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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: June 17, 2016
RE: Transmittal of New Claims Against Erie County

Ms. McCarthy:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find nine (9) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Alicia Robinson v. County of Erie, et al.
Christopher Golpl v. County of Erie, et al.
Patricia DiBenedetto-Hughes v. County of Erie
Juan Quinones Rivera v. Sgt. Webster & Deputy Kaufman
Reeseie Nash v. NYS Parole Chair & Sheriff Howard
Lynn Chase v. County of Erie
Violet Realty, Inc. d/b/a Main Place Liberty Group v. County of Erie
Karen Krzesinski v. ECC
Melinda Bryant v. County of Erie (2nd DHR Complaint)

MMP:dld
Attachments

Comm. 13D-12



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SECOND ASSISTANT COUNTY ATTORNEY

June 3, 2016

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>Robinson, Alicia v. County of Erie, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	Alicia Robinson
Claimant's attorney:	Matthew Albert, Esq. 254 Richmond Avenue Buffalo, New York 14222

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.

Comm. 13D-12

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R E C E I V E D
MAY 31 2016
ERIE COUNTY
DEPARTMENT OF LAW

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT: WESTERN DISTRICT OF NEW YORK

ALICIA ROBINSON

Index No. 1:

Plaintiff,

-vs-

COMPLAINT

THE CITY OF BUFFALO, THE CITY OF BUFFALO POLICE DEPARTMENT, DANIEL DERENDA, COMMISSIONER OF THE CITY OF BUFFALO POLICE DEPARTMENT, BUFFALO POLICE NARCOTICS LIETUENANT PAUL DILLAND, BUFFALO POLICE NARCOTICS DETECTIVE PATRICK O'ROURKE, Former BUFFALO POLICE NARCOTICS OFFICER DETECTIVE RAY KRUG, LIEUTENANT NORMAN G. HARTMAN OF THE INTERNAL AFFAIRS DIVISION OF THE BUFFALO POLICE DEPARTMENT, THE CITY OF LACKAWANNA, LIEUTENANT AARON BRENNAN OF THE CITY OF LACKAWANNA POLICE DEPARTMENT, THE COUNTY OF ERIE, ERIE COUNTY SHERIFF TIMOTHY HOWARD, and to this point at least ONE OFFICER JOHN DOE OF THE CITY OF THE BUFFALO POLICE DEPARTMENT and ONE OFFICER JOHN DOE OF THE ERIE COUNTY SHERIFF'S DEPARTMENT

Defendants.

JURY DEMAND

That by Jury on all issues is demanded

PRELIMINARY INTRODUCTION

1. This is an action brought pursuant to 42 U.S.C § 1983 as applicable to the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution for the unlawful entry of Plaintiff's home on May 29, 2013. The unlawful entry was

based upon the obtaining of an Unlawful Search Warrant procured by the Defendant's. Further, the action includes the Unlawful seizure and excessive force used by the defendants surrounding the unjustifiable and unnecessary killing and taking of Plaintiff's property; to wit: a 2.5 year-old canine; aka a female Rhodesian Ridgeback type dog named "Sarabi," on or about May 29, 2013. The action also includes the unlawful and excessive force and brutality used against Plaintiff herself where she was shot, beaten, brutalized, wrongfully arrested, imprisoned, denied medical treatment, and maliciously prosecuted by the Defendant's in question. Further, as will be established throughout this complaint, Defendants' also intentionally engaged in fraud throughout numerous aspects of these proceedings, depriving Plaintiff of due process as a result.

PARTIES

2. Plaintiff, Alicia Robinson, (05/24/1972), was gainfully employed as a bus aide for the Board of Education for 9 years preceding May 29, 2013. She was in good standing as of May 29, 2013, though has not been able to work since due to the physical, emotional, and psychological trauma she endured at the hands of the Defendants, on the above-referenced date and time. At the time in question, Plaintiff lived at 70 Harmonia Street, Buffalo, N.Y. 14211, and now resides in the upper unit of 613 East Ferry Street, Buffalo, New York., 14211.

3. Upon information and belief, the CITY OF BUFFALO, is a municipal corporation duly organized and existing under and pursuant to the laws of the State of New York.
4. Upon information and belief, the CITY OF LACKAWANNA, is a municipal corporation duly organized and existing under and pursuant to the laws of the State of New York.
5. Upon information and belief, the COUNTY OF ERIE, is a municipal corporation duly organized and existing under and pursuant to the laws of the State of New York.
6. Upon information and belief, the City of Buffalo Police Department is under the direct control of the City of Buffalo in the State of New York.
7. Upon information and belief, Defendant Daniel Derenda is the Police Commissioner of the City of Buffalo Police Department.
8. Upon information and belief, the defendants Lt. Paul Delano, Lt. Norman Hartman, Det. Patrick O'Rourke, former Buffalo Police Det. Ray Krug, and one or more to this unnamed Buffalo Police Officers, aka "Ofc. John Doe," are or were as of May 29, 2013 employed by the City of Buffalo Police Department and were acting in such capacity during the events that give rise to this lawsuit.
9. Upon information and belief, the Defendant Lt. Aaron Brennan is employed by the City of Lackawanna Police Department and was acting in such capacity during the events giving rise to this lawsuit.

10. Upon information and belief, Defendants Erie County Sheriff Timothy Howard and Erie County Deputy Sheriff John Doe are employed by the County of Erie, and were acting in such capacity during the events giving rise to this lawsuit

JURISDICTION

11 Plaintiff brings this action to recover damages for the violation of her civil rights under the Fourth Amendment to the United States Constitution, codified at 42 U.S.C. § 1983 and as bestowed upon the states and its citizens through the Due Process Clause by the Fourteenth Amendment of the United States Constitution

12. The unreasonable killing of a companion animal constitutes an unreasonable "seizure," of personal property under the Fourth Amendment. Carroll v. County of Monroe, 712 F.3d 649 (2013).

13. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331 and 1332 (federal question) and § 1343 (civil rights)

14. Declaratory, injunctive, and equitable relief is sought pursuant to 28 U.S.C. §§ 2201 and 2202.

15. Compensatory and Punitive damages are sought pursuant to 42 U.S.C. § 1983.

16 Costs and Attorney's fees may be awarded pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. Rule 54

17. As mandated by the Supremacy Clause, in relations to actions brought pursuant to 42 U.S.C. § 1983, plaintiff does not have to comply with Municipal Law Section 50-e with regard to filing a Notice of Claim with regard to Federal Causes of Action
18. At all relevant times, all referenced City of Buffalo employees were discharging their duties in the scope of their employment by the City of Buffalo Police Department and the City of Buffalo, albeit in a brutal, sadistic, conspiratorial, unethical and dishonest manner.
19. At all relevant times, all City of Lackawanna employees were discharging their duties in the scope of their employment by the City of Lackawanna, albeit in a manner that deprived Plaintiff of her right to be free from unlawful searches and seizures as protected under the U.S. Constitution.
20. At all relevant times, all County of Erie employees were discharging their duties in the scope of their employment by the County of Erie, albeit in a deliberately indifferent manner that deprived Plaintiff of her right to timely and appropriate medical care and attention given that she had sustained a gunshot wound and extensive brutality at the hands of those above-referenced.

VENUE

21. This action properly lies in the Western District of New York, pursuant to 28 U.S.C. § 1343(3) because the claims arose in this judicial district and the defendants reside in and/or do business in Erie County.

FACTUAL BACKGROUND

22. On or about May 29, 2013, at 9:30 am., Plaintiff arrived home from work and was in the presence of her son, Terrance Robinson, (2/19/1992), whom was present for all or most of the below-referenced facts.
23. Plaintiff entered her residence at 70 Harmonia Street and went to go let out her three dogs. The doomed dog in question, Sarabi, a two-year-old Ridgeback, named after a character in the movie, "The Lion King," was resting comfortably in her crate. A three-year-old male Boxer/Pit Bull mix, aka Big Boy, was on a leash in the hands of Plaintiff, while a one-year-old male Ridgeback mix who was Sarabi's puppy, aka Zeus, was on his leash tied to an adjacent door, with all animals about to be let into the fenced in back yard.
24. At this time, and without any legal authorization pursuant to law, Defendant's entered the residence through the front door. Defendant Ray Krug was the

"Ram," meaning the member of the search warrant team who broke down Plaintiff's door to gain entry, and, according to Buffalo Police Narcotics Procedure, the first to enter.

25 Plaintiff has seen Defendants' Ray Krug and Paul Delano, and asserts it is Defendant Raymond Krug who did the following: Plaintiff asserts Krug began to scream at Plaintiff to get her dogs, despite the fact that all three dogs were restrained at this time. Plaintiff repeatedly asked the Officer, who she believes to be Defendant Raymond Krug, what he was talking about and telling him that the above-referenced dogs were restrained. It should be noted that Defendants have alleged it was Lieutenant Delano who did the following act(s), quite possibly as Defendant Krug's record of misconduct would make it harder for the Defendant(s) to avoid liability and clear Defendant(s) of any and all wrongdoing as Defendant Hartman's Internal Affairs review of said incident did, and not honor Plaintiff's previously filed Notice of Claim. Further, Defendants alleged that Sarabi was a pit bull in their reports... a clear attempt to falsify evidence in an attempt to justify an unjust and heinous kill of a beautiful Rhodesian Ridgeback dog.

26. With all this in mind, it is asserted that it was Defendant Krug that began to bait Sarabi, by stomping his foot near the crate, and screaming at the dog in question, causing crate to shake and the latch to lift. Noticing that the latch was moving, Plaintiff's son, Terrance Robinson, tried to calmly tell the Defendants' that he would go and put Sarabi on a leash. The Defendants,' most notably the

individual who Plaintiff identifies as Krug, continued to escalate the situation, until the latch lifted and Sarabi exited his crate. Sarabi ran towards Terrance Robinson in a fearful manner, and the Defendant believed to be Krug then shot the dog in question

27. Plaintiff screamed and ran toward Sarabi as Robinson took control of the dog Plaintiff was holding on a leash, aka Big Boy. The same Officer as already described then fired a second shot, this time killing Sarabi and also diffusing a shotgun pellet striking Plaintiff in the left knee.

The same Officer, the shooter and dog killer, then manhandled Plaintiff and tossed her towards a now unidentified black male Officer, at this point labeled Officer John Doe.

