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# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
COUNTY ATTORNEY

MARK C. POLONCARZ  
COUNTY EXECUTIVE

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH.  
SECOND ASSISTANT COUNTY ATTORNEY

## MEMORANDUM

TO: Karen McCarthy, Clerk, Erie County Legislature  
FROM: Michelle M. Parker, First Assistant County Attorney  
DATE: November 24, 2015  
RE: Transmittal of New Claims Against Erie County

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Ms. McCarthy:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 12 new claims brought against the County of Erie. The claims are as follows:

### Claim Name

Annette Cole v. Erie County Dept. of Social Services  
Marilyn Cornelius v. County of Erie  
Aaron Woods v. County of Erie, et al.  
Raheem Bethea v. Erie County Sheriff's Office  
Michael Tait v. County of Erie  
Evelyn Silva v. County of Erie, et al.  
Lyneisha Ford v. County of Erie, et al.  
Kristen Lazarz v. County of Erie  
William Alexander v. County of Erie, et al.  
Michael Clunie v. County of Erie, et al.  
Lucille Brooks v. County of Erie, et al.  
Jaynie Okal (Infant) by Janet Okal v. County of Erie, et al.

MMP:dld  
Attachments

Comm. 24D-7



# COUNTY OF ERIE

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ERIE COUNTY ATTORNEY

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DEPARTMENT OF LAW

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SECOND ASSISTANT COUNTY ATTORNEY

October 29, 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:	<i>Cole, Annette v. Erie County Department of Social Services</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Annette Cole 201 Madison Street Buffalo, New York 14206
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld

Enc.

Comm. 24D-7

Page 2 of 73

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

ANNETTE COLE,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL  
SERVICES,

Respondent.

VERIFIED COMPLAINT  
Pursuant to Executive Law,  
Article 15

Case No.  
**10177949**

Federal Charge No. 16GB600161

I, Annette Cole, residing at 201 Madison St., Buffalo, NY, 14206, charge the above named respondent, whose address is 95 Franklin Street, Buffalo, NY, 14202-3959 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of age, disability, race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 10/7/2015.

See attached complaint.



# New York State Division of Human Rights Complaint Form

**RECEIVED**

OCT 13 2015 *Jan*

NYS DHR BUFFALO  
REGIONAL OFFICE

### CONTACT INFORMATION

My contact information:

Name: Anne He Cole  
Address: 201 Madison St Apt or Floor #: \_\_\_\_\_  
City: Buffalo State: NY Zip: 14206

### REGULATED AREAS

I believe I was discriminated against in the area of:

- Employment
- Education
- Volunteer firefighting
- Apprenticeship Training
- Boycotting/Blacklisting
- Credit
- Public Accommodations  
*(Restaurants, stores, hotels, movie theaters amusement parks, etc.)*
- Housing
- Labor Union, Employment Agencies
- Commercial Space
- Internship

I am filing a complaint against:

Company or Other Name: Erie County Dept of Social Service <sup>DIVISION</sup> of Child Support  
Address: 95 Franklin Rm 728  
City: Buffalo State: NY Zip: 14202  
Telephone Number: 716 858-7511  
(area code)

Individual people who discriminated against me:

Name: Julie Walsted Name: Victoria Leone  
Title: Supervising Support Investigator Title: Operations Manager

### DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 10 07 2015  
month day year

**BASIS OF DISCRIMINATION**

Please tell us why you were discriminated against by checking one or more of the boxes below.



You do not need to provide information for every type of discrimination on this list. Before you check a box, make sure you are checking it only if you believe it was a reason for the discrimination. Please look at the list on Page 1 for an explanation of each type of discrimination.

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and Familial Status is a basis only in Housing and Credit complaints). These exceptions are listed next to the types of discrimination below.

**I believe I was discriminated against because of my:**

<input checked="" type="checkbox"/> <b>Age</b> (Does not apply to Public Accommodations) Date of Birth: <i>November 1, 1961</i>	<input type="checkbox"/> <b>Genetic Predisposition</b> (Employment only) Please specify:
<input type="checkbox"/> <b>Arrest Record</b> (Only for Employment, Licensing, and Credit) Please specify:	<input type="checkbox"/> <b>Marital Status</b> Please specify:
<input type="checkbox"/> <b>Conviction Record</b> (Employment and Credit only) Please specify:	<input type="checkbox"/> <b>Military Status:</b> Please specify:
<input type="checkbox"/> <b>Creed / Religion</b> Please specify:	<input type="checkbox"/> <b>National Origin</b> Please specify:
<input checked="" type="checkbox"/> <b>Disability</b> Please specify: <i>Require certain desk and chair that</i>	<input checked="" type="checkbox"/> <b>Race/Color or Ethnicity</b> Please specify: <i>This Department intentionally avoids promoting + hiring African Americans</i>
<input type="checkbox"/> <b>Domestic Violence Victim Status:</b> (Employment only) Please specify:	<input type="checkbox"/> <b>Sex</b> Please specify: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> <b>Familial Status</b> (Housing and Credit only) Please specify:	<input type="checkbox"/> <b>Sexual Orientation</b> Please specify:
<input checked="" type="checkbox"/> <b>Retaliation</b> (If you filed a discrimination case before, or helped someone else with a discrimination case, or reported discrimination due to race, sex, or any other category listed above) Please specify:	



Before you turn to the next page, please check this list to make sure that you provided information **only** for the type of discrimination that relates to your complaint.

## EMPLOYMENT OR INTERNSHIP DISCRIMINATION

Please answer the questions on this page only if you were discriminated against in the area of employment or internship. If not, turn to the next page.

How many employees does this company have?

- a) 1-3      b) 4-14      c) 15 or more      d) 20 or more      e) Don't know

Are you currently working for the company?

Yes

Date of hire:

Jan      19<sup>th</sup>      1984  
Month      day      year

What is your job title?

Child Support  
Investigator

No

Last day of work:

(                )  
Month      day      year

What was your job title?

\_\_\_\_\_

I was not hired by the company

Date of application:

(                )  
Month      day      year

## ACTS OF DISCRIMINATION

What did the person/company you are complaining against do? Please check all that apply.

- Refused to hire me
- Fired me / laid me off
- Did not call me back after a lay-off
- Demoted me
- Suspended me
- Sexually harassed me
- Harassed or intimidated me (other than sexual harassment)
- Denied me training
- Denied me a promotion or pay raise
- Denied me leave time or other benefits
- Paid me a lower salary than other workers in my same title
- Gave me different or worse job duties than other workers in my same title
- Denied me an accommodation for my disability
- Denied me an accommodation for my religious practices
- Gave me a disciplinary notice or negative performance evaluation
- Other: \_\_\_\_\_

**DESCRIPTION OF DISCRIMINATION** - for all complaints (Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. **PLEASE TYPE OR PRINT CLEARLY.**

The office of Child Support Systematically Denied me the opportunity to advance to a promotional position of SR Child Support Investigator based on my race, disability and age, through harassment, intimidation, bullying and the refusal to provide me training and re-orientation for this job. (after repeated verbal & written requests) My work place is now a Toxic and hostile work environment. After 6 months of this treatment my Immediate Supervisor told me, that she was denying my promotion and that "I would never be promoted in this division".

ATTACHED IS CHRONOLOGICAL SUMMARY OF THE EVENTS AS THEY OCCURRED AND MY DOCUMENTATION (WHERE APPROPRIATE).

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. **PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.**

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Rebuttal to Probationary Report presented to Annette Cole on 10/07/2015

RE: Sr. Child Support Investigator.

I object to the Employee evaluation given to me on October 7, 2015 by my immediate Supervisor, Julie Welsted and signed by the divisions Operations Manager Victoria Leone because it is not an objective appraisal. While under probation for the senior position I was subjected to arbitrary, capricious and unfair treatment by Supervision and fellow employees. This treatment has created a hostile work environment in my workplace. In addition I have not been fairly evaluated for this position; therefore the decision to deny my Sr. promotion overturned.

**BACKGROUND INFORMATION:**

I was initially hired as a Child Support Investigator by OCSE in 1999 and worked there until 2007, during that time I was supervised by (two) different supervisors each evaluated my performance as Good or Very Good on file with the personnel office. In 2007 I worked in Social Service Administration, receiving an excellent evaluation while employed in that division.

In 2012 I returned to the Child Support Division, shortly after my return I was placed on sick leave for over 2 months; upon my return I was placed on a full caseload with no reorientation training. In March of 2013 I was told by Operations Manager Victoria Leone that because of my "excellent demonstration of communication skills when interviewing office clientele" that I would be moved to the Establishment unit. I managed a full case load remaining in that unit under two different supervisors until June 1, 2015. During this time period 2012-2015, I was not evaluated while in the position of Child Support Investigator.

**PRESENT CIRCUMSTANCE:**

In March 2015 I scored 95 on the Civil Service Test for Sr. Child Support Investigator with a rank of #2 I and ten other investigators were provisionally appointed to this position effective 5/2/15 continuing to work in the Establishment Unit. As a condition of promotion, Operations Manager Victoria Leone and Director Kellie Gallagher required individuals to have experience with the duties of Establishment and Enforcement and a shift change to 9:00 AM – 5:00 PM during the entire probationary period.

One June 1, 2015 I was relocated from the Establishment Unit, across the room to the Enforcement unit. As a medical accommodation I submitted a request to move my desk and chair to accommodate my disability. Ms. Welsted informed me that, Operations Manager Victoria Leone denied this request. The Commissioner for the Office for the Disabled intervened on my behalf and my desk was moved.

After serving 17 working days in the Enforcement Unit I was not evaluated by current supervisor, instead the previous supervisor (Ms. Divito) rated my quantity of work, deficient. After Ms. Divito refused to explain the basis for applying a quota, I refused to sign this evaluation and wrote a rebuttal. The evaluation was placed in my personnel file without my rebuttal attached. After the Commissioner of Personnel intervened my rebuttal was placed in my file.

