor Law Section 200, 240(1), and 241 (6) of the Respondent's employees, agents and servants in its creation, employee safety and design maintenance, marketing, construction and/or reconstruction of the roadway in that they

failed to provide safety measures or safety devices that would have prevented the Claimant's work-related accident. In addition, no signs were placed by the Respondent to warn of the dangerous conditions. Further, the Respondent and/or Respondents' employees, agents and servants had actual and/or constructive notice of the dangerous and/or defective condition as the unsafe environment for employees and co-employees and failed to exercise reasonable care in removing or correcting the dangerous conditions posed by the equipment owned by the general contractor, Nicholas, Long & Moore, Inc.

10. The injuries of the Claimant, **ROGER DULANSKI**, 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; past and future loss of household services; as well as other damages.

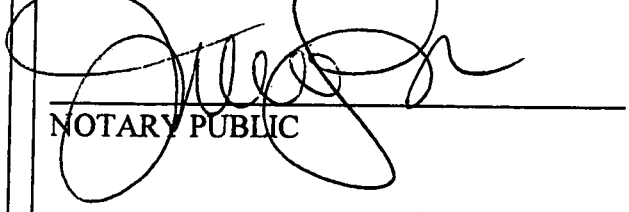
WHEREFORE, the Claimant, **ROGER DULANSKI**, hereby claims and demands from Respondent, **COUNTY OF ERIE**, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondent, its agents, servants and employees.

DATED: November 12, 2014
Buffalo, New York



WILLIAM B. COLLINS, ESQ.
On Behalf of Claimant,
Collins & Collins Attorneys, LLC
267 North Street
Buffalo, New York 14201
(716)885-9700

Subscribed and sworn to before me
this 12 day of November, 2014



NOTARY PUBLIC

JOELLE WOLOSZYN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WO6273218
Qualified in Wyoming County
My Commission Expires December 03, 2016

VERIFICATION

ROGER DULANSKI, being duly sworn, deposes and says: I am the Claimant above named; I have read the foregoing Notice of Intention to File a 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.

ROGER DULANSKI

Subscribed and sworn to before me
this 14th day of November, 2014.

Notary Public

GINNY C. JASKIER
Notary Public - State of New York
NO. 01JA6138491
Qualified in Erie County
My Commission Expires 12/27/2017

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of
ROGER DULANSKI,

Claimant,

v.

THE COUNTY OF ERIE,

Respondent.

AFFIDAVIT OF SERVICE
Index No.:

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

JOELLE WOLOSZYN, being duly sworn, deposes and says:

1. I am not a party to this action, am 18 years of age or older, and reside at Buffalo, New York.

2. On November 21, 2014, I served a true copy of the following: **Notice of Intention to File a Claim.** Enclosed Certified Mail and placed in the first class postpaid wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the state, addressed to the following address, which is designated by the addressee for the purpose or, if none is designated, which is the last known address of the addressee:

County of Erie
Michael A. Siragusa, Esq.
95 Franklin Street
Suite 1634
Buffalo, New York 14202

JOELLE WOLOSZYN, Paralegal

Subscribed and sworn to before me
this 21 day of November 2014

NOTARY PUBLIC

LISA A. QUIGLEY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 24, 2015