MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 16, 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:	*Operating Engineers: Upstate New York Engineers Joint Welfare, Pension and Training Funds, et al. v. County of Erie (arising out of nonpayment by DiPizio Construction Company)*
Document Received:	Notice of Claim
Claimant's attorney:	Jennifer A. Clark, Esq. Blitman & King LLP Franklin Center, Suite 300 443 North Franklin Street Syracuse, New York 13204-5412

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

Bernard T. King
Charles E. Blitman*
Jules L. Smith
James R. LaVaute
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Jennifer A. Clark
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Kenneth L. Wagner
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Daniel R. Brice
Jonathan M. Cerrito^Δ
Ginger B. LaChapelle^◊

Brian J. LaClair
Bryan T. Amault*
Michael R. Daum
Jason W. Klimek

* Also admitted in MA
Also admitted in FL
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Δ Also admitted in CT
◊ Also admitted in DC

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Marlene G. Groskin, MBA

Nathan H. Blitman
(1909-1990)

RECEIVED
JAN 2 - 2015
ERIE COUNTY
DEPARTMENT OF LAW

December 31, 2014

Certified Mail Return Receipt Requested

Travelers Casualty and Surety Company
Of America
Bond & Specialty Insurance
West Tower, Suite 2900
1500 Market Street
Philadelphia, Pennsylvania 19102

Certified Mail Return Receipt Requested

Kristen M. Walder, Assistant County Attorney
Erie County Attorneys' Office
95 Franklin Street, Room 1634
Buffalo, New York 14202

Certified Mail Return Receipt Requested

Mark Poloncarz, County Executive
County of Erie
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Certified Mail Return Receipt Requested

John Loffredo, Commissioner
Erie County Department of Public Works
95 Franklin Street, 14th Floor
Buffalo, New York 14202

Re: Project: 2013 Capital Overlay Contract B, Project No. CAP-130.307.542.554-13-B Youngs Road, Eggert Road, Ensminger Road and Kenmore Avenue, Towns of Amherst and Tonawanda

Bond No.: 105809269

Contractor: DiPizio Construction Company, Inc.

Claimants: Upstate New York Engineers Joint Welfare, Pension, and Training Funds, Supplemental Unemployment Benefits Funds, Operating Engineers Local 17 Training Fund, Central Pension Fund of the International Union of Operating Engineers, and I.U.O.E. Local Union Nos. 17 and 463 ["Funds" and "Unions"]

NOTICE OF CLAIM

Dear Sir or Madam:

Our office represents the above-referenced Funds and Union. They are owed $58,184.20 as a result of hours worked by employees of DiPizio Construction Company, Inc. ["DiPizio"] during the period August 2013 through November 2013 and the month of May 2014 in connection with the above-referenced project. That sum consists of $40,434.18 in

Blitman&King LLP

contributions and deductions, $8,681.32 in interest through January 1, 2015, and $9,068.70 in liquidated damages. You are to consider this notice of my clients' claim under the New York Labor Law, New York State Finance Law, New York Lien Law and the above-referenced bond.

In support of the claim, enclosed you will find copies of the following: (1) pertinent portions of the audit; (2) our spreadsheet showing calculation of the delinquency; (3) pertinent portions of the collective bargaining agreement; and (4) the Funds' Collections Policy.

If you require anything further to pay this claim, please let me know. Otherwise, please forward to our offices a certified check in the amount of $49,115.50 payable to the Upstate New York Engineers Funds.

Sincerely yours,

BLITMAN & KING LLP

Jennifer A. Clark
C/lld

Jennifer A. Clark

JAC/lld
Enclosures

cc: Daniel P. Harrigan, Administrator
Upstate New York Engineers Funds

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