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After this evaluation in June my verbal and written request for reorientation training were not addressed. The next evaluation was October 7th done by Ms. Welsted, my current supervisor rating my overall performance deficient causing the denial to Sr. promotion. When Ms. Welsted called me into her office she told me "You are the worse investigator on this team, you will never be a Sr, Investigator and I will not pass your probation."

I was the only Provisional Senior required to place my work product in a Supervisors basket for review, other Seniors were allowed to process their work without Supervisor review.

During the 6 month probationary period I was evaluated twice, instead of 3 times as required under Erie County Department of Personnel Policies and Practice Handbook.

My immediate Supervisor never evaluated me during the probationary period yet rendered a final decision to fail my probation.

My repeated request to provide me with a training plan was repeatedly ignored.

#### CONCLUSION:

I have been unfairly targeted and set up to fail this probationary period from the moment my score and rank became known.

On 9/21.2015 while in Ms. Welsteds office she told me that my evaluation was due and that she would be working on it, She also told me that she had evaluate Cheryl Weiland, Ms. Welsted then stated that Cheryl's evaluation would not be a problem for her because she knows Cheryl very well from when they set by each other and that she was very familiar with her work and her evaluation would be "no problem", but my evaluation would be different.

Based on her demeanor and these comments it does not appear that Ms. Welsted is capable of evaluating me on a fair, unbiased and objective basis and I would request that this evaluation be excluded and that my probation be passed.

My ability to earn a Master's Degree in Public Administration from Canisus College guarantees I possess the ability to acquire and execute skill sets that produce quality work. To this end I am formally requesting a meeting with the Director of Legal Affairs.

#### REMEDY:

My denial of a senior position should be rescinded and my promotion to this position become effective the same date as those currently being appointed.

The removal of both probationary evaluations (6/8/15 & 10/7/15) removed from my personnel file.

Due to the hostile work environment created by these events occurring over the past 6 months I want to be relocated effective immediately to the Supervision of Carl Gould In the Support Collection Accounting Division to replace the retired Investigator liaison in that unit.

REBUTTAL OF CONCLUDING STATEMENT WRITTEN BY MS. WELSTED.

*"Annette has not met the expectations in her work performance necessary to keep the Senior child support Investigator title"*

Ms. Welsted gave me a list titled 'Senior Child Support Investigator: Distinguishing Features of the class, a description of Typical Work Activities, Full Performance, knowledges, skills. Abilities and personal characteristics' @ 10:30 AM on 10/07/15 and told me to review it by my 3:00 PM evaluation. This form was revised by the Erie County Personnel department in 1999. These "complex duties" have never been clearly defined or identified by supervision or management.

*"As Annette's Immediate Supervisor, from June 8 to October 2 2015 I have reviewed, monitored and corrected all the work she has handed in."*

Ms. Welsted never conducted period evaluations of my work during this time electing to make a final evaluation on 10/7/15. I was the only Senior provisional appointee that was required to place every article of work product that I completed into the mail box of my immediate supervisor for review. She would review the article and make notes on the process, if there were errors the supervisor would place a sticky note on the item and return it to my mail box to redo or correct. This process greatly contributed to the creation of case load back log, as often I would receive customer service inquires on articles that were not submitted for processing because they had not yet been reviewed.

*"While Annette is professional she is not thorough and consistently misses details. As of this date she has not mastered basic enforcement procedures."*

This statement is outrageous and subjectively offensive to the truth of my character and conduct in this agency for the past 29 years. No investigator, supervision (all of whom except one have served less than one year in supervision) as "mastered" the procedures. Supervision particularly ask questions of Albany, attorneys, fellow supervisors and investigators. Even the Director and Operations Mangers will seek the advice and clarification on certain procedures' and by virtue of the fact that I was placed in Enforcement four months ago without any training, it is unreasonable to expect me to master a variety of complex procedures in a short period time without the notice of these perceived difficulties or a plan for corrective action and the time to implement this plan for an objective evaluation of ability.

*"Annette has not demonstrated her ability to manage a caseload of average quantity as compared to like caseloads"*

This is an unfair assessment of case load size and requirements. No two caseloads are ever alike, because every court order differs. As stated on page two of this evaluation, I constantly address my worker alerts and always seek to discover which codes and alerts need immediate attention. There are provisional Seniors and some former Supervision recently appointed that left high numbers of unaddressed worker alerts behind creating a back log for the next investigator, yet these individuals were promoted and this criteria was not Deficient factor to deny the passage of probation. If fairly applied to me this should not be a factor in my evaluation.

*"In closing, OCSE depends on our Seniors to properly train to ensure the quality of work is high and incoming investigators are prepared to perform."*

The list of duties provided to me 10/07/15 by Ms. Welstead page one states that "work is performed under the supervision of Supervising Child support investigators. Senior investigators are only "depended" on in the absence of Supervisors when a matter that needs immediate attention. As the Director Kellie Gallagher, answered my question at my interview for the provisional appointment; "Supervisors are responsible for training and Seniors will provide on the job examples while new employees look on over their shoulders" According to this statement this operational expectation is not being applied to me.

**NOTARIZATION OF THE COMPLAINT**

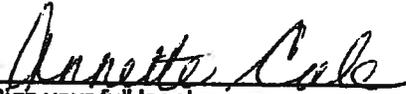
Based on the information contained in this form, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing my housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

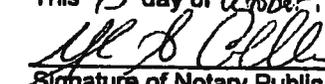
I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

  
Sign your full legal name

Subscribed and sworn before me  
This 13 day of October, 2015

  
\_\_\_\_\_  
Signature of Notary Public

County:

Commission expires:

MIGUEL A. CABALLERO  
Notary Public, State of New York  
County of Genesee, No. 0107611473  
Commission Expires September 15, 2017

**Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.**



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 9, 2015

Ms. Karen McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

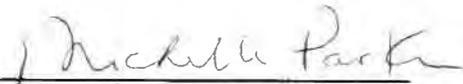
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Cornelius, Marilyn v. County of Erie – Purchasing</i>
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Marilyn Cornelius PO Box 692 Buffalo, New York 14205
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By: 

Michelle M. Parker  
First Assistant County Attorney

MMP:dld

Enc.





PAGE THREE OF SIX

RECEIVED

EEOC Form 5 (1/09)

OCT 07 2015

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC

**E.E.O.C. BULO**  
525-2015-00823

**New York State Division Of Human Rights**

and EEOC

*State or local Agency, if any*

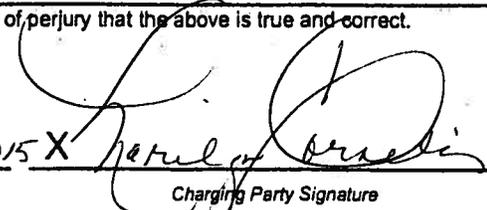
aforementioned, because of her tone, facial expression and the fact that we were alone, I felt extremely uneasy, intimidated, threatened, and concerned Vallie's intention was to provoke me to respond in an unprofessional manner. I calmly communicated that I did not feel comfortable and I kept silent while Vallie continued to aggressively and abrasively tell me that she was going to get a third party involved, the Commissioner of Personnel. I immediately prepared to leave although I had plans of continuing to work later in an effort to complete as much work as possible. I haven't seen Vallie treat any other employees that way. On or about Monday, May 18, 2015, I received an email from Vallie regarding call forwarding of the Receptionist area phone. I respectfully responded to the email; later in the day Vallie sent an email with the pretext of being to all staff. I'd previously communicated to Vallie that I am one of the Primary Care givers and health care proxy for my parents and that my phone was visible on vibrate in the event there was a medical emergency and that would be the only time I'd need to answer a call. Vallie approved of me having cell phone at my desk then without any prior warning, rescinded my request. Within days of Vallie stating cell phones are not permissible during work hours, my Dad had a medical emergency that I was not immediately aware of; however other employees, including Vallie, make and receive personal cell phone calls without being disciplined. In or around February forgot my personal keys in my desk drawer, when I got them I noticed the keys were rearranged and 1 was missing. I requested via email to Vallie to be able to review video with security personnel because my safety was at risk, my request wasn't granted. However, when a black male (work for hire participant) entered the office and made himself a cup of coffee, Vallie immediately contacted security, had them review video, identify the individual and had him reprimanded.

On or about July 2, 2015 at 3:10 P.M. I returned a call to Respondent concerning an absence. I had previously been advised that because I'd been out ill more than 5 days, in order to continue processing my sick pay Respondent needed a letter from my Doctor stating I'm under Medical care. I was also requested to advise Respondent of my anticipated date of return to work. I was further told that when I return to work, I would need a letter from my Doctor stating I'm returning to work with or without restrictions and list my restrictions. On or about July 6, 2015, I mailed the letters from my Physician to Vallie Ferraccio, via Certified Mail Returned Receipt Requested. I also enclosed a letter asking Vallie to contact me if she had any questions or needed any additional information to ensure the prompt processing of my sick pay. (According to U.S: Postal tracking correspondence was delivered to Erie County on Wednesday morning July 8, 2015.) On or about Tuesday Morning July 14, 2015, I called Respondent as a follow-up to confirm that my pay was processed. On or about July 15, 2015, I received a call from Vallie Ferraraccio, as witnessed by my co-worker Lori Kolb, to discuss my personal information regarding my sick absence and sick pay. When I questioned why my coworker was included on my call, Vallie stated she didn't want to have a conversation with me without someone present. I was informed that my sick pay had not been processed because the person who was to put in my time went on vacation without doing so. I was further told that additional information was needed from my Doctor. I believe this was done intentionally in retaliation to the Racial Discrimination and Harassment Complaint that I made against Vallie Ferraraccio.

