



**COUNTY ATTORNEY'S REPORT
ON THE USE OF OUTSIDE COUNSEL**

**Michael A. Siragusa, Esq.
Erie County Attorney
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, New York 14202**

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I. INTRODUCTION

On January 3, 2012, Erie County Executive Mark C. Poloncarz signed Executive Order number 005 directing the Erie County Attorney to conduct a review of the use of outside counsel which have been retained over the past four (4) years by the County Attorney's Office, and to prepare a report regarding same. The County Executive directed that the County Attorney review and report on a number of issues relating to the use of outside counsel, unless it is determined by the County Attorney that certain information is exempt from public disclosure. This document constitutes said report.

II. AREAS DIRECTED TO BE REVIEWED UNDER EXECUTIVE ORDER NUMBER 005

A. A Complete List Of All Outside Counsel That Have Been Retained Over The Prior Four Years.

A complete listing of all outside counsel that have been retained over the prior Four (4) years, is set forth within the spreadsheets attached hereto as *Exhibit A (Open Matters)* and *Exhibit "B" (Closed Matters)*.

Over the past four (4) years, there have been one hundred and twelve (112) matters that have been handled by outside counsel, excluding matters handled by coverage counsel retained by outside insurance companies pursuant to various insurance policies. The County of Erie has retained outside counsel on a contingent fee basis on two (2) of those matters. In certain matters, the County of Erie has had to retain more than one firm to represent multiple parties to a lawsuit/matter due to conflict issues that have arisen.

B. A Description Of All Cases Including If The Representation Involves Litigation Or Involves Another Type Of Matter. Describe All Such Matters.

A description of all cases/matters, including if the representation involves litigation or another type of matter, is set forth within the spreadsheets attached hereto as *Exhibits A & B*

C. If Litigation Is Involved, Who Commenced The Action, The Identity Of The Defendant And What Relief Is Being Sought.

With respect to the litigation matters reported, the identities of the plaintiff(s) and defendant(s), along with the type of relief sought to the extent known, is set forth within the spreadsheets attached hereto as *Exhibits A & B*.

D. If The County Of Erie Is Not The Defendant, But An Individual Associated With The County Is The Defendant, Determine If The Provisions Of The Public Officers Law That Authorizes And In Some Case Requires Defense And Indemnity For Governmental Employees Have Been Complied With.

The information requested is not subject to disclosure as same is protected under the attorney-client privilege. Disclosure of the requested information would disclose confidential communications between attorneys and their clients. The attorney-client privilege protects confidential communications between an attorney and a client made "in the course of professional employment for the purpose of obtaining legal advice". Veras Inv. Partners, LLC v. Akin Gump Strauss Hauer & Feld, LLP, 52 A.D.3d 370, 372, 860 N.Y.S.2d 78 (1st Dept., 2008); see CPLR §4503. The privilege applies to confidential communications between a corporation, as the client, and that corporation's counsel and extends beyond corporate directors and officers and applies to lower-echelon corporate employees. See Niesig v. Team I, 76 N.Y.2d 363 371 (1990); Rossi v. Blue Cross & Blue Shield, 73 N.Y.2d 588, 591-592 (1989). Corporations are analogous to government agencies for the purpose of determining the applicability of the attorney-client privilege. See Matter of Morgan v. New York State Dept. of Envtl. Conservation, 9 A.D.3d 586, 587, 779 N.Y.S.2d 643 (3d Dept. 2004); American Auto. Plan v. Corcoran, 166 A.D.2d 215 (1st Dept. 1990); Radovic v. City of New York, 168 Misc.2d 58, 60, 642 N.Y.S.2d 1015 (Sup. Ct., New York County 1996).

Accordingly, disclosure of the information requested is prohibited pursuant to the attorney-client privilege, as it contains confidential communications between various parties and their counsel for the purpose of obtaining legal advice. Therefore, the County Attorney cannot provide same.

E. A Determination If A Request For Proposals Was Used For The Procurement As Required By Law.

A request for proposals ("RFP") is not required by law for the purpose of procuring outside counsel by the County Attorney. Section 6.02 of the Erie County Administrative Code (the "Code") sets forth the powers and duties, among other things, of the County Attorney. Section 6.02 (c) of the Code specifically states that "[T]he county attorney may, within the limits of the appropriations provided therefore, employ special counsel, professional or other consultant services and incur such expenses in connection therewith as he may deem necessary for the performance of his duties." Accordingly, Section 6.02 of the Code vests the County Attorney with the authority to enter into contracts on behalf of the county to employ special counsel, professional or other consultant services, as he deems necessary to carry out the performance of his duties – within the confines of the appropriations provided for.

