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, 2015

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:	*Sessanna, Beverly v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Beverly Sessanna 4171 Schuster Road Eden, New York 14057
Claimant's attorney:	Thomas F. Kirkpatrick, Jr., Esq. Campbell & Shelton LLP 8274 North Main Street Eden, New York 14057

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
BEVERLY SESSANNA,

NOTICE OF CLAIM

Claimant,

-vs-

COUNTY OF ERIE,

Respondent.

TO: COUNTY OF ERIE
County Attorney
95 Franklin Street, Suite 1634
Buffalo, New York 14202

PLEASE TAKE NOTICE that the Claimant herein makes claim and demand against the COUNTY OF ERIE, as follows:

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

BEVERLY SESSANNA
4171 Schuster Road
Eden, New York 14057

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

Thomas F. Kirkpatrick, Jr., Esq.
CAMPBELL & SHELTON LLP
8274 North Main Street
Eden, New York 14057

(3) The date, time and location of the happening of the occurrence wherein the Claimant sustained injury was October 9, 2014, just before 8:00 P.M. on the sidewalk on the

north side of Union Street (running along the south side of the Elderwood Care facility), located to the west of its intersection with Buffalo Street in the Village of Hamburg, County of Erie, State of New York.

(4) The nature of the claim is for personal injuries sustained by the Claimant when, as she walked in a westerly direction at the aforestated location, she unexpectedly encountered a mis-leveled sidewalk slab (see **Exhibit A**) causing her to trip/slip, and fall to the ground resulting in significant and severe personal injuries. It is alleged, upon information and belief, the incident/accident was caused by the negligence of the COUNTY OF ERIE, by and through its employees, agents, and/or representatives and without any fault on the part of the Claimant herein. It is alleged, upon information and belief, that the aforesaid negligently, carelessly and/or recklessly designed, installed, and/or maintained said concrete sidewalk resulting in a dangerous condition the aforesaid created and/or had notice thereof and of which failed to remedy or warn. It is also alleged that the aforesaid also failed to properly design, install, and/or maintain lighting along the aforesaid street, resulting in a dark and dangerous condition for pedestrians, and others in the vicinity. Said actions on the part of the COUNTY OF ERIE resulted in a dangerous condition the aforesaid created and/or had notice thereof and of which failed to remedy or warn.

(5) The items of damages and injuries sustained by the Claimant, BEVERLY SESSANNA, as known at this juncture, include injuries to her right wrist and arm, including a wrist fracture, which may require surgical intervention in the future; she also sustained injuries to her right leg, right knee and face, including lacerations, bleeding, bruising, swelling, and scarring, for which she has received medical treatment, and may require medical treatment in the future. Claimant also sustained costs associated with medical care and treatment relating to said

injuries. Upon information and belief, the injuries aforementioned are permanent, the full nature and extent of which are unknown at this time.

Dated: Eden, New York
December 30, 2014

BEVERLY SESSANA

Thomas F. Kirkpatrick, Jr., Esq.
CAMPBELL & SHELTON LLP
Attorneys for Claimant
8274 North Main Street
Eden, New York 14057
(716) 992-9300

VERIFICATION

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

BEVERLY SESSANA, being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

BEVERLY SESSANA

Sworn to before me this 2nd
day of January, 2015.

Notary Public

THOMAS F. KIRKPATRICK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires, 5/13/2021