I believe I have been subject to different terms and conditions of employment, harassed and retaliated against for complaining because of my race/black in willful violation of Title VII of the Civil Rights Act as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

October 01, 2015 X 

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

X

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Comm. 24D-7

Page 16 of 73

PAGE FOUR OF SIX

RECEIVED

06/04/2016

E.E.O.C. BULO

- The Dates the Discrimination took place the Earliest Date was March 19, 2015 and the latest date was July 15, 2015.
- the Particulars are (1<sup>st</sup> Page) On or about June 4, 2015 I submitted a formal Charge of Racial Discrimination and Harassment via email to Jesse Burnette Director of EEO for the County the complaint stated
- In addition to the Particulars listed on Pages 1 and 2 please insert the following information;

I Marilyn Cornelius an African American Female and member of a protected class as it relates to Title VII of the Civil Rights Act of 1964. Vallie Ferraraccio, Director of Purchase knows my Race.

- I was reprimanded based on my Race; African American.
- I was harassed based on my Race
- I was subjected to a hostile work environment based on my Race
- I was subjected to unequal terms of employment based on my Race
- I was hired a lower rate of pay based on my Race
- I was denied promotional opportunity based on my Race
- I was subjected to Retaliation based on my Race
- Others who were similarly situated within the department were not so adversely treated and was accorded more favorably as it pertained to swiping in and out, Comp Time, not having to detail when they left the office for an extended period of time; not reprimanded for not answering their office telephones. Those individuals are Lorraine Kolb, Tricia Pierce and James Kucewicz, they also report to Vallie Ferraraccio, Director of Purchase.
- The stated reasons for adverse actions done to me by Vallie Ferraraccio, Director of Purchase; and not to those listed above are pre-text.

On 3/19/15 I received a written notification from Vallie Ferraraccio via Erie County Time Share Point System that she has to process more time adjustments for me than anyone else I the Department. However, she didn't provide me with any documentation to support the accusation.

On 3/20/15 Vallie Ferraraccio acknowledged the daily job responsibilities and expectations were more aligned with those of an Administrative Assistant, she also acknowledged that the work load was extremely heavy for 1 person; however she refused to promote me and told me if I didn't like it to file a grievance.

On 3/25/15 Vallie Ferraraccio Director of Purchase gave me a verbal and written reprimand via the Erie County SharePoint Time Keeping System. (Without providing me proof and or official written details of what I did wrong)

On 3/31/15 after everyone had left the office Vallie Ferraraccio approached my desk and confronted me about the aforementioned, because of her tone, facial expression and the fact that we were alone in the office I felt extremely uneasy, intimidated, threatened and Vallie's intention was to provoke me to respond in an unprofessional manner. I calmly communicated my feelings, I kept silent while Vallie continued to aggressively and abrasively tell me that she was going to get a third party involved, the Commissioner of Personnel. Immediately I calmly prepared to leave the office although I had plans on working later to catch up on the heavy work load. After which I didn't feel safe working in the office after everyone had left and especially if Vallie was in the office, therefore, I had to discontinue working later than my normal shift which negatively impacted my overall work performance, added unnecessary, unwelcomed stress and interfered in my ability to accrue Comp-time. No other employee's in the Purchasing Department were subjected to any type of adverse treatment and were able to continue working late and/or early to accrue uninterrupted Comp-Time

I received a lower hourly and yearly rate of pay in comparison to that of the Caucasian women that held the position prior to me and to that of the Receptionists in the Parks Department which share an office with the Purchase Department.

I was subjected to unequal terms of employment,

I was harassed by the constant monitoring of my work and being accused of placing Bids in the correct folders.

On April 7, 2015 Vallie Ferrarccio accused me of putting a bid in the incorrect file, she stated that I did it because James (Jamie) and Lorraine (Lori) didn't do it. Both of whom are Caucasian.

On May 5, 2015 Vallie Ferrarccio accused me of putting one of Tricia Pierce's bids in Lori's file, she stated that I did it because Tricia and Lori didn't.

(The File drawer is a community file cabinet that is accessed by all Purchasing Staff.)

On May 7, 17 manila Folders that were not previously in the file cabinet had been intentionally placed in the file drawer, on one side of each folder was Lorraine Kolb's Purchasing number(005) and on the other side of the folder was Tricia Pierce's Purchasing number, to give the illusion that Bid's were being placed in the correct folder. I checked all of the folders to ensure that work hadn't been placed erroneously in any of the folders and asked Alfreda Garr, temporary worker to assist in correctly labeling and re-filing the folders.

On May, the on-going stress due to all the events and the extremely heaving work load did cause me to become ill and have to be out of work, under Physicians care.

On May 18, 2015 I received an email from Vallie regarding call forwarding of the Receptionist area phone. I respectfully responded to the email. Later in the day after Vallie had

PAGE SIX OF SIX

RECEIVED

OCT 07 2015

E.E.O.C. BULO

communicated with the Jen Hibit, Chief of Staff to the County Executive, Vallie sent an email with the pretext of the initial contents of her message to me now being addressed to all employees.

On June 4, 2015 I filed a formal written complaint of discrimination with Jesse Burnette Director of EEO.

On June 10, 2015 I met with EEO Representatives Lynn Kolodziej and Glenn Belton, Sr., and was given information on filing a complaint with outside State and Federal Agencies (NYS Human Rights and US Equal Employment Opportunity Commission)

On June 29, 2015 I left a voice message for Vallie Ferraraccio, I requested a call back to confirm that my time had been submitted. At 9:40 AM Vallie left me a message stating Lori Kolb was present while she (Vallie) was leaving the message, Lori is a co-worker not my immediate supervisor; Vallie provided Lori with my personal information sick information which is a violation of HIPPA and information regarding my complaint against her which should not have been discussed with any of my co-workers.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies of a change in my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct (and the preceding pages).

October 9, 2015

Harold Orsini



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 10, 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:	<i>Woods, Aaron v. Town of Tonawanda and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Aaron Woods 1421 Erie Avenue North Tonawanda, New York 14120
Claimant's attorney:	Richard Hall, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 20 of 73

This paper received at the  
Erie County Attorney's Office  
from Monique Geising on  
the 4 day of November, 2015  
at 145 a.m./p.m.  
A. H. Tang  
Assistant County Attorney

**IN THE MATTER OF THE CLAIM OF:**

Aaron J. Woods  
1421 Erie Avenue  
North Tonawanda, NY 14120

Claimant,

-against-

**NOTICE OF CLAIM**

Town of Tonawanda  
1835 Sheridan Dr.  
Buffalo, NY 14223

Erie County  
95 Franklin Street, Suite 1634  
Buffalo, NY 14202

Respondent.

**PLEASE TAKE NOTICE** that **AARON J. WOODS**, hereby makes claim against **TOWN OF TONAWANDA** and **ERIE COUNTY**, in support thereof Claimant alleges:

1. That the undersigned Claimant, **AARON J. WOODS**, residing at 1421 Erie Avenue, North Tonawanda, NY 14120, by and through his attorney, **RICHARD A. HALL, IV**, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the , for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.

2. That the nature of the Claim is one to recover damages for personal injuries and conscious pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, medical expenses, and property damages and all other damages allowed by law resulting

damages, medical expenses, and property damages and all other damages allowed by law resulting from the injuries suffered by claimant, AARON J. WOODS, on August 6, 2015 at approximately 11:35 P.M. when the claimant was involved in a motor vehicle collision on Military Road, in the Town of Tonawanda, Erie County, State of New York. A copy of the police accident report is attached hereto as Exhibit A. On that date and time, AARON J. WOODS, was traveling southbound on Military Road, passing through an active work zone. Upon information and belief, a 2005 Dodge truck owned by MJB Contracting Inc. and operated by Mathew F. Bruenn was traveling north on Military Road and turned into a driveway causing him to strike Claimant AARON J. WOODS's vehicle.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, AARON J. WOODS, by the TOWN OF TONAWANDA and COUNTY OF ERIE their servants, agents or employees in that the work zone was not properly designed, controlled, illuminated, constructed, maintained, supervised, staffed, signed, labeled or designed causing motorist confusion when traveling through this work zone along with the other acts of negligence, carelessness and recklessness.

4. That the aforesaid by and through his agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

5. That as a result of the foregoing, the Claimant, AARON J. WOODS, sustained serious injury. Specifically, a closed head injury, brain damage with resulting sequelae, head

**DATED:**      **Williamsville, New York**  
**November 2, 2015**



---

**Richard Hall, Esq.**  
**WILLIAM MATTAR, P.C.**  
**Attorney for Claimant**  
**Office and P.O. Address**  
**6720 Main Street**  
**Suite 100**  
**Williamsville, NY 14221-5986**  
**(716)633-3535**

# POLICE ACCIDENT REPORT

Local Codes  
15-535047  
RXTT024N4RB1

MV-104A (6/04)

0571A

REVISED REPORT

1	Accident Date Month: 8, Day: 6, Year: 2015	Day of Week Thursday	Military Time 23:35	No. of Vehicles 2	No. Injured 1	No. Killed 0	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	20
	VEHICLE 1				<input checked="" type="checkbox"/> VEHICLE 2		<input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN		69	

2	VEHICLE 1- Driver License ID Number 864546284	State of Lic. NY	VEHICLE 2- Driver License ID Number 190349756	State of Lic. NY	21
	Driver Name - exactly as printed on license BRUENN, MATTHEW F		Driver Name - exactly as printed on license WOODS, AARON J		43
	Address (include Number and Street) 1965 SENECA ST	Apt. No.	Address (include Number and Street) 700 OLIVER ST UPR FT	Apt. No.	