28. This Officer, aka John Doe, then cuffed Plaintiff, took Plaintiff out of the house, and banged Plaintiff's head off of her own vehicle, and then rubbed her face against the same, causing severe contusions and abrasions on Plaintiff's left eye.

29. Plaintiff, feeling a searing burning in her left knee and pain and swelling to her face where she had been assaulted, requested an ambulance. This was the first of numerous times in the next 12 hours or so where Plaintiff, in very obvious signs of serious distress having been shot and beaten, requested medical attention. She was repeatedly denied such attention

30. Numerous Buffalo Police Narcotics Officers' continued to belittle and demean Plaintiff, throwing a search warrant at her while handcuffed so she

could not see it, saying she was arrested for, "being an asshole," and mocking Plaintiff's elderly mother and son when they requested medical attention for their loved one, aka the Plaintiff.

31. Defendants then wrongfully and with no legal basis took Plaintiff's remaining dogs and brought them to the City Shelter, despite the fact that Plaintiff's son showed the Officers the proper paperwork demonstrating the licensing and appropriate certifications of each dog. Defendants then over vaccinated the dogs at the shelter, and extorted more funds from the Plaintiff so she could retrieve the dogs the next day.
32. Plaintiff, at or about 10:30-11:00 am on the date in question, May 29, 2013, was brought to the Buffalo City Court jail, where she was further denied medical care. A female booking Officer saw Plaintiff's leg which had been shot, and brought it to the attention of the relevant Buffalo Police Defendants by saying, "have you seen this?"
33. Defendant O'Rourke deceptively said "no," as Plaintiff had repeatedly spoken of the fact that the bullet pellet had hit her leg on numerous occasions. Defendants' stated they would take Plaintiff to the Hospital after she was arraigned for the afternoon court session
34. However, when it was time to call the inmates from the "pen," to Court, the Officer in charge said the Plaintiff "had an attitude," and that she could "go tomorrow instead "

35. Plaintiff was not arraigned in the afternoon, as her injuries were left untreated.
36. At some point, Plaintiff was taken to medical screening, where she was asked the following question by the intake nurse: "what did she (Plaintiff) have to look forward to?"
37. Plaintiff, understandably despondent, stated, "Nothing. They killed my dog. I have a bunch of tears and blood to clean... that's what I have to look forward to."
38. Some seven hours later, at or about 11:00 to 11:30 pm., Plaintiff was finally transported to ECMC... not for her injuries, but the medical screening nurse from the Holding Center had ultimately decided that Plaintiff's last-referenced response indicated that Plaintiff was suicidal.
39. It was the direct actions of Defendant's Timothy Howard, his policies in denying urgent medical care to inmates at the Erie County Holding Center, and the direct actions of all Defendants including at least one un-named Erie County Deputy Sheriff at this point, aka Erie County Deputy Sheriff John Doe, who denied Plaintiff the urgent medical attention she so clearly needed.
40. Upon finally arriving at the Erie County Medical Center, an intake white male nurse at said facility stated to Plaintiff that, "the guy that shot the cop didn't look as bad as you." The Officer who transported Plaintiff said to her that he was doing so as a favor . the job should have been done by the Buffalo Narcotics Unit as it was their arrest. He stated the Narcotics unit was made aware of her

medical state and said they did not want to have anything to do with her, which is why she had to wait 12 hours for medical treatment.

- 41 Plaintiff was treated at ECMC and then ultimately arraigned on May 30, 2013, on among other charges, the charge of Possession of a Controlled Substance in the Fourth Degree, in Violation of Penal Law (PL. 220 09-1).
42. In said complaint, Defendant O'Rourke stated that of his own knowledge, he accused Plaintiff of possessing over $>1/8$ oz of crack cocaine, which he recognized as such by its' yellowish whitish color and his years of experience. Defendant O'Rourke attested to those purported facts under penalty of perjury.
43. The alleged contraband was in fact prescription tramadol that Plaintiff rightfully possessed, and it was NOT yellow in color at all.
- 44 The search warrant, as mentioned earlier, was obtained in an unauthorized and unlawful manner, in that it was applied for and obtained by Lackawanna Police Detective Aaron Brennan and signed by City of Lackawanna Judge Frederic Marrano, in direct contravention of the jurisdictional requirements of Criminal Procedure Law §690.35 and therefore executed without any lawful basis.
45. Subsequent to May 29, 2013, Defendant Hartman, of the Internal Affairs Division of the Buffalo Police Department, at the behest of Commissioner Daniel Derenda, did a sham of a review and somehow found no misconduct on the part of any Buffalo Police Officers, despite the above set of facts being true. It should be noted that every single shooting of every single dog by the Buffalo

Police Department has been deemed justified by the Department, proving the ghoulish practice is condoned by the City of Buffalo and its Police Department who rubber-stamp the practice through their artificial reviews of such acts that comprise said practice.

First Cause of Action for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C. § 1983 against The City of Buffalo, the City of Buffalo Police Department, City of Buffalo Police Lieutenant Paul Delano, City of Buffalo Police Detective Patrick O'Rourke, Former City of Buffalo Police Detective Ray Krug, City of Buffalo Police Officer John Doe, City of Lackawanna, City of Lackawanna Police Officers Detective Aaron Brennan, in their Official and Individual Capacities:

46. Plaintiff, ALICIA ROBINSON repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
47. On or about May 29, 2013, Defendants the City of Buffalo, City of Buffalo Police Department, and Officers Delano, Krug, O'Rourke, and John Doe entered Plaintiff's residence without permission of the Plaintiff. Said Defendants executed a search warrant that was defective on its face, as the warrant lacked the requisite jurisdictional requirements pursuant to § 690.35(2a) of the Criminal Procedure Law. The unlawful invasion and entry into Plaintiff's home constituted a violation of her rights to be free from such unlawful seizures and were in deprivation of her rights to be free from such unlawful searches and seizures secured to Plaintiff by the Fourth and

Fourteenth Amendments of the United States Constitution and by Title 42
U.S.C. § 1983.

48. The application to the warrant was sought by City of Lackawanna Police Officer Aaron Brennan on May 22, 2013, and signed by City of Lackawanna Judge Frederic Marrano on that same date. Needless to say, the City of Lackawanna lacks preliminary jurisdiction to preside over the underlying offenses that Plaintiff was charged with. Plaintiff ultimately pled guilty to one count of the non-criminal, non drug related offense of disorderly conduct in the City of Buffalo on May 29, 2013. She did so at the urging of a criminal justice system designed to protect the police, and not individuals such as Plaintiff. Furthermore, the search warrant clearly designated a different person than that of the Plaintiff, namely the target of the warrant was Jonathan Archibald.

49. Despite the above-referenced facts, Defendants executed the search warrant without any legal basis, nor having any objectively reasonable basis to believe they could execute such a warrant, trashed Plaintiff's property, brutally shooting and killing Plaintiff's dog Surabi, who they baited and intentionally let out of her crate so they could kill said dog without cause, as is the standard practice of the Buffalo Police Department. Said actions and unjustified killing of said companion animal equates to the felonious crime of Aggravated Animal Cruelty under §353-a of the Agricultural and Markets Chapter of New York State's Law, and such gratuitous violence and sadistic

killing were heinous and objectively unreasonable actions in the eyes of similarly placed Police Officers in like circumstances.

50. The above-referenced conduct demonstrates that the Defendants conspired to and did deprive the Plaintiff of her liberty and rights as would shock the conscious in violation of her rights as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.
51. In addition to wrongfully shooting and killing Plaintiff's dog, Defendant's also stole other property of Plaintiff's, all while acting under the color of law. Plaintiff was deprived of her other dogs who were wrongfully taken to the City of Buffalo Animal Shelter, and extorted for funds so they were returned to her.
52. Defendants damaged numerous other property items in this senseless raid of a citizen's home.
53. Surabi, as Plaintiff's best friend and companion, constitutes a special classification of property under New York State Law that defendants seized and destroyed in a matter that shocks the conscience, and in a criminal and unjustified matter. Travis v. Murray, 42 Misc.3d 447 (2013).
54. As alleged above, Defendants, as is their habit for these occasions, then called upon Buffalo Animal Control to assert dominion and control over the deceased animal, as opposed to using said municipal agency to control the animal while still alive.
55. Said above-referenced actions, both individually and in their entirety, fully disregarded the Constitutional rights of the Plaintiff to be free of unlawful and

unreasonable seizures under the Fourth and Fourteenth Amendments of the Constitution.

56. Such deprivations of Plaintiff's property rights and right to liberty and happiness were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by Title 42 U.S.C. § 1983.
57. As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial
58. Plaintiff demands costs and attorney fees pursuant to 42 U.S.C. § 1988.

Second Cause of Action for Plaintiff Alicia Robinson for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C § 1983 against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, and Buffalo Police Lieutenant Norman Hartman, in Their Official and Individual Capacities.

59. Plaintiff, ALICIA ROBINSON repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
60. Aside from the above-referenced set of facts, the City of Buffalo and its Police Department caused the Plaintiff to be subjected to Fourth Amendment violations because the Buffalo Police Narcotics Division and Lieutenant Delano's, Detective O'Rourke's and Detective Krug's violations were part of the customary practices of the City of Buffalo and its police department. Such

repealed Fourth & Fourteenth Amendment violations amount to the City of Buffalo's deliberate indifference to an obvious need for training of its officers both in the laws pertaining to unlawful seizures, in the art of de-escalation, and in how to avoid conflict and especially lethal conflict when dealing with canines. Further, the sociopathic number of canine shootings by the City of Buffalo Police Department reflect the above-referenced defendants' complicity with sociopathy and animal torture. This departmental failure includes and is most evident in the failures leading to the death of Surabi, a dog that was safely crated, until the Officer's intervened in the above-referenced sequence of events. This failure of the Department to adequately train, supervise, and regulate their Detectives and Officers' dealings with canines resulted in Defendant Krug or Defendant Delano's actions in slaying Surabi and thereby causing the Plaintiff insufferable and egregious harm, and will result in more unnecessary bloodshed if corrective measures aren't taken by the City of Buffalo, the City of Buffalo Police Department, and City of Buffalo Police Department Commissioner Daniel Derenda.