Accordingly, although it is good practice for the County Attorney to issue an RFP from time to time for the purpose of acquiring the various billing rates of particular firms for the handling of County legal matters, the County Attorney is not required to do so under either the Code or the Charter.

The last RFP issued was in 2009 by former County Attorney, Cheryl A. Green. The responses to same were utilized, upon information and belief, by her and successor County Attorneys to establish a range of hourly rates being charged by law firms within the community to the County for the handling of its various legal matters. It is the intention of this County

Attorney to issue another RFP within the next few months in order to obtain more recent rates from the various firms.

F. A Description Of The Original Estimate Of The Cost For The Representation And A Statement Of All Expenses And Costs That Have Been Incurred And Are Expected To Be Incurred For Each.

Estimates of the costs to be incurred by the county were not requested, nor were they provided by outside counsel retained by the County, over the past four (4) years. This is not an unusual occurrence as it is difficult to determine at the outset of a particular matter what the fees and costs will be. There are too many factors that cannot be anticipated that would affect the amount of fees and costs that would be incurred during the handling of legal matters.

The spreadsheets attached hereto as *Exhibits A and B*, reflect that the County of Erie has paid just under \$2.8 million over the past four (4) years to outside counsel. As discussed below, it is the County Attorney's opinion that this number can be significantly reduced by employing additional attorneys to the County Attorney's office.

G. A Determination Of The Status Of All Open Representations Including The Amount Sought From The County, Or Is Being Sought By The County And The Best Available Schedule For The Completion Of The Representation.

All open matters being handled by outside counsel over the past four (4) years are reflected within the spreadsheet attached hereto as *Exhibit A*. All closed matters that were handled by outside counsel over the past four (4) years are reflected within the spreadsheet attached hereto as *Exhibit B*.

To the extent a specific claim for relief and/or an exact amount of damages sought was indicated by parties adverse to the County, same has been set forth within the attached spreadsheets.

As far as the best available schedule for completion of the representation of matters being handled by outside counsel, it is very difficult to determine same. Again, there are too many factors that come into play in the handling of legal matters to make such a determination. Additionally, reporting on such an issue to the extent practicable, and making such an assessment available to the County's adversaries, could result in adverse impact on outside counsels' ability to effectively represent the County's interests. Accordingly, with all due respect, the County Attorney will not report on this issue in the best interests of the County.

H. A Determination Of The Level Of Risk And The Best Estimate For The Likely Outcome Of This Representation.

If the County Attorney were to report what his assessment is of the level of risk associated with each matter being handled by outside counsel, along with what his best estimate is of the likely outcome of a particular matter, it would result in an adverse impact on outside counsels' ability to effectively represent the County's interests. Making such an assessment available to the County's adversaries is not prudent and would result in adverse consequences to the County. Accordingly, with all due respect, the County Attorney will not report on this issue in the best interests of the County.

I. A Recommendation If There Should Be Any Changes In Current Representation.

Taking into consideration that the County Attorney is satisfied with the current representation being provided by outside counsel to the County, along with the fact that significant fees and costs would be incurred by transferring matters from one particular law firm to another, the County Attorney does not recommend a grand scale change in current representation.

The County Attorney, in conjunction with the Erie County Department of Labor Relations, has taken back from outside counsel two (2) employment matters that are currently at the administrative level (i.e. proceedings before the EEOC and/or New York State Division of Human Rights) to be handled in-house. Erie County Department Labor Relations attorney Mary Thomas Scott, Esquire, has taken on three (3) such matters, inclusive of the two (2) taken back from outside counsel. As a result of same, the County Attorney estimates a savings of approximately \$45,000 (\$15,000 per case.)

Erie County Department of Mental Health – legal work related to New York State Mental Hygiene Law section 9.60 (Kendra's Law) was outsourced following cuts and elimination of attorney positions in the 2011 Budget. Outside counsel was paid \$54,576 for services and costs associated with the program in 2011. The Department of Mental Health has recently accessed state funding to cover certain costs of counsel to the Department, including but not limited to the Kendra's Law program. This work should be returned to the County Attorney's office from outside counsel upon the creation an Assistant County Attorney position to handle Kendra's Law hearings, Department of Mental Health matters and other general counsel and litigation work. The County Attorney's Office will be able to maximize access to available reimbursable state funding from the Department of Mental Health through inter-fund transfers offsetting a majority of the personnel costs.

The number of matters that can be taken back from outside counsel by the County Attorney's Office is limited due to the constraint on resources (i.e. staffing levels) currently available. The number of attorneys in the County Attorney's Office was reduced by the prior administration to thirteen (13). Of the thirteen (13) attorneys, six (6) are assigned to the litigation department, which are currently handling approximately nine hundred and eighty three

matters (633 litigation matters & 350 property damage claims). There are no paralegals and no investigators employed by the County Attorney's Office.