3	City or Town BUFFALO	State NY	Zip Code 14210	City or Town N TONAWANDA	State NY	Zip Code 14120	22				
1	Date of Birth Month: 11, Day: 2, Year: 1985	Sex M	Unlicensed <input type="checkbox"/>	No. of Occupants 02	Public Property Damaged <input type="checkbox"/>	Date of Birth Month: 9, Day: 5, Year: 1962	Sex M	Unlicensed <input type="checkbox"/>	No. of Occupants 01	Public Property Damaged <input type="checkbox"/>	44

4	Name - exactly as printed on registration MJB CONTRACTING INC,	Sex	Date of Birth Month: , Day: , Year:	Name - exactly as printed on registration WOODS, AARON J	Sex M	Date of Birth Month: 9, Day: 5, Year: 1962	23
5	Address (include Number and Street) 1965 SENECA ST	Apt. No.	Address (include Number and Street) 700 OLIVER ST UPR FT	Apt. No.			1

8	City or Town BUFFALO	State NY	Zip Code 14210	City or Town N TONAWANDA	State NY	Zip Code 14120	5				
1	Plate Number 4697MC	State of Reg NY	Vehicle Year & Make 2005 DODG	Vehicle Type PICK	Ins. Code 113	Plate Number 35RY94	State of Reg NY	Vehicle Year & Make 1980 YAMA	Vehicle Type MCY	Ins. Code 000	24

6	Ticket/Arrest Number(s)	Ticket/Arrest Number(s)	25
1	Violation Section(s)	Violation Section(s)	3

7	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.	28
---	--	--	--	----

1	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes	VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes	ACCIDENT DIAGRAM	27
---	---	---	------------------	----

1	Vehicle By: JOHNS Towed To: JOHNS	Vehicle By: JOHNS Towed To: JOHNS	See the last page of the MV-104A for the accident diagram.	1
	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT.		Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to determine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	29

Reference Marker	Coordinates (if available) Latitude/Northing	Place Where Accident Occurred: County ERIE <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town of TONAWANDA	29
2 : 6 : 5		Road on which accident occurred SR MILITARY RD (Route Number or Street Name)	
5 : 3 : 0 : 1	Longitude/Easting	at 1) intersecting street	
2 : 0 : 2 : 8		or 2) 250 <input checked="" type="checkbox"/> N <input type="checkbox"/> S of TR KNOCHE (Route Number or Street Name) feet miles <input type="checkbox"/> E <input type="checkbox"/> W (Milepost, Nearest Intersecting Route Number or Street Name)	

Accident Description/Officer's notes  
64 deg f. Vehicle 1 was attempting to make a left turn into a driveway on Military Rd. Vehicle 2 was traveling Southbound Military Rd. Vehicle 1 turned in front of Vehicle 2, causing a head on collision. Driver 2 suffered severe injuries and was transported to ECMC via TCA 628. The investigation was turned over to the Accident Investigation Unit. WITNESS #1 JOHN A THOM 258 KOHLER ST TONAWANDA, NY 14150 (716) 418-5284 WITNESS #2 CRYSTAL L GUZMAN 389 VERMONT ST

A L L I N V O L V E D	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
	A	1	1	4	1	29	M	-	-	-			BRUENN, MATTHEW F
B	1	3	4	1	22	M	-	-	-			KENEFICK JR, JAMES	
C	2	1	6	3	52	M	12	01	3	12633et	1405	WOODS, AARON J	
Officer's Rank and Signature: OFFICER [Signature]													
Print Name in Full: F BARTOLOTTA		Badge/ID No.: 0001	NCIC No.: 01472	Preclnt/Post Troop/Zone:	Station/Beat Sector:	Reviewing Officer: SHOEMAKER, M	Date/Time Reviewed: 08/09/2015 00:43						

New York State Department of Motor Vehicles  
POLICE ACCIDENT REPORT

Local Codes  
15-535047  
RXTT024N4RB1

MV-104A (6/04)

0571B

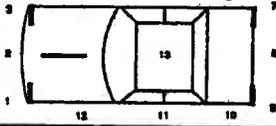
1	Accident Date Month 8 Day 6 Year 2015	Day of Week Thursday	Military Time 23:35	No. of Vehicles 2	No. Injured 1	No. Killed 0	Not Investigated at Scene Accident Reconstructed <input checked="" type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	20
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2	VEHICLE	<input type="checkbox"/> VEHICLE	<input type="checkbox"/> BICYCLIST	<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> OTHER PEDESTRIAN	21
3						22
4						23
5						24
6						25

7	VEHICLE	VEHICLE	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.	26
---	---------	---------	--	----



VEHICLE DAMAGE CODING:  
1-13 SEE DIAGRAM ON RIGHT.  
14. UNDERCARRIAGE 17. DEMOLISHED  
15. TRAILER 18. NO DAMAGE  
16. OVERTURNED 19. OTHER



ACCIDENT DIAGRAM

9.

Cost of repairs to any one vehicle will be more than \$1000.  
 Unknown/Unable to determine  Yes  No

Reference Marker	Coordinates (if available) Latitude/Northing	Place Where Accident Occurred: County <u>ERIE</u> Road on which accident occurred _____ at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ of _____ (Route Number or Street Name) _____ feet _____ miles <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W (Milepost, Nearest intersecting Route Number or Street Name)
------------------	---	---

Accident Description/Officer's notes  
BUFFALO, NY 14213 (716) 495-4954 WITNESS #3 LESLIE M COLON 210 YOUNG ST TONAWANDA, NY 14150 (716) 335-2216

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
Officer's Rank and Signature	OFFICER	Badge/ID No.	NCIC No.	Precint/Post Troop/Zone	Station/Beat Sector	Reviewing Officer	Date/Time Reviewed						
Print Name in Full	F BARTOLOTTA	0001	01472			SHOEMAKER, M	08/09/2015 00:43						

New York State Department of Motor Vehicles  
**POLICE ACCIDENT REPORT**

Local Codes  
15-535047  
RXTT024N4RB1

**REVISED REPORT**

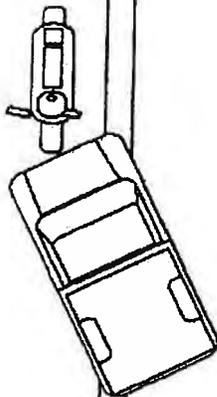
MV-104A (6/04)

05710

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene	Left Scene	Police Photos
Month	Day	Year								
8	6	2015	Thursday	23:35	2	1	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



Military Rd  
Rt.265





# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 10, 2015

Ms. Karen McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

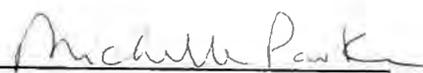
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Bethea, Raheem v. Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	Raheem Bethea 15B2418 Gowanda Correctional Facility P.O. Box 311 Gowanda, New York 14070-0311
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 27 of 73

Nov. 1, 2015  
copy

①

Dear Mr. Sniagusa

I Raheem Bethea Din # 15B2418, while in the Erie County Holding Center Icn # 25507, was given the opportunity to stay out to the date of my sentencing on July 13<sup>th</sup> 2015, in order to be with my family to said date.

On July 13<sup>th</sup> 2015, I walked into court, was sentenced and taken into custody by the Erie County Sheriff Department, searched thus turning over my property and money.

I was given \$1300 on said date by Antoinette Crouch, my wife to be and child's mother, to get the things I needed, plus I knew they would take money out for my surcharge.

I was in the Erie County Holding Center from July 13<sup>th</sup> 2015 to August 7<sup>th</sup> 2015, and within them three and some weeks, I spent up to \$270 to \$273, on

(2)

and phone usage, then leaving on the Friday of August 7<sup>th</sup> 2015 to Wendy Correctional Facility, to which I stayed for four days before being moved to Elmira Correctional Facility on August 11<sup>th</sup> 2015.

While in Elmira Correctional Facility I received my pink slip showing no money being transferred so I wrote inmate accounts while there after sixteen days, gotten no response, then being moved on the 20<sup>th</sup> day, which was September 1<sup>st</sup> 2015, to Cayuga Correctional Facility.

To add, I was in Cayuga Correctional Facility for three weeks, never receiving any of the money from the Erie County Holding Center, so coming into the fourth week there I started my own tracking of the money as much as I could being the situation. I also had Antoinette Couch call to the places I've been to find out where this money was

(3)

which they would not give her any answers, so I had her contact Mary-Beth DePasquale my attorney, and after the help of both of them I was told I would receive my money on the 14<sup>th</sup> of October 2015, and this was on the 6<sup>th</sup> of October 2015, next thing I know I was packed up on the 9<sup>th</sup> of October 2015 and moved out of Cayuga on the 13<sup>th</sup> of October 2015.

On the above date I was moved to Albion Correctional Facility, where I sat to October 15<sup>th</sup> 2015, thus being moved to Gowanda Correctional Facility to this date still haven't received any of the money I had with me in the Erie County Holding Center, now writing this letter to you having to prove where the money that has been taking from me or missing, that was to help pay off my surcharge and take the burden off my family for me being in here, and now any money

④  
relieve from anyone is being taking  
to pay off my surcharge and the  
money I had is not with me also.

In closing, I would like to  
thank you for your time and  
consideration, plus the help you are  
providing to help resolve this matter  
for me and my family. Also in  
close is a short summary of the  
dates and money in question.