Furthermore, the City of Buffalo, its Police Department, Commissioner Daniel Derenda, and the Internal Affairs Division led by Lieutenant Norman Hartman tacitly condone the practice of lethal means used as a first resort against dogs, otherwise known as puppycide. Puppycide, as the term has been dubbed, is a disturbing American inner city phenomenon in which dogs are destroyed in record numbers as part of an "us

against them," mentality utilized by City Police Departments, whose Officers almost invariably live in the suburbs and have disdain and disgust for the members of the community such as the Plaintiff whom they are sworn to protect and serve. In these killings, Lieutenant Hartman and Commissioner Derenda only perform a superficial, biased, and artificial review of the dog killed by its Police Department. Such reviews always result in the erroneous and contrived finding that the discharge of the weapon by the Officer, which results in the killing of the dog, is justified by the officer. The practice of killing dogs and giving Officers, particularly Officers in the Narcotics Division of the Buffalo Police Department, carte blanche to do so, is a common custom and practice that is sadly condoned and approved by the City of Buffalo, its Police Department, Commissioner Daniel Derenda, and Lieutenant Norman Hartman. Other components of this practice include but are not limited to the following:

- Failing and omitting to ensure its police officers used appropriate care, discretion, and regard towards animals and humans;
- Failing and omitting to properly and adequately instruct, supervise and train its police officers;
- Failing to provide proper protocol to deal with animals in routine situations using nonlethal force, in sanctioning the unnecessary

slaying of dogs which is equivalent towards promoting animal cruelty.

- Failing to implement any kind of meaningful program preparing officers to interact with dogs on private residences or premises, and in negligently hiring and entrusting Detectives Krug and Detectives Delano to carry out the sworn duties of a City of Buffalo Police Officer
- Executing search warrants in a reckless and routine manner proven to be ineffective in seizing any substantial quantity of drugs or ridding the streets of drugs. Instead, the policing is designed to line the coffers of the Defendants while terrorizing the communities from which they are sworn to protect and serve, and where Plaintiff and his companion animal become casualties of a roughshod and reckless form of policing as practiced by the Defendants.

61. In this instance, the Department superficially reviewed the erroneous execution of the warrant as well as the killing of Surabi, as well as Plaintiff being shot and brutalized and deprived of medical treatment, and came to both the shocking yet all too predictable conclusion that their Officers acted appropriately and Plaintiff's Internal Affairs complaint could not be sustained as founded. This dubious and erroneous finding was conveyed to Plaintiff in an August 13 standard form letter sent to her by Defendant Hartman, replete with

typographical errors, and reflecting the shoddy, shameful, and unprofessional treatment she endured throughout this ordeal at the hands of the Defendants.

62. The above-referenced misuse of authority and power by Defendants was egregious and shocking to the conscience. As a result, Plaintiff was caused and will continue to undergo and endure severe mental anguish, hardship, and distress as result thereof.

63. Such deprivations of Plaintiff's property rights and right to liberty and happiness were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by Title 42 U.S.C. § 1983.

64. As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial.

65. Plaintiff demands costs and attorney fees pursuant to 42 U.S.C. § 1988.

Third Cause of Action for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C. § 1983 against The City of Buffalo, the City of Buffalo Police Department, City of Buffalo Police Lieutenant Paul Delano, City of Buffalo Police Detective Patrick O'Rourke, Former City of Buffalo Police Detective Ray Krug, City of Buffalo Police Officer John Doe in their Official and Individual Capacities:

66. Plaintiff, ALICIA ROBINSON repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.

67. As has been set forth, Plaintiff was unreasonably deprived of her property rights in the form of her best friend, aka. a two-year-old female Rhodesian Ridgeback dog named Surabi.
68. Further, Defendants trashed Plaintiff's property, brutally shooting and killing Plaintiff's dog Surabi, who they baited and intentionally let out of her crate so they could kill said dog without cause, as is the standard practice of the Buffalo Police Department. Said actions and unjustified killing of said companion animal equates Aggravated Animal Cruelty under §353-a of the Agricultural and Markets Chapter of New York State's Law, and such gratuitous violence and sadistic killing were heinous and objectively unreasonable actions in the eyes of similarly placed Police Officers in like circumstances.
69. In addition to wrongfully shooting and killing Plaintiff's dog, Defendant's also stole other property of Plaintiff's, all while acting under the color of law. Plaintiff was deprived of her other dogs who were wrongfully taken to the City of Buffalo Animal Shelter, and extorted for funds so they were returned to her.
70. Defendants damaged numerous other property items in this senseless raid of a citizen's home.
71. Surabi, as Plaintiff's best friend and companion, constitutes a special classification of property under New York State Law that defendants seized and destroyed in a matter that shocks the conscience, and in a criminal and unjustified matter. Travis v. Murray, 42 Misc 3d 447 (2013). The remaining

property is obviously of less importance, but the Defendant's still wrongfully deprived Plaintiff of such property all while acting under the color of law, contrary to the provisions of 42 U.S.C § 1983.

- 72 As alleged above, Defendants, as is their habit for these occasions, then called upon Buffalo Animal Control to assert dominion and control over the deceased animal, as opposed to using said municipal agency to control the animal while still alive.
- 73 Said above-referenced actions, both individually and in their entirety, fully disregarded the Constitutional rights of the Plaintiff to be free of unlawful and unreasonable seizures under the Fourth and Fourteenth Amendments of the Constitution.
- 74 Such deprivations of Plaintiff's property rights and right to liberty and happiness were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by Title 42 U.S.C. § 1983.
- 75 As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial.
- 76 Plaintiff demands costs and attorney fees pursuant to 42 U S C § 1988.
- 77 Such deprivations were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by 42

U.S.C § 1983

Fourth Cause of Action for Plaintiff Alicia Robinson for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C. § 1983 against The City of Buffalo, the City of Buffalo Police Department, City of Buffalo Police Lieutenant Paul Delano, City of Buffalo Police Detective Patrick O'Rourke, Former City of Buffalo Police Detective Ray Krug, City of Buffalo Police Officer John Doe in their Official and Individual Capacities:

78. Plaintiff, ALICIA ROBINSON repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
79. In engaging in the above-referenced conduct, by using excessive force against the Plaintiff to summarily deprive her of her property rights in possessing Surabi and the other above-referenced property, the Defendants also brutalized Plaintiff by shooting her, manhandling her, and slamming her head against her own vehicle and then rubbing her face against the vehicle, all of which caused physical injury to Plaintiff, to which she still suffers the effects to this day, and all contrary to her civil rights as provided by pursuant to 42 U.S.C § 1983. Further, as police officers employed by the City of Buffalo, Defendants were acting under the color of state law.
80. Such deprivations of Plaintiff's right to be free from such brutality and excessive force in the course of a seizure were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by Title 42 U.S.C. § 1983

81. As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial.
82. Plaintiff demands costs and attorney fees pursuant to 42 U.S.C. § 1988.
83. The above-referenced misuse of authority and power by the Defendants was egregious and shocking to the conscience. As a direct result, Plaintiff sustained severe mental anguish, humiliation, and severe emotional distress as a result thereof.
84. Such deprivations were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by 42 U.S.C § 1983.
85. As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial.
86. Plaintiff demands costs and attorney fees pursuant to 42 U.S.C. § 1988.
87. Defendants actions as specified in the above allegations, constituted extreme and outrageous conduct under the circumstances.

Fifth Cause of Action for Plaintiff Alicia Robinson for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C. § 1983 against The City of Buffalo, the City of Buffalo Police Department, City of Buffalo Police Lieutenant Paul Delano, City of Buffalo Police Detective Patrick O'Rourke, Former City of Buffalo Police Detective Ray Krug, City of Buffalo Police Officer John Doe in their Official and Individual Capacities:

88. Plaintiff, ALICIA ROBINSON repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
89. Defendant O'Rourke unlawfully arrested and maliciously prosecuted Plaintiff with the crimes of Criminal Possession of a Controlled Substance in the Fourth Degree, Criminal Possession of a Controlled Substance in the Seventh Degree, and three counts of Criminally Using Drug paraphernalia in the Second Degree, in violation of Penal Law § 220.09-1, §220.03, and §220.50(1,2,3) respectively. All arrests were without probable cause, as they were derived from a defective search warrant from a jurisdictional standpoint, as already specified.
90. Further, Plaintiff was not named nor targeted in the search warrant, as quite clearly, the only individual who probable cause to arrest could possibly be found to in relation to the alleged possession was Jonathan Archibald, who was specified in the search warrant. Archibald was not present at the time of execution. Moreover, Archibald wrote a letter to the Defendants and the Erie County District Attorney's Office confessing to possessing whatever contraband was found in the house, yet the Defendants persisted in the malicious prosecution of Plaintiff. The outcome was ultimately terminated in favor of the Plaintiff, who only pled to a non-criminal violation offense of disorderly conduct due to inadequate advice of counsel and a criminal justice system designed to cover up wrongdoing by Police Officers and persecute

the poor and minority representatives of the community, such as Plaintiff.

Sixth Cause of Action for Plaintiff Alicia Robinson for violations of the Eighth Amendment as per 42 U.S.C. § 1983 against City of Buffalo Police Lieutenant Paul Delano, City of Buffalo Police Detective Patrick O'Rourke, Former City of Buffalo Police Detective Ray Krug, City of Buffalo Police Officer John Doe, Erie County Sheriff Timothy Howard, Erie County Sheriff Deputy John Doe, in their Official and Individual Capacities:

91. Plaintiff, ALICIA ROBINSON repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
92. The defendants were deliberately indifferent to Plaintiff's serious medical needs. She had shown and told all defendants listed aside from Sheriff Timothy Howard about the fact she was shot and that her face had suffered serious contusions that needed medical attention. Such injuries were open, apparent, and very serious in nature. Further, other Officers brought these injuries to Defendants' attention, who ignored said injuries out of sheer malice and the subjugation of Plaintiff.
93. The Defendants in question laughed at Plaintiff's maladies and the Buffalo Police Defendants refused to transport Plaintiff to the hospital despite the fact she was still under their jurisdiction since she hadn't been arraigned yet.
94. The County of Erie and Sheriff Timothy Howard have a policy of not treating inmates at the Erie County Holding Center, and doing anything to avoid the transport of prisoners to hospitals such as the Erie County Medical Center to defray expense, and it was the implementation of that policy.

combined with the above-referenced malfeasance and willful indifference of the all Defendants, that constituted a cruel and unusual punishment under the Eighth Amendment in the deprivation of medical care for 12 hours relating to the objectively serious injuries sustained by Plaintiff, and for which Plaintiff seeks recovery under 42 U.S.C. § 1983

Punitive Damages against Defendant Buffalo Police Narcotics Lieutenant Paul Delano, Buffalo Police Narcotics Detective Patrick O'Rourke, Former Buffalo Police Narcotics Officer Detective Ray Krug in Their Official and Individual Capacities

95. Plaintiff incorporates by reference all of the allegations set forth herein in this Complaint as if fully set forth herein.
96. Defendants in their Official and Individual Capacities, were deliberately indifferent to Plaintiff's Constitutional rights as a result of their indifference and malice by shooting Surabi in such an unjustifiable, sociopathic and cruel manner on private premises.
97. Punitive damages are justified against the above-stated defendant for their deliberate indifference and malice towards the Plaintiff herein.

