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:	*Cooper, John and Jennifer v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	John and Jennifer Cooper 7094 Ward Road North Tonawanda, New York 14120
Claimant's attorney:	Daniel B. Kane, Esq. The Higgins Kane Law Group, P.C. 69 Delaware Avenue, Suite 100 Buffalo, New York 14202

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.

This paper received at the
Erie County Attorney's Office
from [illegible] on
the 31 day of Oct, 2016
at 10:1 a.m./p.m.
Assistant County Attorney

JOHN A. COOPER and JENNIFER E. COOPER,

Claimants,

vs.

COUNTY OF ERIE,

Respondent.

NOTICE OF CLAIM

PLEASE TAKE NOTICE that JOHN A. COOPER and JENNIFER E. COOPER, pursuant to statutes in such cases made and provided, do hereby make claim against the respondent, COUNTY OF ERIE, and in support of such claim do state the following:

1. Claimants' post office address is 7094 Ward Road, North Tonawanda, New York 14120.

2. Claimants' attorney is Daniel B. Kane, Esq. and The Higgins Kane Law Group, P.C., 69 Delaware Avenue, Suite 100, Buffalo, New York 14202, telephone: 716-745-4545.

3. The time when, and the place where, and the nature of the claim(s) are as follows: Upon information and belief, on or about September 8, 2014, the claimant, John A. Cooper, while engaged in the course of his employment with Cooper Neon Sign Co., Inc. d/b/a Cooper Sign Company, was working at Ralph Wilson Stadium. As John A. Cooper was walking in a passageway in an area identified as Gate 7, he was caused to trip over a piece of steel material lying on the ground.

4. That at all times hereinafter mentioned, claimant John A. Cooper was using due care.

5. Upon information and belief, the subject project was under the supervision and control of the County of Erie, its agents, servants, contractors and/or employees.

6. That upon information and belief, the claimant alleges that the respondent, its agents, servants, contractors and/or employees, were negligent in failing to provide claimant and others in said area with proper, adequate and safe work site and protection; failing to provide proper and adequate instruction, supervision and training; failing to warn claimant of dangers of the steel materials on said ground in passageway; violation of various work site statutes, regulations, rules, laws and standards, including New York State Labor Law, OSHA Rules of the Labor Department Provisions of the Industrial Code and Rules of the Board of Standards and Appeals of the Department of Labor of the State of New York.

7. Therefore, the claimants are making a damage claim for serious and permanent personal injuries, economic loss, conscious pain and suffering, and changes in their lifestyle, loss of consortium, medical bills, all of which stem from the alleged statutory violations and negligence of the County of Erie, its agents, contractors, servants and/or employees, all to their damage pursuant to General Municipal Law §50-e and CPLR §3017(c).

8. That the amount of damages sought by the claimants exceeds the jurisdictional limits of all lower courts, and that this action is properly brought in the Supreme Court of Erie County, New York, pursuant to CPLR §3017(c).

WHEREFORE, claimants request that the claim be allowed and paid for by the COUNTY OF ERIE, pursuant to General Municipal Law §50-e and CPLR §3017(c), together with interest, costs and disbursements in this action.

John A. Cooper

Jennifer E. Cooper

Sworn to before me this 24th
day of October, 2014.

Notary Public

EILEEN MACLAREN
NOTARY PUBLIC, STATE OF NEW YORK
No. 01MA6071984
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES MARCH 25, 2018

Daniel B. Kane
THE HIGGINS KANE LAW GROUP, P.C.
Attorneys for Claimants
John A. Cooper and
Jennifer E. Cooper
69 Delaware Avenue
Buffalo, New York 14202
716-745-4545

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

John A. Cooper and Jennifer E. Cooper, being duly sworn, deposes and says that we are the claimants in this action; that we have read the foregoing Notice of Claim which was signed by us and as such we know the contents thereof; that the same is true to our knowledge, except as to the matters herein stated to be alleged upon information and belief, and that as to those matters we believe them to be true.

John A. Cooper

Jennifer E. Cooper

Sworn to before me this
24th day of October, 2014.

Notary Public

EILEEN MACLAREN
NOTARY PUBLIC, STATE OF NEW YORK
No. 01MA6071984
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES MARCH 25, 2015