Thank you,

Rahem Bettea 15B2418

Rahem Bettea 15B2418

5

① County Court sentencing date  
July 13<sup>th</sup> 2015

② Erie County Holding Center  
July 13<sup>th</sup> 2015 \$1300 to August 7<sup>th</sup> 2015 \$1027

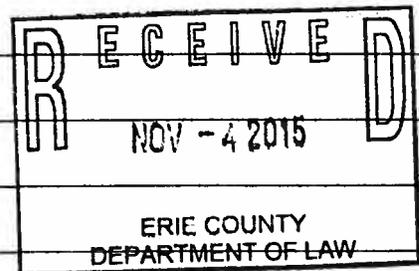
③ Warden Correctional Facility  
August 7<sup>th</sup> 2015 to August 11<sup>th</sup> 2015 seen \$0

④ Elmira Correctional Facility  
August 11<sup>th</sup> to September 1<sup>st</sup> 2015 seen \$0

⑤ Cayuga Correctional Facility  
September 1<sup>st</sup> 2015 to October 13<sup>th</sup> 2015  
seen \$0

⑥ Albion Correctional Facility  
October 13<sup>th</sup> 2015 to October 15<sup>th</sup> 2015

⑦ Gowanda Correctional Facility  
October 15<sup>th</sup> 2015 to Present date  
and still have not received any of  
the money I had with me in the  
Erie County Holding Center.



Comm. 24D-7

Page 32 of 73



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 10, 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:	<i>Tait, Michael v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Michael Tait 09-B-3780 Groveland Correctional Facility P.O. Box 50 Sonyea, New York 14556-0050
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 33 of 73

COUNTY COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

---

**R E C E I V E D**  
NOV 04 2015  
ERIE COUNTY DEPARTMENT OF LAW *✓ mmp*

MICHAEL TAIT

Claimant,

-against-

NOTICE OF INTENT TO  
FILE A CLAIM

ERIE COUNTY

Defendant.

---

PLEASE TAKE NOTICE, that the undersigned Michael Tait, intends to File a Claim against Erie County, pursuant to Section 10, and 11 of the Court of Claims Act. General Municipal Law Chapter 24, Article 4, Negligence of Public Officers.

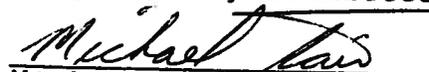
The post office address of the Claimant is: Michael Tait, Din # 09-B-3780 Groveland Correctional Facility, P.O. Box 50, Sonyea, N.Y. 14556-0050. The Claimant is submitting this Claim Pro-Se.

The time when, the place where and the manner in which the Claim arose are as follows:

At the Erie County Holding Center, located at 10 Delaware Avenue, Buffalo, New York 14202, on July 5th., 2015, I Michael Tait, Claimant, was handcuffed and dragged to Delta Forensic's Unit. On the way, A Sergeant that was working that day told Deputy Vanderbelt to break my wrist, I held on hard to prevent such a tragedy. After that, the Officers put me on a 2-N-1 Constant Opps., but housed me in a different area. I was beaten by Deputy D. Brown, R. Miller, A. Scutnick, and Deputy Burtis. All of this happened after my girlfriend tried to visit me on July 6th., 2015, the Holding Center did not allow the visit.

The Holding Center Officers did not feed me for two (2) days, and the water was shut off in my cell. Then on July 7, 2015, after demanding a Grievance, I was handcuffed and beat again. After I was on the floor, my hands were cuffed behind my back, One (1) Deputy crossed my legs, bent them forward, another Deputy grabbed my arms and pulled them up, then One (1) Deputy stepped off the bed on to my back. I was then fed lunch only with no water for two (2) weeks. The Holding Center and Officers denied me Court, they told the Court that I was in need of Forensic's, I was out of it, but that was due to no water and food, plus a lack of sleep. The Officers constantly woke me up, they threw things at me, water, garbage, also they keep opening my cell door, harassing me, I was very nervous that they would come in and assault me again. I also noticing that the Deputies would cover their name tags, or would not wear them at all, after I started naming them, but I am sure that I can identify them in a Line-Up. I was also denied Medical. I was denied X-Rays and MRI"s, of my shoulder and back, both are still in bad shape with constant pain, I was only given pills for the pain. I told my Counselor Jill about them trying to break my wrist, buy you must understand, I was handcuffed and escorted everywhere, even then I was scared to tell because I did not want it to happen again.

Respectfully submitted:

  
Michael Tait  
October 29, 2015  
Din. # 09-B-3780  
Pro-Se

VERIFICATION

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

I, Michael Tait, being duly sworn deposes and says:  
That I am the Claimant in the proceeding within, and that I have read the foregoing Notice of Intent to File a Claim, and supporting papers, and know the contents thereof, that the same is true to my own knowledge, except as to matters therein stated upon information and belief, which matters I believe to be true.

*Michael Tait* 10-29-15

Michael Tait, Claimant  
Din. No. 09-B-3780  
Pro-Se

Sworn to before me this 29th.  
day of October, 2015

*J. Edward Brown*  
NOTARY PUBLIC

J. EDWARD BROWN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BR6324801  
Qualified in Erie County  
My Commission Expires May 11, 2019

# AFFIDAVIT OF SERVICE

State of New York )  
County of Livingston ) ss.:

Michael Tait, being duly sworn, deposes and says:

That on the 29 day of October, 2015, I served a true copy of the  
within: Notice of intent to File Claim,

by depositing the same, endorsed in a postpaid properly addressed envelope, in the  
official depository in Groveland Correctional Facility under the exclusive care and  
custody of the New York State Department of Corrections and Community Supervision  
Services, addressed and sent to the following individuals at the addresses designated by  
them:

Erie County Court  
Erie County Court Building  
25 Delaware Avenue  
Buffalo, New York 14202

Michael A. Siragusa, County Attorney  
95 Franklin Street  
Buffalo, New York 14202

Michael Tait 10-29-15  
DIN # 09-B-3780  
Groveland Correctional Facility  
PO Box 50  
Sonyea, NY 14556

SWORN BEFORE ME THIS 29

DAY OF October, 2015

J. Edward Brown  
NOTARY PUBLIC

J. EDWARD BROWN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BR6324801  
Qualified in Erie County  
My Commission Expires May 11, 2019

Comm. 24D-7  
Page 37 of 73



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ  
COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 10, 2015

Ms. Karen McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

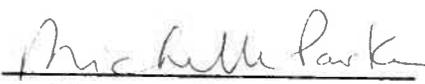
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Silva, Evelyn v. County of Erie, Erie County Sheriff's Office and Deputy Tremplay</i>
Document Received:	Notice of Claim
Name of Claimant:	Evelyn Silva 366 Elmwood Avenue, Apt. 419 Buffalo, New York 14222
Claimant's attorney:	Michael P. Stuermer, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 38 of 73

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In the Matter of the Claim of

EVELYN SILVA,

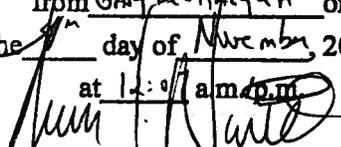
Claimant,

- against -

ERIE COUNTY,  
ERIE COUNTY SHERIFF'S DEPARTMENT,  
and GARY TREMBLAY

---

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from Gary Bullacyna on  
the 10<sup>th</sup> day of November, 2015  
at 12:07 a.m.  
  
Assistant County Attorney

TO: ERIE COUNTY,  
ERIE COUNTY SHERIFF'S DEPARTMENT, and  
GARY TREMBLAY.

PLEASE TAKE NOTICE, that EVELYN SILVA has and hereby make claim against ERIE COUNTY and ERIE COUNTY SHERIFF'S DEPARTMENT and GARY TREMBLAY, and in support of said claim states the following:

1. The Post Office address of the claimant is 366 Elmwood Avenue, Apt. 419, Buffalo, New York 14222.
2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.
3. The claim of EVELYN SILVA is for personal injuries, including without limitation, loss of income and medical expenses and for consequential damages generally.
4. The claim arose on West Genesee Street, located in the City of Buffalo, County of Erie and State of New York.
5. The claim arose in substance as follows: On the 10<sup>th</sup> day of September, 2015 at approximately 5:29 p.m., the claimant, EVELYN SILVA, was a passenger in Lyneisha D.

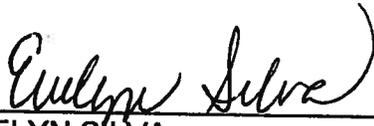
Ford's vehicle when it was involved in a motor vehicle accident with a vehicle operated by GARY TREMBLAY and owned by ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT, resulting in serious injuries to the claimant.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of GARY TREMBLAY and/or ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT, and more particularly, among other things, in failing and omitting to yield the right of way to.

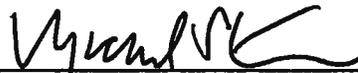
7. Upon information and belief, as a result of the aforesaid incident, the claimant, EVELYN SILVA, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, EVELYN SILVA, sustained injuries in the nature of back, right leg, left shoulder and other various injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that, ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT honor and pay the claim on behalf of EVELYN SILVA.

DATED: Buffalo, New York  
~~October~~ 3, 2015  
November

  
\_\_\_\_\_  
EVELYN SILVA

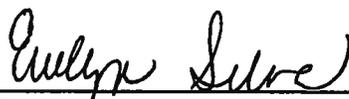
LIPSITZ GREEN SCIME CAMBRIA LLP

By:   
MICHAEL P. STUERMER, ESQ.

Attorneys for Claimant  
Office and P.O. Address  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333  
[MPS: # 60977.0001]

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

EVELYN SILVA, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

  
\_\_\_\_\_  
EVELYN SILVA

Sworn to before me on this  
31<sup>st</sup> day of November, 2015 .

  
\_\_\_\_\_  
Notary Public

**RICHAELE REY**  
Notary Public, State of New York  
No. 01RE6258352  
Qualified in Erie County  
Commission Expires March 28, 2018



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 10, 2015

Ms. Karen McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

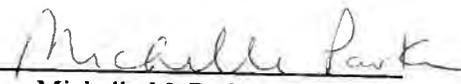
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Ford, Lyneisha v. County of Erie, Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	Lyneisha Ford 363 Busti Avenue, Apt. 302 Buffalo, New York 14201
Claimant's attorney:	Robert J. Maranto, Jr., Esq. Andrews, Bernstein, Maranto & Nicotra 420 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 43 of 73

STATE OF NEW YORK  
COURT OF CLAIMS

LYNEISHA FORD,  
363 Busit Ave  
Buffalo, NY 14201,

Claimant,

**NOTICE OF CLAIM**

v.