WHEREFORE, the plaintiff demands judgment on the above counts against the defendants, their units, their officers, employees, against and other persons acting in concert or participation with them as stated above, and award the following amounts.

- A. Compensatory damages in favor of the Plaintiffs in an amount to be determined by a jury;
- B. Exemplary damages in favor of the Plaintiff;
- C. Costs of this action, including reasonable attorney fees to the Plaintiff Pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, U.S.C. 1988 (1976),
- D. Punitive damages against the above-stated defendant for their deliberate indifference and malice towards the Plaintiff herein.
- E. Such other relief as the court may deem appropriate

DATED: Buffalo, New York
May 29, 2016

The Law Offices of Matthew Albert

By: 
Matthew Albert, ESQ.
Attorney for Plaintiff
Office and P.O. Address
254 Richmond Ave.
Buffalo, New York 14222
(716) 445-4119
mattalbertlaw@gmail.com



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

June 3, 2016

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:

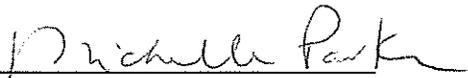
File Name:	<i>Golpl, Christopher v. County of Erie, Erie County Sheriff's Office, Sheriff Howard, Deputy Anderson, and Deputies John Doe 1-4</i>
Document Received:	Notice of Claim
Name of Claimant:	Christopher Golpl 109 Sawyer Avenue Depew, New York 14043
Claimant's attorney:	Matthew Albert, Esq. 254 Richmond Avenue Buffalo, New York 14222

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. 13D-12

Page 33 of 98

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of

CHRISTOPHER GOLPL,

Claimant,

vs.

COUNTY OF ERIE,
COUNTY OF ERIE SHERIFF'S DEPARTMENT,
COUNTY OF ERIE SHERIFF TIMOTHY B HOWARD,
COUNTY OF ERIE SHERIFF DEPUTY SERGEANT ANDERSON,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 1,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 2,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 3,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 4,

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Courtney Jakubis on
the 1 day of June, 2016
at 1:38 a.m./p.m.
L. O'Neil - Leah
Assistant County Attorney

Respondents.

TO: COUNTY OF ERIE,
COUNTY OF ERIE SHERIFF'S DEPARTMENT,
COUNTY OF ERIE SHERIFF TIMOTHY B HOWARD,
COUNTY OF ERIE SHERIFF DEPUTY SERGEANT ANDERSON,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 1,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 2,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 3,
COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 4,

PLEASE TAKE NOTICE, that CHRISTOPHER GOLPL has and hereby makes claim against the COUNTY OF ERIE, COUNTY OF ERIE SHERIFF'S DEPARTMENT, COUNTY OF ERIE SHERIFF TIMOTHY B HOWARD, COUNTY OF ERIE SHERIFF DEPUTY SERGEANT ANDERSON,

1. COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 1, COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 2, COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 3, COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 4, and in support of said claim

state the following:

1. The post office address of the Claimant is 109 Sawyer Ave. Depew, New York 14043..
2. The attorney for the Claimant are MATTHEW ALBERT ESQ., and his post office address is 254 Richmond Avenue, Buffalo, New York 14222.

The claim of CHRISTOPHER GOLPL is for as follows:

* Personal injuries, including without limitation, medical expenses, and for consequential damages generally.

* Deprivation of civil rights as afforded the claimant under both the New York State Constitution and the United States Constitution.

* Intentional Infliction of Emotional Distress

3. The claim arose in substance as follows: In late February of 2016, Claimant was arrested by the Buffalo Police and transported to the Erie County Holding Center.
4. Claimant was then taken to Erie County Holding Center and housed in Charlie Long cellblock, in the number 16 cell.
5. On March 3, 2016, Claimant was present at an extradition hearing in Erie County Supreme Court, Delaware Ave. Buffalo, 14202 Judge Michalski's Part 18, where he was not provided with the proper information as to the purpose of the hearing. Once Claimant understood the purpose of the hearing he became frustrated and was ordered to drop the pen he was holding. Upon dropping the pen, Deputies began insulting Claimant. one even calling him by a racial slur "spic".

6. Claimant was then taken to a room adjacent to the courtroom by Respondent Deputy's John Doe 1 and 2. Deputy's John Doe 1 and 2 pushed me into the room where there were four other persons being held.
7. Respondent Deputy John Doe 1 was a grey haired man in his 50's. Respondent Deputy John Doe 2 was a black haired man also in his 50's or late 40's.
8. Deputy's John Doe 1 and 2 continued to taunt Claimant through the doors.
9. Respondent Deputy John Doe 1 then came into the room and forced Claimant up against the wall choking him in the process to the point of almost passing out.
10. Claimant was handcuffed at the time and unable to defend himself.
11. Upon regaining his breath Claimant asked Respondent Deputy John Doe 2 to the effect *"you just going to let him choke me like that?"*
12. Respondent Deputy John Doe 2 responded to Claimant with *"you are acting delusional, you sure you aren't smoking K2? Maybe you need your own cell. If you think that was bad... don't you watch the news? You don't want to end up in the paper..."*
13. Claimant believed Respondent Deputy John Doe 2 response was referring to India Cumming, the young woman who had just recently died under suspicious circumstances at the Erie County Holding Center.
14. Claimant was then moved to his own cell. In the process Claimant then showed Respondent Erie County Sheriff Deputy John Doe 3, of African American decent, the mark on his neck that had occurred after being choked by Respondent Deputy John Doe 1.
15. Respondent Deputy John Doe 3 then stated to Claimant *"What are you, the Feds? What do you want me to do? You fucking with my dinner table."*

16. Midway through the process of being moved to his own cell Claimant was handed off to Respondent Erie County Sheriff Deputy John Doe 4, a well built bald white male. Respondent Deputy John Doe 4 stated *"You know who I am? I'm a specialist Deputy."*
17. In fear of the events that had just occurred Claimant stated to Respondent Deputy John Doe 4 he would remain silent.
18. Once back to his cellblock Claimant had an emotional breakdown and started crying in front of the Officer who was a regular at the cell block, one Officer Kestel.
19. Claimant explained to Officer Kestel what had happened. In turn, Officer Kestel summoned Respondent Erie County Sheriff Deputy Sergeant Anderson. Claimant heard Officer Kestel say, *"Sarge, look at his neck,"*
20. Respondent Sergeant Anderson said he would investigate and took Claimant to the nurse.
21. Claimant's found it hard to swallow for several days as a result of being choked.
22. Respondent Sergeant Anderson performed a superficial investigation designed to conceal the crimes of his Deputies and stated, *"I investigated... the Deputy doesn't have fingernails, so you couldn't have been cut by him."* Sergeant Anderson then stated that Respondent Deputy John Doe 1 admitted to choking Claimant, but that *"I(he) hadn't been listening."*
23. Respondent Sergeant Anderson then said: *"What do you want to do? You want to make this into a big thing or a little thing?"*
24. Claimant took that to mean that Claimant was supposed to stay quiet and not file a report, so Claimant refused to do so, however he did speak his father concerning the events.
25. Upon information and belief, as a result of the aforesaid incident, CHRISTOPHER GOLPL sustained bodily injury that rendered it hard for him to swallow and sore for a number of days and in fear for his life. Upon information and belief, the claimant is still

suffering the effects for both the physical and psychological injuries he endured from this incident.

26. WHEREFORE, Claimant request that the COUNTY OF ERIE, COUNTY OF ERIE SHERIFF'S DEPARTMENT, COUNTY OF ERIE SHERIFF TIMOTHY B HOWARD, COUNTY OF ERIE SHERIFF DEPUTY SERGEANT ANDERSON, COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 1, COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 2, COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 3, and COUNTY OF ERIE SHERIFF DEPUTY JOHN DOE 4 honor and pay the claims of CHRISTOPHER GOLPL.

DATED: Buffalo, New York
June 1, 2016

By: _____


MATTHEW ALBERT, ESQ.
Attorneys for Claimant
254 Richmond Avenue,
Buffalo, New York 14222
716-445-4119
mattalbertlaw@gmail.com

VERIFICATION

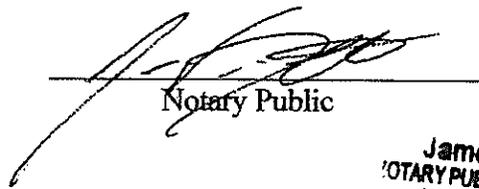
STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

Matthew Albert, being duly sworn, deposes and says that he is the attorney for the claimant above named; and makes this claim on behalf of said client; he 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, he believes them to be true.


Matthew Albert

Sworn to before me this

1st day of June, 2016.


Notary Public

James M. VanDette
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
Commission Expires 7/16



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

June 3, 2016

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

Dear Ms. McCarthy:

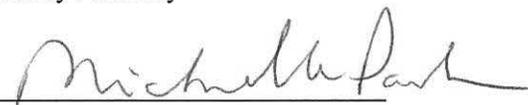
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>DiBenedetto-Hughes, Patricia v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Patricia DiBenedetto-Hughes 133 Westgate Road Kenmore, New York 14217
Claimant's attorney:	Stephen M. Hughes 295 Main Street, Suite 1076 Buffalo, New York 14203

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.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

This paper received at the
Erie County Attorney's Office
from Steve Hughes on
the 29th day of April, 2016
at 1:35 a.m./p.m.
Assistant County Attorney

PATRICIA DIBENEDETTO-HUGHES
Claimant,

NOTICE OF CLAIM

vs.

