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

February 12, 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:	*Mattrey, Colleen K. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Colleen K. Mattrey 163 Westgate Road Kenmore, New York 14217
Claimant's attorney:	John P. Ford, Esq. The O'Brien Firm, P.C. 4925 Main Street, Suite 222 Buffalo, New York 14226

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.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

COLLEEN K. MATTREY,

Claimant,

vs.

NOTICE OF CLAIM

COUNTY OF ERIE,

Defendant.

This paper received at the
Erie County Attorney's Office
from Tara O'Neill on
the 5 day of February 2015
at 10:20 a.m./p.m.
Kelly P. Drinkwater
Assistant County Attorney

PLEASE TAKE NOTICE that Colleen K. Mattrey, Esq., in accordance with General Municipal Law Section 50-e, hereby makes a claim and demand against the County of Erie (hereinafter "Respondent") as follows:

1. The name and post office address of Claimant is Colleen K. Mattrey, Esq. (hereinafter "Claimant"), 163 Westgate Road, Kenmore, New York 14217.

2. The attorneys for the Claimant are The O'Brien Firm, P.C., 4925 Main Street, Suite 222, Buffalo, New York 14226, Telephone Number (716) 907-7777.

3. This is a negligence case stemming from Claimant's slip and fall on ice/snow on Respondent's property. The facts and circumstances of this claim are as follows: On December 12, 2014, at approximately 5:00 p.m., Claimant slipped and fell on an accumulation of ice/snow on slanted/uneven ground at, near or in the driveway/loading area on the Oak Street side of property located at the Niagara Frontier Transportation Bus Station, 181 Ellicott Street, Buffalo, New York 14203.

4. As a result of the fall, Claimant sustained severe and permanent injuries. As hereinafter set forth, such severe and permanent injuries were due to the negligence, carelessness and recklessness of the Respondent herein.

5. Upon information and belief, and at all times hereinafter mentioned, Respondent owned, maintained, serviced and controlled the aforementioned area where Claimant slipped and fell.

6. Among other things, the accumulation of ice/snow on slanted/uneven ground at, near or in the driveway/loading area were dangerous conditions encountered by Claimant.

7. Upon information and belief, and at all times hereinafter mentioned, Respondent either created the aforementioned dangerous conditions which Claimant encountered, or had actual and/or constructive notice of the aforementioned dangerous conditions and failed to remedy such defects in a timely manner.

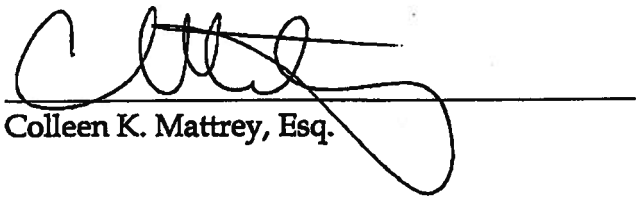
8. Furthermore, upon information and belief, and at all times hereinafter mentioned, Respondent was negligent, carelessness and reckless in, among other things: failing to properly remove ice/snow from the area where the Claimant fell; creating dangerous condition(s); failing to timely remove a dangerous condition from the premises, namely an accumulation of ice/snow in the area where Claimant fell; failing to warn of dangerous conditions, namely an accumulation of ice/snow on and around slanted/uneven ground in an area known to be traversed by pedestrians, including Claimant; failing to properly maintain the property; failing to properly supervise and/or monitor the actions of the snow and ice removal company; for having notice, either actual or constructive, of the dangerous conditions in the form of an accumulation of ice/snow on slanted/uneven ground and failing to remedy such conditions before Claimant's fall; and for other careless, negligent and reckless acts.

9. This Notice is made and served on behalf of Claimant in compliance with the provisions of the General Municipal Law Section 50-e and such other laws as may be relevant.

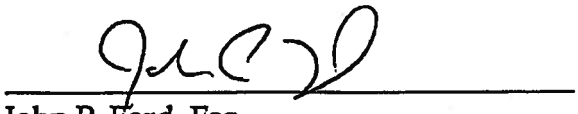
10. At all times hereinafter mentioned, as a result of the negligence, carelessness and recklessness of Respondent, the Claimant suffered serious and permanent injuries, internal as well as external, including, but not limited to: multiple fractures of her radius requiring open reduction and internal fixation; and as a result of the negligence, carelessness and recklessness of the Respondent, the Claimant was caused to incur certain medical expenses and, upon information and belief, will continue to incur medical expenses in the future; has been caused to sustain a loss of wages and other economic loss and, upon information and belief, will sustain future loss of wages and other economic loss; has been caused to sustain pain and suffering as a result of her injuries and, upon information and belief, will continue to sustain pain and suffering as a result of her injuries in the future; has been and will be incapacitated from performing her usual and customary duties for a long period of time, all to her damage in a sum which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

WHEREFORE, Claimant requests these claims be allowed and paid for by Respondent, County of Erie.

DATED: Buffalo, New York
January 28, 2015



Colleen K. Mattrey, Esq.



John P. Ford, Esq.
The O'Brien Firm, P.C.
Attorneys for Claimant
4925 Main Street, Suite 222
Buffalo, New York, 14226
(716) 907-7777

TO: Counsel for County of Erie
As they may appear

VERIFICATION

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

Colleen K. Mattrey, Esq., being duly sworn, deposes and says:

That Deponent is the Claimant in the above-entitled matter; and has read the foregoing Notice of Claim and knows the contents thereof, and that the same is true to Deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those, Deponent believes same to be true.

COLLEEN K. MATTREY, ESQ.

Sworn to before me this 28th

day of January, 2015.

Judy A. Kirkland
NOTARY PUBLIC

JUDY A. KIRKLAND
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 05/13/2017