ERIE COUNTY  
95 Franklin Street, Rm 1634  
Buffalo, NY 14202

ERIE COUNTY SHERIFF'S DEPARTMENT  
10 Delaware Ave  
Buffalo, NY 14202

Respondents.

This paper received at the  
Erie County Attorney's Office  
from Chris Pozzopolo on  
the 5<sup>th</sup> day of Nov., 2015  
at 3:53 a.m./p.m.  
Leslie Peter - Jagg  
Assistant County Attorney

**PLEASE TAKE NOTICE** that the Claimant, LYNEISHA FORD, hereby intends to file a claim against Respondents, ERIE COUNTY and the ERIE COUNTY SHERIFF'S DEPARTMENT, in support of said claim state the following:

1. The Post Office address of the Claimant, LYNEISHA FORD is 363 Busti Ave, Buffalo, NY 14201.
2. The attorneys for the Claimants are Andrews, Bernstein, Maranto & Nicotra, PLLC, 420 Franklin Street, Buffalo, New York 14202, Telephone (716) 842-2200.
3. The Claim arose as follows: On September 9, 2015, at approximately 5:29 p.m., Claimant LYNEISHA FORD was the operator of a 2002 Saturn, bearing New York State license plate GZB3053, traveling on West Genesee in the City of Buffalo.
4. The incident occurred when Claimant, LYNEISA FORD, was struck by an Erie County Sheriff owned vehicle, bearing New York State license plate 302, as it was exiting a driveway. The vehicle, operated by Erie County Sheriff employee Gary Tremblay, struck

Claimant's, LYNEISHA FORD, vehicle on the passenger-side, rear quarter panel. This incident was caused by the negligence, carelessness, and recklessness of ERIE COUNTY and the ERIE COUNTY SHERIFF'S DEPARTMENT, and/or their agents, servants and/or employees as follows:

- a. the Respondents were reckless, negligent and/or careless in failing to properly assess the traffic conditions of the roadway before entering the road into traffic;
- b. the Respondents were reckless, negligent and/or careless in failing to keep a proper lookout;
- c. the Respondents were reckless, negligent and/or careless in failing to take proper measures so as to prevent a collision while traveling on the road;
- d. the Respondents were reckless, negligent and/or careless in failing to enter into oncoming traffic with reasonable care and diligence;
- e. the Respondents were reckless, negligent and/or careless in failing to operate the vehicle in a safe and prudent manner;
- f. the Respondents were negligent, careless, and/or reckless in failing at all times to adhere to the New York Vehicle and Traffic Law;
- g. the Respondents otherwise acted with a reckless disregard for the safety of others, including Claimant;
- h. the Respondents were otherwise negligent.

5. This Claim is for personal injuries, conscious physical and emotional pain and suffering of Claimant, LYNEISHA FORD, as well as medical expenses and consequential damages.

6. By virtue of the negligence, carelessness, and recklessness of ERIE COUNTY and the ERIE COUNTY SHERIFF'S DEPARTMENT, Claimant LYNEISHA FORD was

caused to suffer serious, significant and permanent injuries due to this incident, including but not limited to her neck and back. Claimant LYNEISHA FORD also suffered other injuries and complications as yet undetermined as a result of this accident and, and by reason of the same, Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

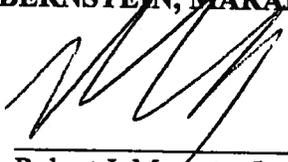
7. By virtue of the negligence, carelessness, and recklessness of ERIE COUNTY and the ERIE COUNTY SHERIFF'S DEPARTMENT, Claimant, LYNEISHA FORD, has also incurred hospital and medical expenses and other necessary related expenses, the amount of which is undetermined to date.

**WHEREFORE**, Claimant requests that Respondents, ERIE COUNTY and the ERIE COUNTY SHERIFF'S DEPARTMENT, compensate Claimant LYNEISHA FORD for her injuries and loss.

Dated: Buffalo, New York  
October 26, 2015

Yours, etc.,

**ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC**

By: 

Robert J. Maranto, Jr., Esq.  
*Attorney for Claimant*  
420 Franklin Street  
Buffalo, New York 14202  
(716) 842-2200

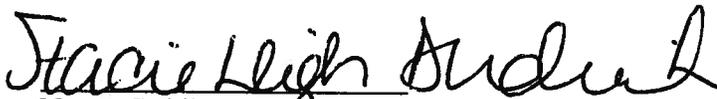
VERIFICATION

STATE OF NEW YORK       :  
COUNTY OF ERIE         : ss.  
CITY OF BUFFALO         :

LYNEISHA FORD, being duly sworn, deposes and says that she is the Claimant in this action for herself; that she has read the foregoing Notice of Claim in this action and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, she believes them to be true.

  
\_\_\_\_\_  
LYNEISHA FORD

Sworn to before me this 29  
day of October, 2015

  
\_\_\_\_\_  
Notary Public

STACIE LEIGH DUDERWICK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires December 30, 2017



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 18, 2015

Ms. Karen McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

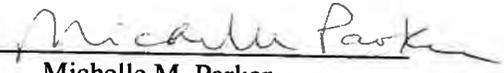
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Lazarz, Kristen v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Kristen Lazarz 293 Cumberland Avenue Buffalo, New York 14220
Claimant's attorney:	Brian D. Doyle, Esq. 76 Rosedale Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 48 of 73

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

---

In the Matter of the Claim of

**KRISTEN LAZARZ**  
293 Cumberland Avenue  
Buffalo, New York 14220,

Claimant,

against

**COUNTY OF ERIE,**

Respondent.

---

**NOTICE OF CLAIM**

To: COUNTY OF ERIE

Please take notice, that claimant Kristen Lazarz, pursuant to General Municipal Law §50-e, does hereby make a claim and demand against the County or Erie (the "County") for damages, and in support of such claim, states the following:

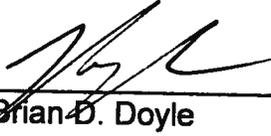
1. Claimant resides at 293 Cumberland Avenue, Buffalo New York 14220. Claimant's attorney is The Law Office Brian D. Doyle, PC, 76 Rosedale Avenue, Hamburg, New York 14075. The telephone number is (716) 955-9960.
2. Upon information and belief, the subject claim arose on August 13, 2015, at Central Police Services of Erie County, Buffalo, New York.
3. The nature of the claim is to recover damages for violation of Claimant's rights under various NY state and federal laws, including, but not limited to:

- a. the right to be free from retaliation, reprisal, and discrimination by the County for political activities and/ or legal recreational activities outside of working hours;
- b. the right to associate lawfully with people of her choosing; and
- c. the right to be free from discrimination based upon being a member of a protected class.

4. The injuries and damages claimed are that Claimant has suffered economic damage, loss of wages, loss of and damage to reputation, and physical and emotional distress as a result of the County's actions. The amount of damages is continuing and, upon information and belief, exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction. Claimant seeks damages, together with attorneys' fees, interest, costs, disbursements, and for any further relief which the Court deems just and proper.

**WHEREFORE**, please take notice that said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless the said claim is adjusted and paid within the time provided by law from the date of presentation of this notice of claim, the claimant intends to commence an action in the Supreme Court of the State of New York, County of Erie against you for a sum which exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction, together with attorneys' fees, interest, costs, disbursements, and for any further relief which the Court deems just and proper. Therefore, the claimant requests that this claim be allowed and paid by the respondent.

DATED: November 12, 2015  
Hamburg, New York

  
\_\_\_\_\_  
Brian D. Doyle

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

I, BRIAN D. DOYLE, Esq., am attorney for the Claimant herein, admitted to the practice of law before the courts of the State of New York, and not a party to the above-entitled matter. I affirm the following to be true under the penalties of perjury pursuant to CPLR 2106. I have read the foregoing Notice of Claim and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

  
\_\_\_\_\_  
Brian D. Doyle



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 18, 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:	<i>Alexander, William v. County of Erie and Erie County Sheriff's Department</i>
Document Received:	Notice of Claim
Name of Claimant:	William Alexander 24 Benz Drive Depew, New York 14043
Claimant's attorney:	Thomas V. Hagerty, Esq. Hagerty & Brady 69 Delaware Avenue, Suite 1010 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 52 of 73

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of

**WILLIAM ALEXANDER,**

Claimant,

-against-

**COUNTY OF ERIE and  
ERIE COUNTY SHERIFF'S DEPARTMENT,**

Respondents.

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from D. Wilson on  
the 13<sup>th</sup> day of Nov., 2015  
at 3:57 a.m. (p.m.)  
L. O'Leary - J. J. J.  
Assistant County Attorney

TO: **COUNTY OF ERIE and  
ERIE COUNTY SHERIFF'S DEPARTMENT**

PLEASE TAKE NOTICE, that **WILLIAM ALEXANDER**, pursuant to the statutes in such cases made and provided, does hereby make claim against the **COUNTY OF ERIE**, New York and the **ERIE COUNTY SHERIFF'S DEPARTMENT**, for personal injuries and damages generally sustained. In support thereof, claimant states:

1. **WILLIAM ALEXANDER's** post office address is:  
24 Benz Drive  
Depew, NY 14043
2. This claim is one against the County of Erie, New York and the Erie County Sheriff's Department, for injuries sustained due to a fall suffered by Claimant on August 23, 2015.

3. The date when the claim arose and when the injuries and damages hereinafter alleged were sustained, was on August 23, 2015.