COUNTY OF ERIE,

Respondent.

PLEASE TAKE NOTICE, that **PATRICIA DIBENEDETTO-HUGHES**, claims and makes claim against the COUNTY OF ERIE for damages arising from breach of a Settlement Agreement, and, in support of said claims, states as follows:

1. The post office address of the Claimant is **PATRICIA DIBENEDETTO-HUGHES, 133 Westgate Road, Kenmore, New York 14217**

2. The post office address of Claimant's attorney is **STEPHEN M. HUGHES, ESQ., 295 MAIN ST., SUITE 1076, BUFFALO, NEW YORK 14203.**

3. The claim herein against the COUNTY OF ERIE is for the breach of a Settlement Agreement entered into between Claimant and Respondent on or about the 8th day of March, 2016. A copy of the Settlement Agreement is annexed to this notice of Claim as exhibit "A". Therein, the Claimant is referred to as "Grievant" and the Respondent as "County".

4. Pursuant to the Settlement Agreement, the County of Erie agreed to pay to Patricia DiBenedetto-Hughes the sum of Sixty Thousand Dollars (\$60,000.00) to settle a grievance which the Claimant had filed against the Respondent (paragraph 3).

5. Paragraph 3 sets forth that the payment "shall be subject to customary

withholdings and deductions at the exemption levels previously claimed by Grievant.”

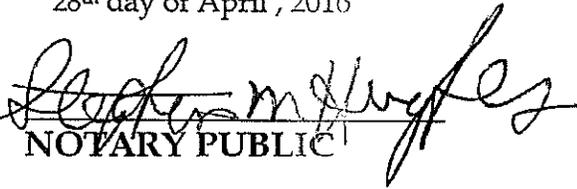
6. Previously, Patricia DiBenedetto-Hughes claimed four exemptions on her federal tax form and three exemptions on her state tax return. The Respondent was the former employer of Claimant and was aware of these facts. However, the Respondent tendered a check to Claimant in the amount \$34,615.44 when the county of Erie owed the sum of \$48,219.40. A copy of the check stub relating to this payment is annexed to this Notice of Claim as exhibit “B”.

7. The County of Erie deliberately exceeded the proper amount of federal and state withholding taxes by the amount of \$13,603.96. An examination of the check stub, annexed as exhibit “B”, reveals that the Respondent correctly calculated the amount of Social Security Tax and Medicare Tax pursuant to four exemptions on her federal tax return and three exemptions on the State return.

8. The Claimant has been damaged in the sum of \$13,603.96.

Patricia DiBenedetto-Hughes
Patricia DiBenedetto-Hughes

Sworn to before me this
28th day of April, 2016


NOTARY PUBLIC

STEPHEN M. HUGHES, ESQ.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/08/18

A

SETTLEMENT AGREEMENT

BETWEEN

**PATRICIA DIBENEDETTO-HUGHES, CSEA LOCAL 1000 ERIE UNIT OF
LOCAL 815, AND COUNTY OF ERIE**

WHEREAS, ERIE COUNTY ("County") and CSEA, Local 1000, AFSCME, AFL-CIO, Erie Unit of Local 815 ("Union") are parties to a collective bargaining agreement effective for the period from January 1, 2007 through December 31, 2016; and

WHEREAS, Patricia DiBenedetto-Hughes ("Grievant") was employed by the County and was discharged on or around April 1, 2014; and

WHEREAS, the Union filed Grievance #14-04-10 on behalf of Grievant in connection with her discharge; and

WHEREAS, the parties wish to resolve all matters concerning Grievant's employment and discharge without the necessity and expenses of protracted proceedings and without admission of wrongdoing, and have agreed to the terms and conditions of a settlement:

NOW THEREFORE, the parties agree as follows:

1. By executing this Settlement Agreement, the parties agree that the termination of the Grievant shall be changed to a voluntary resignation effective April 1, 2014. The County agrees that all of its records shall reflect the voluntary resignation.
2. Any inquiries made concerning Grievant's employment shall be responded to by the County only with her dates of employment and her job title(s) held. The County shall refrain from making any statements, to the media or otherwise, concerning Grievant's employment with the County and the circumstances surrounding or associated with the cessation of that employment, other than to say that Grievant resigned from County employment.
3. Within a reasonable time following the execution of this Settlement Agreement, but not before the seven-day revocation period described in paragraph 9 below has expired, the County shall compensate the Grievant in the gross amount of Sixty Thousand Dollars (\$60,000.00). Such compensation shall not be reduced by any Unemployment Insurance benefits (the right to which is not intended to be affected by this Agreement) or by any other earnings received by the Grievant and shall be subject to customary withholdings and deductions at the exemption levels previously claimed by Grievant.
4. The Grievant agrees that by entering this Agreement, she is forfeiting any and all rights to reinstatement and/or re-employment with Erie County under the New York State Civil Service Law or any other applicable Federal, New York State or Erie County law, policy, or regulation.

5. Except as to the obligations set forth in this Agreement, Grievant fully, forever, irrevocably and unconditionally releases the County, including all of its agents, representatives, employees, and legislators, from any and all claims, charges, complaints, demands, actions, causes of action, suits, debts, agreements, damages, liabilities, and expenses (including attorney's fees and costs), of every kind and nature, known or unknown, which Grievant now has or claims to have, or which she previously had or claimed to have, or which she ever may have or claim to have, occurring prior to the effective date of this Agreement. This release otherwise includes, but is not limited to, all claims under Title VII of Civil Rights Acts of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Employee Retirement Income Security Act, the New York State Human Rights Law, and all other statutory, common law, and other forms of claims and damages under federal, state, and local law.

6. By executing this Agreement, the Union withdraws Grievance #14-04-10 and any other pending grievances involving Grievant's employment, with prejudice.

7. Grievant and the Union represent and agree that they have not disclosed and will not disclose to anyone other than legal counsel the terms and facts of this Agreement, any information regarding this Agreement, or any of the allegations of, or circumstances relating to, the underlying grievance. Grievant shall be allowed to discuss the Agreement with her lawful spouse (so long as he agrees to keep it confidential), and her tax consultant/accountant (so long as he or she agrees to keep it confidential). The Union shall be allowed to discuss the Agreement internally on a "need to know" basis, for purposes of closing out its files and any internal reporting requirements as to resolution of matters for which the Union provided legal assistance.

In the event that anyone asks Grievant or the Union about the Agreement, they will respond only by stating that "the matter was resolved." For purposes of applying for employment or financial disclosures for actions such as credit applications, Grievant shall be allowed to state that she resigned from County employment. It is further understood and agreed by the parties that any breach of this paragraph of the Agreement shall be deemed a material breach of the Agreement.

8. The disclosure prohibitions set forth in Paragraph 7 above shall not apply to Grievant in the following circumstances: (i) by written agreement of the Parties; (ii) whenever ordered by a court of competent jurisdiction or otherwise required by local, state, or federal law or regulation; (iii) whenever required to do so in order to enforce her rights under this Agreement; and (iv) if required by the Internal Revenue Service or to any other taxing authority in connection with a determination of the tax consequences of this Agreement and Release. If disclosure is required pursuant to (ii) through (iv) of this paragraph, Grievant shall use all reasonable means to immediately notify the County Attorney of such required disclosure.

9. Grievant represents that the payments and other consideration provided for herein are in addition to anything of value to which she is otherwise entitled. Grievant further represents that she has entered into this Agreement based upon her own judgment, that she is fully aware of the content and legal effect of this Agreement, that she has been given the opportunity, if she so desires, to consider this Agreement for twenty-one (21) days before executing it, and that the County has advised her, by this writing, to consult with an attorney

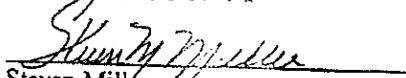
about its terms. Grievant further represents that she has, in fact, consulted with an attorney regarding the terms of this Agreement. In the event that Grievant executes this Agreement within less than the twenty-one (21) days of the date of its delivery to her, she acknowledges that her decision to do so was entirely voluntary and that she had the opportunity to consider this Agreement for the entire twenty-one day (21) period. The County acknowledges and Grievant is hereby advised that for a period of seven (7) days from the date of the execution of this Agreement, Grievant may revoke this Agreement by written notice to the County Attorney. This Agreement shall become effective at the expiration of the seven (7) day expiration period.

10. This Agreement is for the purposes of settlement of this dispute only and shall not be a precedent in any other proceeding or forum. This Settlement Agreement does not modify the collective bargaining agreement.

11. Each party agrees that she/it has had a reasonable period of time to consider this Agreement, and has consulted, if so desired, with an attorney of her/its own choosing prior to executing this Agreement, and agrees she/it has entered into it freely of their own doing, without any coercion or influence being put upon it or them

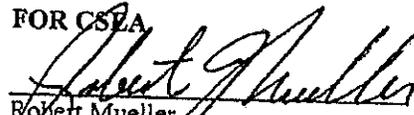
The duly authorized representatives of the parties have added their signatures below.

FOR ERIE COUNTY

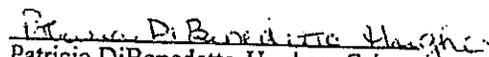

Steven Miller

Date: 3/8/2016

FOR CSEA


Robert Mueller
Labor Relations Specialist
Commissioner of Labor Relations

Date: 3/3/16


Patricia DiBenedetto-Hughes, Grievant

Date: 2/26/2016

B

EARNINGS

DEDUCTIONS

RATE	NUMBER	CURRENT	YTD	DEDUCTIONS	
				CURRENT	YTD
	60,000.00	60,000.00		15,000.00	15,000.00
				5,772.00	5,772.00
				3,720.00	3,720.00
				870.00	870.00
				22.56	22.56

CUR	YTD	NET PAYMENTS
		34615.44

MESSAGES

Employees that have family dental coverage will see an approximate \$1.00 premium increase starting with April 2016 paychecks.

Just Mail It - Dont Drop It
 GO GREEN not Pink Envelopes - Renew auto

LEAVE ACCRUALS	BEG BALANCE	USED	ACCRUED	END BALANCE
	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00

11.2 million to Albany - renew your auto license at local DMV Sites or online at www.state.gov/clk. Simply fill in your name, address and e-mail address to receive a green postage paid envelope to send your renewal form and check back directly to the Erie County Clerk. Your renewal will then be mailed directly to you. It's that easy!

Looking for the perfect gift? Visit the new Buffalo & Erie County Public Library's Online Store for beautiful and affordable archival reproduction prints from the Library's rare & special Collections. Visit: <http://LibraryStore.BuffaloLib.org>.



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

June 3, 2016

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>Rivera, Juan Quinones v. Sgt. David F. Webster and Deputy D. Kaufman</i>
Document Received:	Summons and Complaint
Name of Plaintiff:	Juan Quinones Rivera 182 Donovan Drive, Apt. D Buffalo, New York 14211
Plaintiff's attorney:	Plaintiff is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle Parker

mmp/
Enc.

UNITED STATES DISTRICT COURT

for the

Western District of New York

JUAN QUINONES RIVERA

Plaintiff(s)

v.

SHERIFF DEPUTY D. KAUFMAN, ET AL

Defendant(s)

Civil Action No. 15-CV-1025

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SERGEANT WEBSTER
ERIE COUNTY HOLDING CENTER
40 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

RECEIVED
2016 MAY 12 AM 11:24
US MARSHALS SERVICE
WESTERN NEW YORK

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: JUAN QUINONES RIVERA
182 DONOVAN DRIVE
APT. D
BUFFALO, NEW YORK 14211

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

[Handwritten signature]

Signature of Clerk or Deputy Clerk

Date: 5/11/2016

Civil Action No. 15-CV-1025

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

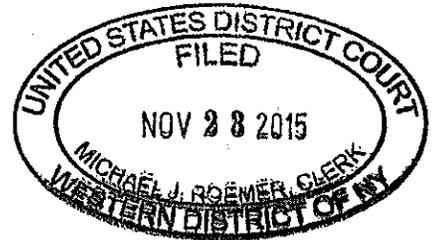
Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

0 0 0 0 0



Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

15 CV1025-A

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. Juan Quijoves Rivera ICN 144050

2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in this section. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than one defendant, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Sheriff Deputy D Kaufman

2. John Rodriguez

3. Thomas Duva

4. Timothy B Howard

5. SGT Webster

6. ECHC Supervising Physician

RECEIVED
2016 MAY 12 AM 11:29
US MARSHALS SERVICE
WESTERN NEW YORK

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: Juan Quijoves Rivera ICN # 144050

Present Place of Confinement & Address: Erie County Holding Center
40 Delaware Ave Buffalo, New York 14202

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Sheriff Deputy, D. Kaufman Badge # 1459

(If applicable) Official Position of Defendant: Sheriff housing area officer

(If applicable) Defendant is Sued in Individual and/or Official Capacity

Address of Defendant: Erie County Holding Center
40 Delaware AVE Buffalo, New York 14202

Name of Defendant: Sergeant Webster

(If applicable) Official Position of Defendant: Sgt over-seeing disciplinary hearing inmates

(If applicable) Defendant is Sued in Individual and/or Official Capacity

Address of Defendant: Erie County Holding Center
40 Delaware AVE Buffalo NY 14202

Name of Defendant: Thomas Diwa

(If applicable) Official Position of Defendant: Superintendent of the Erie County Holding Center.

(If applicable) Defendant is Sued in Individual and/or Official Capacity

Address of Defendant: Erie County Holding Center
Ten Delaware AVE Buffalo NY 14202

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes ___ No X

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ___ No ___

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

 Dismissed (check the box which indicates why it was dismissed):

 By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

 By court for failure to exhaust administrative remedies;

 By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

 By court due to your voluntary withdrawal of claim;

 Judgment upon motion or after trial entered for

 plaintiff

 defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes ___ No X

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ___ No ___

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- plaintiff
- defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. **FIRST CLAIM:** On (date of the incident) Nov 07 2015
defendant (give the **name and position held** of each defendant involved in this incident) Deputy D. Kaufman

did the following to me (briefly state what each defendant named above did): Not protect me from being ASSAULTED by another inmate on the above date 11-07-15 approximately time 11:10AM Deputy did not secure INMATE Door AFTER ASSAULT ME THE FIRST TIME, Deputy allow ME TO WALK OUT OF MY CELL and ^{HE} WALK AWAY out of the Unit without following security procedures and the INMATE got out of his Cell after Deputy left his door Insecure AND WALK AWAY, the INMATE ASSAULT ME A SECOND TIME and IN THE process of the ASSAULT INMATE USE a Food tray to strike ME and I End up WITH BROKEN FINGER (my left hand)
The constitutional basis for this claim under 42 U.S.C. § 1983 is: Equal Protection, Failure to Protect,

The relief I am seeking for this claim is (briefly state the relief sought): I am seeking in the amount monetary 2.2 Million dollars

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes No If yes, what was the result? _____

Did you appeal that decision? Yes No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

A. **SECOND CLAIM:** On (date of the incident) Nov-12-2015
defendant (give the **name and position held** of each defendant involved in this incident) Sergeant Webster whom the disciplinary Hearing officer.

did the following to me (briefly state what each defendant named above did): During the hearing I informed the Sergeant that I currently have witnesses and would ask to allow to be present at the hearing. Sergeant Webster refused to allowed any witnesses, without giving me any reason for his denial. I requested to have an adjournment to prepared witnesses statement request was denied. Sergeant Webster found me guilty of fighting with another inmate which I was defending myself, and place me on 14 days probation 14 day keep back
If violated and condition of probation.
The constitutional basis for this claim under 42 U.S.C. § 1983 is: Due process

The relief I am seeking for this claim is (briefly state the relief sought): I am seeking relief in the amount monetary 1 Million dollars

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes _____ No If yes, what was the result? Sergeant Anderson told me not to worry about it due that its only probation.
Did you appeal that decision? Yes _____ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Due to all issue raised under 42 U.S.C. 1983 in my complaint and the pain and suffering I am requesting the full monetary amount of \$ 3.8 million dollars

Do you want a jury trial? Yes No _____

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

Executed on 11/23/2015
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Juan Quinones Rivera

Signature(s) of Plaintiff(s)

NAME: JOAN CIVELA ICN# 144050
ERIE COUNTY HOLDING CENTER
40 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3999



CLERK OF COURT
U.S. DISTRICT COURT HOUSTON
2 NIAGARA SQUARE
BUFFALO, N.Y. 14202





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

June 3, 2016

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

Dear Ms. McCarthy:

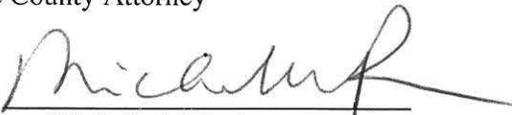
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Nash, Reeseie v. NYS Parole Chair and Sheriff Howard</i>
Document Received:	Order to Show Cause
Name of Claimant:	Reeseie Nash ICN #49658 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202-3999
Claimant's attorney:	Claimant is proceeding <i>pro sei</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. 13D-12
Page 63 of 98

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION OF
REESEIE E. NASH, #49658

ORI# NY 014015J

Petitioner,

ORDER TO
SHOW CAUSE

-vs-

TINA M. STANFORD, CHAIRWOMAN,
NYS BOARD OF PAROLE,
THOMAS DIINA, SUPERINTENDENT,
ERIE COUNTY HOLDING CENTER

Index No.
I-2016-000071

Respondents.

SUPREME COURT, ERIE COUNTY

HON. PAULA L. FEROLETO, JUSTICE PRESIDING

APPEARANCES:

Petitioner, Pro Se
REESEIE E. NASH, #49658

This *ex parte* matter was referred to my attention at a Term of the Supreme Court, Erie County.

Upon the reading of the petition for relief pursuant to Article 78 of the Civil Practice Law and Rules, sworn to on April 11, 2016, with accompanying exhibits, and it appearing that the above referenced petitioner, **REESEIE E. NASH**, a sentenced inmate, having made application pursuant to section 1101(f) of the CPLR, seeking poor person status and requesting a reduced filing fee,

LET RESPONDENTS SHOW CAUSE at a Special Term of the Supreme Court to be held in and for the County of Erie on **JULY 5, 2016** before the **HON. CHRISTOPHER J. BURNS**, Justice of the Supreme Court, in Part 19 at 25 Delaware Avenue, Buffalo, New York, **WHY** the relief requested in the Petition should not be granted.

IT IS ORDERED that Thomas Diina, Superintendent of the Erie County Holding Center in Buffalo, New York where petitioner is now confined will produce the body of **REESEIE E. NASH** only if the court submits a letter to the superintendent ordering the production of the petitioner; and it is further

ORDERED that since the petitioner lacks sufficient means to pay the full filing fee ordinarily required in the prosecution of an action pursuant to Article 78 of the CPLR, the petitioner's application for reduced filing fee is hereby granted; and it is further

ORDERED that the petitioner will be permitted to pay a reduced filing fee of fifteen dollars (\$15.00) to proceed with this action. This fee shall be assessed against the petitioner as an outstanding obligation and collected by the facility in which the petitioner is lodged; and it is further

ORDERED that the petitioner is not required to make an initial payment of a portion of the reduced filing fee and any interim or final judgment or order entered in this matter shall be filed by the county clerk whether or not any portion of said reduced filing fee has been paid; and it is further

ORDERED that in the event the petitioner should receive an unfavorable decision, said petitioner is hereby granted poor person relief pursuant to Article 11 of the Civil Practice Law

and Rules for the limited purpose of filing a Notice of Appeal in the Erie County Clerk's Office without paying the fee required by CPLR 8022(a); and it is further

ORDERED that a waiver of fees for service by publication, for stenographic transcripts, or for any other cost or fee related to this proceeding in this Court shall only be granted upon a separate application to the Court, on notice to the County Attorney of Erie County, pursuant to CPLR 1101, showing the need therefor; and it is further

ORDERED that there will be no appointment of counsel to assist the petitioner in the prosecution of his Article 78 proceeding. While CPLR §1102(a) " . . . permits the assignment of counsel where leave has been granted to proceed as a poor person . . . [t]he scope of that authority does not extend to direct that such legal services be provided out of public funds in the absence of statutory authorization for such expenditure" (*Matter of Smiley*, 36 NY2d 433; *Matter of Enrique R.*, 126 AD2d 169, 175). There is simply no statutory authorization for the assignment of counsel in the instant Article 78 proceeding to be paid out of public funds. Therefore, the court is constrained to deny petitioner's request for appointment of counsel pursuant to CPLR §1102(a); and it is further

ORDERED that service of a signed and executed copy of this Order to Show Cause, the petition and any supporting papers by ordinary First-Class Mail upon the named respondents, Tina M. Stanford and Thomas Diina on or before **June 7, 2016** be deemed adequate. In addition, the petitioner, on or before said date, shall similarly serve the Attorney General at the Buffalo Regional Office, Main Place Towers, 350 Main Street, Suite 300, Buffalo, New York 14202; and the Erie County Attorney, 95 Franklin Street, Room 1634, Buffalo, New York ; and it is further

ORDERED that it shall be the responsibility of the party seeking an extension of time to serve papers or seeking an adjournment of this matter to make such request for an extension of time or an adjournment to Justice Burns, and any party receiving an adjournment shall notify the other party or parties of said adjourned date; and it is further

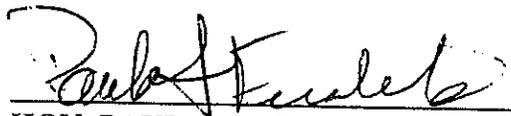
ORDERED that it is the petitioner's responsibility to:

(a) Serve a signed and executed copy of this Order to Show Cause, the petition and any supporting papers as authorized above or by personal service. The reduction of the filing fee herein does not authorize court personnel to provide photo-reproduction services, nor service of papers on behalf of a *pro se* litigant, as these services are not statutorily authorized under a grant of poor person relief (CPLR 1102).