4. The particular place of the sustaining of such injuries and damages was the Erie County Holding Center.

5. The said injuries and damages for which claim is hereby made arose in the following manner, to wit: Claimant, **WILLIAM ALEXANDER**, was not allowed to use his prosthetic left knee brace while at the Erie County Holding Center, and as a result, his knee gave out while attempting to climb the stairs, resulting in a serious fall.

6. So far as is now able to be determined, the injuries and damages sustained by **WILLIAM ALEXANDER** and for which claim is made, consist of the following, to wit: anterior shoulder dislocation, soft tissue neck sprain, exacerbation of left knee pain, exacerbation of chronic back pain, and debility.

**WHEREFORE**, I respectfully request that this claim be allowed and paid by the said County of Erie, New York and Erie County Sheriff's Department.

DATED: Buffalo, New York  
November 3, 2015

**HAGERTY & BRADY**

  
\_\_\_\_\_  
**THOMAS V. HAGERTY**  
Attorneys for Claimant  
69 Delaware Avenue  
Suite 1010  
Buffalo, NY 14202-3875

STATE OF NEW YORK :  
COUNTY OF ERIE : SS.

**WILLIAM ALEXANDER**, being duly sworn, deposes and states; that he is the claimant in the within action, that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his own knowledge, except as to the matters stated to be alleged upon information and belief, and as to those matters he believes it to be true.

  
**WILLIAM ALEXANDER**

Sworn to before me this

6<sup>th</sup> day of November, 2015



Notary Public

DAVID W. WILSON  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires ~~March 30, 18~~  
Nov 30 2017



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 18, 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: *Clunie, Michael v. County of Erie, ECWA, Erie County Division of Sewerage Management, Erie County Highway Department and Town of Hamburg Highway Department*

Document Received: Notice of Claim

Name of Claimant: Michael T. Clunie  
75 Shamrock Avenue  
Lackawanna, New York 14218

Claimant's attorney: Robert D. Steinhaus, Esq.  
DiFilippo, Flaherty & Steinhaus, P.C.  
305 Main Street  
East Aurora, New York 14052

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By: 

Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 56 of 73

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IN THE MATTER OF THE CLAIM OF:

MICHAEL T. CLUNIE,  
75 Shamrock Avenue  
Lackawanna, New York 14218

Claimant

v.

**NOTICE OF CLAIM**

ERIE COUNTY  
95 Franklin Street  
Buffalo, New York 14202

ERIE COUNTY WATER AUTHORITY  
95 Franklin Street  
Buffalo, New York 14202

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT  
95 Franklin Street  
Buffalo, New York 14202

ERIE COUNTY HIGHWAY DEPARTMENT  
95 Franklin Street  
Buffalo, New York 14202

TOWN OF HAMBURG (HIGHWAY DEPARTMENT)  
2720 Lakeview Road  
Lake View, New York

Respondents

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TO: County of Erie  
Erie County Water Authority  
Erie County Division of Sewerage Management  
Erie County Highway Department  
Town of Hamburg

SIRS:

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This paper received at the  
Erie County Attorney's Office  
from Paul Lawrence  
the 10 day of Nov, 2015  
at 12:00 a.m./p.m.  
Kelly O'Rourke  
Assistant County Attorney

Comm. 24D-7

Page 57 of 73

PLEASE TAKE NOTICE, that the undersigned, MICHAEL T. CLUNIE hereby make claim and demand from the COUNTY OF ERIE, ERIE COUNTY WATER AUTHORITY, ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT, ERIE COUNTY HIGHWAY DEPARTMENT and the TOWN OF HAMBURG (HIGHWAY DEPARTMENT), damages for pain and suffering by MICHAEL T. CLUNIE, sustained by reason of the wrongful, negligent and careless acts and/or omissions of COUNTY OF ERIE, ERIE COUNTY WATER AUTHORITY, ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT, ERIE COUNTY HIGHWAY DEPARTMENT and the TOWN OF HAMBURG (HIGHWAY DEPARTMENT), their agents, servants and/or employees and in support thereof, Claimant states:

- 1) The claimant, MICHAEL T. CLUNIE, resides at 75 Shamrock Avenue, Lackawanna, New York 14218.
- 2) The name and address of the Claimant's attorneys are, DiFilippo, Flaherty & Steinhaus, PLLC, 305 Main Street, East Aurora, New York 14052, attorneys of record for said Claimant, MICHAEL T. CLUNIE.
- 3) Upon information and belief, the date of the happening of the accident in which the serious injuries were sustained by MICHAEL T. CLUNIE, and the time when such claim arose was on or about the 7<sup>th</sup> day of September, 2015 at approxiamtley 20:35 hours on that date.
- 4) Upon information and belief, the happening of the said accident, resulting in the serious injuries sustained by MICHAEL T. CLUNIE, occurred on Route 179 at or near its intersection with McKinley Parkway in the Town of Hamburg, County of Erie and State of New York and as more specifically identified by the manhole covers depicted in the attached photograph.
- 5) Upon information and belief, the claim of MICHAEL T. CLUNIE, arose in the following manner:

Upon information and belief, at the aforementioned time and place MICHAEL T. CLUNIE was operating a 2009 KYMC moped westbound on Route 179 in the left lane, intending to turn left onto McKinley Parkway, when he did strike the manhole covers located thereat causing him to lose control of his moped. Said incident occurred as a result of, among other things, a defectively designed, maintained and posted roadway in said area causing the Claimant to sustain serious injuries and other losses all to his damage.

6) Upon information and belief, the accident was caused by the wrongful, negligent and careless acts and/or omissions of the COUNTY OF ERIE, ERIE COUNTY WATER AUTHORITY, ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT, ERIE COUNTY HIGHWAY DEPARTMENT and the TOWN OF HAMBURG (HIGHWAY DEPARTMENT), their agents, servants and/or employees acting in the scope and course of their employment. The acts of negligence include, but are not limited to:

- a) Negligently creating the defective condition in the area of this incident;
- b) Failure to properly maintain the area where the aforementioned incident occurred;
- c) Having notice of the dangerous and hazardous condition of said intersection and failing to take the necessary actions to alleviate said condition and/or warn members of the public;
- d) Negligently designing the roadway area wherein, the herein alleged incident occurred;
- e) Failure to properly inspect the aforementioned area appropriately, and failure to rectify said dangerous condition;

- f) Failing to recognize the duty and obligation to members of the general public and the Claimant in particular in the said area;
- g) Negligently allowing the area to remain in a defective and dangerous condition;
- h) Negligently failing to properly and adequately check and inspect the area for dangerous and defective conditions;
- i) Negligently allowing the said conditions to exist without placing warnings or barriers or traffic control devices or reduced speed limit signs in the vicinity;
- j) Negligently failing to take the steps necessary to assure and protect the safety of members of the public and the Claimant while utilizing the said area for its intended purpose;
- k) Failing to take the necessary actions and/or make the necessary observations, which, if taken or made, would have averted the alleged incident and/or minimized the injuries sustained.
- l) Undertaking a repair of the said area which was negligently performed.
- m) Exacerbating the aforesaid dangerous and hazardous condition.

7) As a result of said accident, MICHAEL T. CLUNIE sustained serious injuries including a fractured left leg, other physical and psychological injuries, as well as pain and suffering, medical expenses and loss of wages.

8) This notice is made and served on behalf of said MICHAEL T. CLUNIE, in compliance with the provisions of §50-e of the General Municipal Law and such other laws and statutes as are in the case made and provided.

9) You will take further notice that Claimant, MICHAEL T. CLUNIE, demands payment of said claim and unless said claim is paid within a reasonable time, it is the intention of the Claimant to commence suit against the COUNTY OF ERIE, ERIE COUNTY WATER AUTHORITY, ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT, ERIE COUNTY HIGHWAY DEPARTMENT and the TOWN OF HAMBURG (HIGHWAY DEPARTMENT).

DATED: East Aurora, New York  
November 4, 2015

Yours, etc.

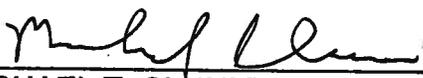


DiFilippo, Flaherty & Steinhaus, PLLC  
Robert D. Steinhaus, Esq.  
305 Main Street  
East Aurora, New York 14052  
(716) 652-9600

**VERIFICATION**

STATE OF NEW YORK }  
COUNTY OF ERIE } SS:

MICHAEL T. CLUNIE being duly sworn depose and say that he is the Claimant in the foregoing Notice of Claim, that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief as to those matters, he believes them to be true.

  
\_\_\_\_\_  
MICHAEL T. CLUNIE

Subscribed to and Sworn  
before me this 4<sup>th</sup>  
of November, 2015.



\_\_\_\_\_  
NOTARY PUBLIC

ROBERT D. STEINHAUS  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires February 2, 2019



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 18, 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:	<i>Brooks, Lucille v. Erie County Medical Center Corporation and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lucille Brooks 73 Front Avenue Salamanca, New York 14779
Claimant's attorney:	Michael O. Morse 534 Delaware Avenue Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 63 of 73

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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In the Matter of the Claim of

LUCILLE BROOKS,

**NOTICE OF CLAIM**

-vs-

ERIE COUNTY MEDICAL CENTER CORPORATION  
individually and d/b/a  
ERIE COUNTY MEDICAL CENTER

and

THE COUNTY OF ERIE

---

This paper received at the  
Erie County Attorney's Office  
from Michael Morse on  
the 12 day of Nov, 2015  
at 1:39 a.m./p.m.  
Lucille Brooks-Legg  
Assistant County Attorney

PLEASE TAKE NOTICE that LUCILLE BROOKS (the "claimant"), hereby make claim against the ERIE COUNTY MEDICAL CENTER CORPORATION and THE COUNTY OF ERIE for damages as follows:

1. The claimant's post office address is 73 Front Ave., Salamanca, NY 14779.
2. The claimant's attorney is MICHAEL O. MORSE, Esq., 534 Delaware Ave., Buffalo, New York 14202.
3. The incident complained of occurred on the 7th day of September, 2015, somewhere near and around 1:00 p.m., on the grounds of the Erie County Medical Center, 462 Grider St., in the City of Buffalo and County of Erie, New York when the claimant was tripped and fell on the premises. The claimant was caused to fall near a curb which was located near a parking / entrance ramp of the Emergency Room portion of the Erie County Medical Center. There is a change in elevation in

parts of the roadway near the curb and the incident occurred at the place in the roadway where that change in elevation exists.