(b) Submit the original proof of service to the chambers of the **Hon. Christopher J. Burns**, 25 Delaware Avenue-Fifth Floor, Buffalo, New York 14202 at least eight (8) days prior to the return date; and it is further

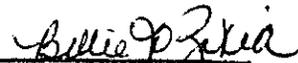
ORDERED that a copy of any answer or response shall be served upon the petitioner not less than five (5) days before the return date. The original of any such answer or response is to be delivered to the chambers of Justice Burns not less than three (3) days prior to said return date.

DATED: Buffalo, New York
May 13, 2016


HON. PAULA L. FEROLETO
Justice of the Supreme Court

GRANTED: **GRANTED**

MAY 13 2016

BY 
BILLIE JO ZAKIA
ASSOCIATE COURT CLERK



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

June 3, 2016

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>Chase, Lynn v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lynn Chase 18 Doster Place West Seneca, New York 14224
Claimant's attorney:	Edward L. Smith, III, Esq. Dolce Panepinto, PC 1260 Delaware Avenue Buffalo, New York 14209

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.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

This paper received at the
Erie County Attorney's Office
from Jaqueline Calloway on
the 31 day of May, 2016
at 1:00 a.m./p.m.
Wm. J. Nunez
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF

LYNN CHASE
18 Doster Place
West Seneca, New York 14224

Claimant,

NOTICE OF CLAIM

v.

COUNTY OF ERIE
Rath Building
Franklin Street
Buffalo, New York 14202-3379

Defendant.

TO: COUNTY OF ERIE
Rath Building
Franklin Street
Buffalo, New York 14202-3379

PLEASE TAKE NOTICE, that the claimant, Lynn Chase, hereby files a claim against the County of Erie, its agents, servants and/or employees as follows:

1. The name and post office address of the claimant and her attorneys as are follows:

Claimant: Lynn Chase
18 Doster Place
West Seneca, New York 14224

Attorneys for Claimant: Edward L. Smith, III, Esq.
Dolce & Panepinto, P.C.
1260 Delaware Avenue
Buffalo, New York 14209

2. Nature of the Claim: A claim for personal injuries sustained by the claimant as the result of the negligence, carelessness and recklessness of the County of Erie, its agents, servants and/or employees consisting of the following, among other things:

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Page 71 of 98

- The negligence, recklessness and carelessness of the agents, servants and/or employees of the County of Erie, resulting in personal injuries to the claimant and damages to the claimant.
- The negligence, recklessness, and carelessness of the agents, servants and/or employees of the County of Erie to take proper corrective and necessary action to repair and/or take out of service a malfunctioning elevator at the Erie County Holding Center after notice of said condition.

3. The time when, the place where and the manner in which the claim arose:

Time: April 3, 2016 at approximately 2:00 am.

Place: The Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York on the elevators while exiting onto the 3rd floor in front of Delta Control and near the medical office.

The manner in which the claim arose: On April 3, 2016, the claimant was employed as a registered nurse by an agency other than the County of Erie, and assigned to work at the Erie County Holding Center. On that day and during the course of her employment, she was using an elevator at the Erie County Holding Center which elevator was not properly functioning and was dangerous, hazardous and unsafe for use. Upon information and belief, the County of Erie, its agents, servants and/or employee had prior notice of the dangerous, hazardous, and unsafe condition of said elevator prior to the incident in which the claimant was injured, such that in the exercise of ordinary care and reasonable prudence, such dangerous, hazardous, and unsafe condition should have been corrected, repaired and/or such elevator should have been taken out of service. On the above date, the claimant used the subject elevator without any warning or knowledge of the dangerous, hazardous and unsafe condition of said elevator, and upon exiting the elevator, the floor of the elevator was not properly flush with the floor on which it had stopped. As the claimant exited the elevator, she was caused to fall as a result of the aforementioned and sustain serious injuries to her person and has sustained and incurred resulting damages.

4. Upon information and belief, this incident has been reported to the County of Erie through their agents, servants and/or employees on day of the incident and representatives of the County of Erie may have personal knowledge of the facts and circumstances surrounding this incident

and the subject elevator. Further, the County of Erie may have a video of the subject incident as the area in which the incident occurred was under video surveillance.

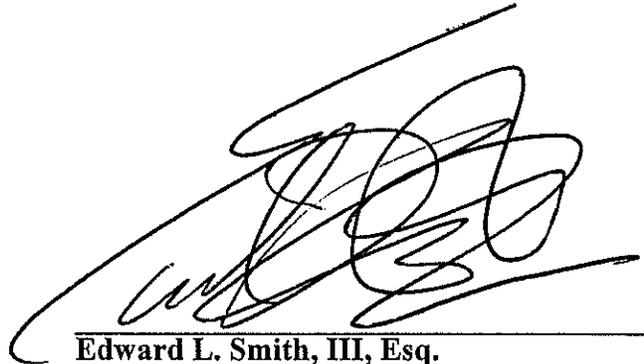
5. The items of damages or injury claimed: The claimant has suffered personal injuries, including those, which upon information and belief, may result in a permanent injury all to her damage in an amount which will exceed the jurisdictional limitations of all lower Courts to the New York State Supreme Court.

6. The claimant respectfully reserves the right to amend this Notice of Claim, if necessary.

7. This claim is hereby presented for adjustment and payment.

8. Please take notice that by reason of the failure of the County of Erie to make good and properly adjust the claim herein, the claimant intends on commencing an action against the County of Erie in the New York State Supreme Court to recover damages in an amount which will exceed the jurisdictional limitations of all lower Courts to the New York State Supreme Court, together with the costs and disbursements of this action, and for such other and further relief as to the Court may deem just and proper.

Dated: Buffalo, New York
May 27, 2016

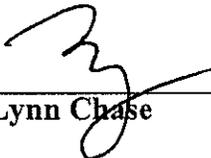


Edward L. Smith, III, Esq.
Dolce & Panepinto, P.C.
Attorneys for Claimant
1260 Delaware Avenue
Buffalo, New York 14209
(716) 852-1888

VERIFICATION

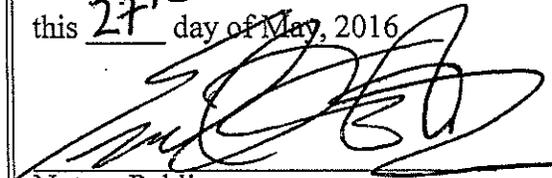
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

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



Lynn Chase

Subscribed and sworn to before me
this 27th day of May, 2016



Notary Public.

EDWARD L. SMITH III
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires April 18, 2020



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

June 3, 2016

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>Violet Realty, Inc. d/b/a Main Place Liberty Group v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Violet Realty, Inc. d/b/a Main Place Liberty Group 424 Main Street, Suite 2100 Buffalo, New York 14202
Claimant's attorney:	Robert E. Knoer, Esq. The Knoer Group, PLLC 424 Main Street, Ste. 182 Buffalo, NY 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. 13D-12
Page 75 of 98

STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of:

VIOLET REALTY, INC. d/b/a
MAIN PLACE LIBERTY GROUP
424 Main Street, Suite 2100
Buffalo, New York 14202

Claimant,

Notice of Claim

-against-

COUNTY OF ERIE
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, New York 14202

Respondent.

TO: County of Erie

PLEASE TAKE NOTICE that Violet Realty, Inc., (“Claimant”) by and through its attorneys, The Knoer Group, PLLC, hereby claims and demands from the County of Erie damages for injuries sustained by their interference with Claimant’s property rights, breach of contract, trespass and conversion, pursuant to General Municipal Law Sections 50-e and 50-i, and County Law Section 52.

In support thereof Claimant states:

Parties

1. That at all relevant times hereinafter mentioned claimant Violet Realty, Inc. (“Violet”), was a New York corporation, duly organized pursuant to the Laws of the State of New York, with its principal office located at 424 Main Street, Suite 2100, City of Buffalo, County of Erie, State of New York and doing business as Main Place Liberty Group.

2. Respondent County of Erie is an administrative division of the State of New York existing and organized pursuant to and subject to the Laws of the State of New York and the Charter of Erie County.

Tunnel Easement

3. Claimant objects to the closing and blockade of a tunnel between the Main Place Mall parking ramp and Franklin Street (“the Tunnel”).

4. The tunnel provides ingress and egress to a parking ramp located beneath Violet’s property (“the Ramp”).

5. Claimant seeks monetary damages as well as a declaratory judgment regarding Violet’s property rights and the claimants breach of contract, trespass and conversion and for damages resulting from the impairment of Violets easement rights to ingress and egress through the Tunnel between Franklin Street and the Ramp.

6. Pursuant to a 1965 urban renewal plan, the buildings commonly known as the Main Place Mall, Main Place Tower and the Ramp were constructed.

7. The comprehensive urban renewal plan included a multi-story underground parking ramp to serve the Mall patrons and tenants of the Main Place Liberty Building (“MPLB”) complex.

8. The Ramp has been operated by the City of Buffalo, pursuant to relevant deeds and agreements, for the last 48 years but will become owned in fee simple by Violet in 2019, pursuant to an option exercised by Violet in 1999.

9. Access to the Ramp is provided in part via the Tunnel running from Franklin Street underneath 95 Franklin (the “Rath Building”) and across Pearl Street.

10. The access is pursuant to an easement that was reserved in the deed by which the County of Erie obtained title to 95 Franklin Street and by right granted in perpetuity by the City of Buffalo.

11. Rights in the easement have been transferred to Violet.

12. Violet's present interest in the easement includes facilitating access to the Ramp for patrons, guests and tenants of the Main Place Mall, Main Place Tower and Liberty Building.

13. The access represents a property right currently held by Violet.

14. This right is in addition to the significant property interest in the easement that Violet will have upon taking fee simple title to the Ramp in 2019.

County of Erie Closure and Blockade

15. On or about March 28, 2016, the County of Erie closed access to the Tunnel.

16. The County of Erie has caused the Tunnel to be physically blockaded preventing Violet and their guests, invites and tenants to make beneficial use of Violet's easement.

17. This is a violation of Violet's property rights in the easement, as reserved in the deed.

18. This action represents a breach of the easement negotiated for, and thus is a breach of contract.

19. The Tunnel closure has caused a great inconvenience to patrons, guests and tenants of the Main Place Mall, Main Place Tower and Liberty Building.

20. The Tunnel closure is creating traffic delays and is causing economic damage to the businesses in the Main Place Mall, Main Place Tower and Liberty Building.

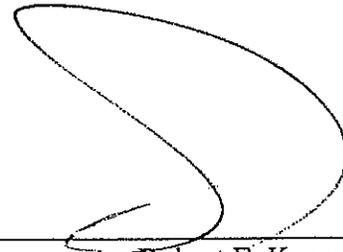
21. The Tunnel closure has caused Violet's buildings including the Main Place Mall, Main Place Tower and Liberty Building less attractive to retain or attract tenants and patrons.

22. This action represents a trespass upon Violet's property rights.
23. This action represents a conversion of Violet's property.
24. These actions constitute a taking of Violet's property rights.

WHEREFORE, Claimant demands:

1. Respondent removes the barriers to the easement and re-open the Tunnel.
2. Respondent pay damages in an amount to reimburse Violet for loss of use and loss of business.
3. Unless the Tunnel is reopened and the claim for damages is paid within the time allowed by law it is the intention of Claimant Violet to commence suit against the County of Erie and the City of Buffalo.

Dated: Buffalo, New York
May 17, 2016



Robert E. Knoer, Esq.
THE KNOER GROUP, PLLC
Attorneys for Claimant
424 Main Street, Suite 1820
Buffalo, New York 14202
(716) 332-0032
rknoer@knoergroup.com

TO:

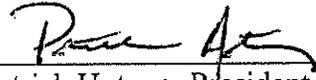
Erie County Attorney
95 Franklin St.
Room 1634
Buffalo, NY 14202

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Patrick Hotung, being duly sworn, deposes and says:

1. That he is the President of Violet Realty, Inc., the Claimant in the within action;
2. That he has read the foregoing Verified Notice of Claim and knows the contents thereof;
3. 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 he believes it to be true.



 Patrick Hotung, President

State of New York)
County of Erie) ss:

On the 17th day of May in the year 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared Patrick Hotung, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JANE ANN MULVEY
 Notary Public, State of New York
 Qualified in Erie County
 No. 01MU6125629
 Commission Expires Apr. 18, 20 17



 Notary Public



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

June 8, 2016

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>Krzesinski, Karen v. ECC</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Karen Krzesinski 11 Hunter Lane Williamsville, New York 14221
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.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

KAREN KRZESINSKI,

Complainant,

v.

NEW YORK STATE, STATE UNIVERSITY OF NEW
YORK, ERIE COMMUNITY COLLEGE,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10181250

I, Karen Krzesinski, residing at 11 Hunter Lane, Williamsville, NY, 14221, charge the above named respondent, whose address is Attn: Kristin Klein Wheaton, Esq., Exec. VP for Legal Affairs 4041 Southwestern Boulevard, Orchard Park, NY, 14127 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 opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 4/22/2016.

See attached complaint.

New York State Division of Human Rights
Complaint Form

RECEIVED
APR 28 2016
NYSDHR BUFFALO
REGIONAL OFFICE

CONTACT INFORMATION

My contact information:

Name: Karen Krzesinski

Address: 11 Hunter Lane Apt or Floor #: _____

City: Williamsville State: NY Zip: 14221

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: Ernie Community College

Address: 121 ELLOTT STREET

City: Buffalo State: NY Zip: 14203

Telephone Number: 716 851 1ECC
(area code)

Individual people who discriminated against me:

Name: Denise Raymond
Title: Director Supervisor

Name: Tracy Cleveland
Title: HR Director
Chris Magnan
HR Assistant

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 4 month 22 day 2016 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 Domestic Violence Victim Status is a basis only in Employment complaints). These exceptions are listed next to the types of discrimination below.

I believe I was discriminated against because of my:

<input type="checkbox"/> Age <i>(Does not apply to Public Accommodations)</i> Date of Birth:	<input type="checkbox"/> Genetic Predisposition <i>(Employment only)</i> Please specify:
<input type="checkbox"/> Arrest Record <i>(Only for Employment, Licensing, and Credit)</i> Please specify:	<input type="checkbox"/> Marital Status Please specify:
<input type="checkbox"/> Conviction Record <i>(Employment and Credit only)</i> Please specify:	<input type="checkbox"/> Military Status: Please specify:
<input type="checkbox"/> Creed / Religion Please specify:	<input type="checkbox"/> National Origin Please specify:
<input type="checkbox"/> Disability Please specify:	<input type="checkbox"/> Race/Color or Ethnicity Please specify:
<input type="checkbox"/> Pregnancy-Related Condition: Please specify:	<input type="checkbox"/> Sex Please specify: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Domestic Violence Victim Status: <i>(Employment only)</i> Please specify:	<input type="checkbox"/> Sexual Orientation Please specify:
<input type="checkbox"/> Familial Status <i>(Does not apply to Public Accommodations or Education)</i> Please specify:	<input checked="" type="checkbox"/> Retaliation <i>(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)</i> 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.

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.

I filed complaint # 10180366 on 3/9/16 against Respondent. I was terminated on 4/22/16 for unjust reasons. My union is grieving this termination.

I feel as though I was terminated in retaliation for filing my prior complaint of discrimination on 3/9/2016.

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.**

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.

Karen Kijonka
Sign your full legal name

ELIZABETH E. LAKE
Notary Public - State of New York
No. 01LA6187026
Qualified in Erie County
Commission Expires on May 12, 2016

Subscribed and sworn before me
This 25th day of April, 2016

ee lake
Signature of Notary Public

County: Erie Commission expires: 05/12/2016

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

June 16, 2016

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

Dear Ms. McCarthy:

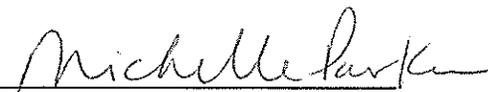
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Bryant, Melinda v. County of Erie(2nd DHR complaint)</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Melinda L. Bryant PO Box 84 Buffalo, NY 14201
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. 13D-12

Page 91 of 98

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

MELINDA L. BRYANT,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL
SERVICES,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10181841

Federal Charge No. 16GB602927

I, Melinda L. Bryant, residing at P.O. Box 84, Buffalo, NY, 14201, 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 race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 5/2/2016.

See attached 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: (5 / 2 / 94)
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: promoted less qualified persons before me.

BRYANT, Melinda L v. ECDSS
DESCRIPTION OF EMPLOYMENT DISCRIMINATION

OCSE management's consistent pattern of refusing to promote well qualified and eligible African Americans to the senior child support investigator position in a fair and unbiased manner continues. (VICTORIA LEONE, Operations Manager; KELLIE GALLAGHER, Director; and MARNI BOGART, Legal Director are referred to as OCSE management.)

The most recent example of OCSE's unfair labor practices occurred on May 2, 2016, when Jennifer Patterson began her duties as a senior child support investigator. At the time of Ms. Patterson's appointment, three persons on the March 11, 2015 qualifying list were eligible for appointment with scores higher than Ms. Patterson's. Marcella Biniewski & LaShawn Chinn each scored 90. I scored 85. Ms. Patterson scored 80.

Ms. Patterson's appointment appears to be a violation of New York Civil Service Law § 61: 'Appointment or promotion from an eligible list to a position in the competitive class shall be made by the selection of one of the three persons certified by the appropriate civil service commission as standing highest on such eligible list who are willing to accept such appointment or promotion...'

Ms. Patterson is the first person with the qualifying score of 80 to receive appointment. Despite the long-standing Countywide practice of selection from a civil service list based on seniority within the same test grade, I was the last person with the score of 85 to receive appointment to the senior child support investigator position. (Danielle Abraham, Christa Dake, Sherrie Grabowski and Tricia Moorhouse are Caucasians who have less than my 16+ years of child support experience and 22 years of County seniority but were appointed senior child support investigators with a qualifying score of 85 before me.)

Ms. Patterson is a Caucasian whose County service as a child support investigator began less than 10 years ago. Prior to Ms. Patterson's appointment, she worked in establishment only. From July 1999 through May 15, 2016, I served as a child support investigator in customer service, enforcement, establishment and special projects. (The OCSE special projects team disbanded in 2008.)

Ms. Patterson's appointment before mine appears to be retaliation against for me filing employment discrimination claim 10179595 and additional evidence of OCSE management's consistent pattern of discriminatory and unfair labor practices. Please investigate. (Ms. Patterson's May 2, 2016 start date as a senior child support investigator also marked my 22 year anniversary as a civil servant with Erie County.)

Resolution

Retro grade 8-salary payment from January 27, 2015 through May 15, 2016

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 the in 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
Melinda L. Bryant

Subscribed and sworn before me
This 2 day of June, 2016


Signature of Notary Public

BEVERLY A. FRESCHOLTZ
Notary Public, State of New York
No. 01FR6187237
Qualified in Erie County
My Commission Expires May 19, 2016

County: Commission expires:

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.