4. The claimant's claim is for damages including, but not limited to personal injury, including, but not limited to injuries to her left ankle and leg, medical expenses, pain and suffering, mental anguish, loss of enjoyment of life, loss of consortium and companionship, loss of support and other damages and losses for which the the proximate and contributing cause was the negligence of the Erie County Medical Center Corporation and the County of Erie, its agents and employees.

5. The injuries and damages complained of were sustained as a result of the negligence of the Erie County Medical Center Corporation and the County of Erie in its care, operation and management of the premises known as the Erie County Medical Center, and / or 462 Grider St., Buffalo, New York, which on the day in question was under its ownership, operation and control.

6. The Erie County Medical Center Corporation and the County of Erie were negligent in that its agents, servants or employees: failed to maintain the premises in a proper condition, failed to take notice that the premises were in disrepair at the time of the incident, allowed unsafe and dangerous conditions to remain on the premises despite having actual or constructive notice of the dangerous conditions, failed to establish procedures to provide for safe conditions upon the premises, failed to conduct proper and effective inspections of the premises with respect to identifying and correcting unsafe conditions, failed to repair the unsafe conditions previously identified in a proper manner despite having undertaken a repair of the incident site, failed to properly inspect the site of repairs undertaken, failed to have a safe design for egress

from the premises, failed to use proper signage for egress from the premises, upon information and belief - failed to adequately monitor the activities of agents, contractors, subcontractors, servants or employees responsible for maintenance and / or repair of the premises, failed to take reasonable and proper steps to safeguard others, including specifically, the claimant; failed to take proper steps to prevent the occurrence as herein set forth; permitted their agents, servants, employees and/or representatives to maintain the premises in such a dangerous condition for claimant and other persons lawfully using the premises that it constituted a menace and hazardous condition to the claimant, and others; that the Erie County Medical Center Corporation and the County of Erie knew, or by exercise of due and reasonable care should have known of the dangerous condition and nuisance aforementioned; failed to warn the claimant and others of the dangerous conditions aforementioned; failed to instruct the claimant and others as to how to avoid the hazards on the premises despite the failure of the Erie County Medical Center Corporation and the County of Erie to correct the dangerous condition aforementioned; failed to use reasonable care, caution and prudence in the premises; and was otherwise careless, reckless and negligent in the operation of the premises.

7. The damages sustained by the claimant were caused solely by the negligence of the Erie County Medical Center Corporation and the County of Erie without any negligence on the part of the claimant thereto.

8. By reason thereof, the claimant has sustained damages in an amount to be determined at the trial of this action.

Yours, etc.

Dated: Buffalo, New York  
October 20, 2015



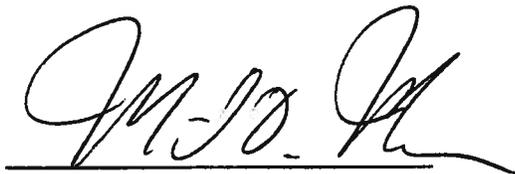
**MICHAEL O. MORSE, Esq.**  
Attorney for Claimant  
534 Delaware Ave.  
Buffalo, New York 14202  
(716) 854-3861

STATE OF NEW YORK    )  
COUNTY OF ERIE       ) ss:

I, LUCILLE BROOKS, being duly sworn, depose and say that the have read the above Notice of Claim and that the allegations contained therein are true and correct.



Sworn to before me this 20<sup>th</sup>  
day of October, 2015.



**Michael O. Morse**  
Notary Public - State of New York  
Qualified in Erie County  
My Commission Expires June 16, 2018



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

November 18, 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:	<i>Okal, Jaynie, an Infant, by PNG Janet Okal v. County of Erie, Erie County Sheriff's Office, and Deputy Michael Okal</i>
Document Received:	Notice of Claim
Name of Claimant:	Jennifer Okal PNG of Jaynie Okal 10950 Darien Road Holland, New York 14080
Claimant's attorney:	Michael J. Lovecchio, Esq. Cellino & Barnes, P.C. 2500 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By: *Michelle M. Parker*  
Michelle M. Parker  
First Assistant County Attorney

MMP:dld  
Enc.

Comm. 24D-7  
Page 68 of 73

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

\*\*\*\*\*

JENNIFER OKAL, as Parent and Natural  
Guardian of JAYNIE OKAL, an Infant,

Claimant,

v.

**NOTICE OF CLAIM**

COUNTY OF ERIE,  
ERIE COUNTY SHERIFF'S DEPARTMENT and  
ERIE COUNTY SHERIFF MICHAEL J. OKAL

Respondents

\*\*\*\*\*

PLEASE TAKE NOTICE, that the above named claimants claim and demand from the respondents, COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support there of, the claimant states:

1. Claimant's address is Jaynie Okal, c/o Jennifer Okal, 10950 Darien Road, Holland, NY 14080.
2. The claimant is represented by Cellino & Barnes, P.C. with offices located at 2500 Main Place Tower, 350 Main Street Buffalo, New York 14202, telephone (716) 888-8888. The incident in which personal injuries were sustained by the claimant occurred on or about August 16, 2015 at approximately 9:00 p.m.

This paper received at the  
Erie County Attorney's Office  
from Solo Madison  
the 10<sup>th</sup> day of Nov, 2015  
at 10<sup>09</sup> a.m./p.m.  
Leila Pettig-Legg  
Assistant County Attorney

3. At all times hereinafter relevant, respondents COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL were the owners of a certain K-9 police dog named "Spike."

4. At all times hereinafter relevant, respondents COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL were the owners of the aforementioned dog mentioned in paragraph 3 which was harbored at 10950 Darien Road, Holland, New York. DEPUTY MICHAEL J. OKAL, was responsible for the handling of the K-9 named "Spike."

5. Upon information and belief on August 16, 2015, ERIE COUNTY DEPUTY MICHAEL L. OKAL'S K-9 patrol vehicle had engine problems and was out of service. DEPUTY OKAL was advised to leave the K-9 "Spike" at his residence and to utilize his regular patrol vehicle.

6. Upon information and belief, at approximately 9 p.m. DEPUTY OKAL was contacted by his wife Jennifer Okal, at which time she indicated that the K-9 "Spike" attacked their daughter Jaynie Okal. Upon information and belief, DEPUTY OKAL returned to his residence and noticed that his daughter Jaynie Okal was covered in blood. Jaynie Okal sustained injuries to her forearm and arm; severe bite marks and lacerations to her forehead and right cheek area; severe bite marks to her right arm and elbow; severe bite marks to her back, shoulder and right ankle. Thereafter, DEPUTY OKAL escorted his daughter Jaynie Okal to Women & Children's Hospital.

7. Respondents COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL knew or should have

known that the K-9 mentioned in paragraph 3 was vicious, or had propensities to attack and bite people. The respondents are therefore liable for said injuries to the claimants under theories of negligence and/or strict liability.

8. On or about August 16, 2015, the infant plaintiff Jaynie Okal was lawfully on or near the premises mentioned in paragraph 4 above.

9. Respondents COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL failed to adequately train and supervise the police K-9 named "Spike."

10. On or about August 16, 2015, defendants COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL with knowledge of the vicious propensities of the K-9 mentioned in paragraph 3, caused and permitted the said K-9 to be left unattended, and/or adequately secured on or near the premises mentioned in paragraph 4.

11. By virtue of the negligence of the employees, agents or servants of COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and ERIE COUNTY SHERIFF MICHAEL J. OKAL, claimants have incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

12. Upon information and belief, claimants will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

**TAKE NOTICE** that claimants demand payment of his claim as set forth  
above.

**DATED:** Buffalo, New York  
October 19, 2015

Yours, etc.,  
**CELLINO & BARNES, P.C.**

By: 

Michael J. Lovecchio, Esq.  
Attorneys for Plaintiffs  
2500 Main Place Tower  
350 Main Street  
Buffalo, NY 14202-3725  
(716) 888-8888

**TO: COUNTY OF ERIE**  
Department of Law  
95 Franklin Street, Room 1634  
Buffalo, NY 14202

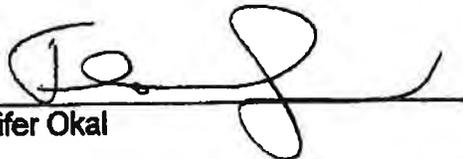
**ERIE COUNTY SHERIFF'S DEPT.**  
One Sheriff's Drive  
Orchard Park, NY 14127

**ERIE COUNTY SHERIFF MICHAEL J. OKAL**  
10950 Darien Road  
Holland, New York 14080

**VERIFICATION**

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

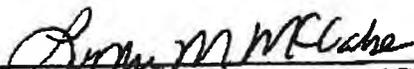
Jennifer Okal, being duly sworn, deposes and says that she is the plaintiff in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information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

  
\_\_\_\_\_  
Jennifer Okal

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

On the 19 day of October, in the year 2015 before me, the undersigned, personally appeared Jennifer Okal, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

LYNN M. McCABE  
Notary Public, State of New York  
No. 01MC6032327  
Qualified in Erie County  
Commission Expires Sept. 08, 2019

  
\_\_\_\_\_  
Notary Public/Commissioner of Deeds