In the past, the County Attorney's Office was staffed with approximately twenty five (25) attorneys. The prior administration reduced the support staff level to two (2) secretaries, which is entirely insufficient to handle the number of matters within the office. The reduction in staffing levels clearly resulted in a significant increase in the number of matters that needed to be sent to outside counsel for handling.

Although this administration has increased the number of secretarial staff from two (2) to four (4), along with bringing back the Office Manager, there is clearly a need to employ additional attorneys to enable the County Attorney's Office to handle many of the matters in-house that are currently being handled by outside counsel.

Currently, the County Attorney has been negotiating rates with the law firms handling county matters in an effort to reduce the rates that are currently being charged to the county. The County Attorney has been successful in this regard.

J. A Recommendation Of The Best Way That The County Should Proceed In The Future.

It is also the opinion of this County Attorney that most, if not all matters emanating out of the Erie County Sheriff's Office, should be handled in-house. These matters are not of a complex nature, and can be handled by attorneys with three (3) to five (5) years of experience. However, additional personnel is needed to accomplish this.

An individual matter emanating out of the Sheriff's Office being handled by outside counsel can result in fees and costs to the county in the range of \$50,000 to \$75,000, on the low end. Employing an attorney who can handle sixty (60) to eighty (80) matters at a time would

clearly result in a significant savings to the county, even taking into consideration legacy costs (i.e. pension, healthcare, etc.).

Other matters as simple as FOIL challenges have been outsourced as well. Matters such as these should be handled in-house as they are not of a complex nature and can be handled by attorneys with a minimal level of experience.

Employment litigation matters (i.e. Title VII, NYS Human Rights Law, ADA, etc.) are quite costly to litigate – many times in excess of \$100,000 - and require handling by attorneys with experience in those areas. It is the County Attorney's position that hiring an attorney with experience in those areas would result in significant savings to the county. If one case can run in excess of \$100,000 in attorney fees and costs for outside counsel, hiring one attorney to handle such a matter, in addition to handling many others on an annual basis, would result in significant savings to the county. Currently, the County Attorney's Office does not employ an attorney with the requisite level of experience in those areas, other than the County Attorney himself.

When retaining outside counsel to handle a county matter, the County Attorney should and will require that they complete an Initial Status Report in the first 30 days. Then, at the end of 90 days and every 6 months thereafter, require that they complete a case summary form and a budget. Having this information will help the County Attorney plan for the demands of outside legal fees and expenses going forward, as well as potential settlements and judgments, and their impact upon the Risk Retention Fund.

As stated above, it is the intention of this County Attorney to issue an RFP within the next few months in order to obtain more recent rates for legal services to be rendered from the various law firms. This information will enable the County Attorney to have up-to-date

information (experience, personnel, fees, etc.) with respect to each responding firm, and enable him to choose the best suited firm to handle a particular matter.

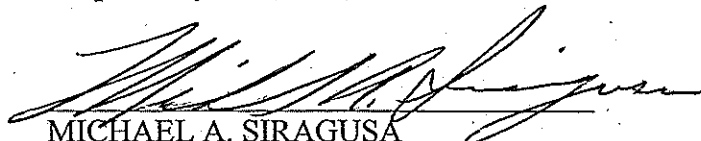
III. CONCLUSION

The above responses are not all inclusive and are intended to trigger discussions going forward about how the County Attorney's Office can operate more effectively and efficiently. It is the County Attorney's opinion that the County Attorney's Office is understaffed from an attorney perspective. The number of cases being handled by the current attorney staffing level is well in excess of where it should be in order for them to effectively and efficiently represent the county's interests. Increasing the number of attorney positions within the County Attorney's Office by three (3) would result in manageable caseload levels for all attorneys, resulting in more effective and efficient representation, along with significant financial savings to the county due to the decreased need to employ outside counsel.

The County Attorney would be glad to discuss with the County Executive any questions or ideas he may have.

Dated: February 24, 2012

Respectfully submitted,


MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY ATTORNEY'S OFFICE
2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

Matter ID	Client Sort	Caption/Names of Parties	Matter Description	Matter Type	Opened Date	Amount Sought	Firm/Atty	Original Estimate of Legal Fees	Costs Incurred to Date
3-20090016	Central Police Services	COE V. M/A-Com, Inc. and E.M. Systems, Inc. and Tyco Electronics System and Intergraph Corporation; Kevin Cumerford	Fraud Claim	Suit to recover alleged overpayment for services	5/8/2009	\$1.2 million	Gross Shuman	None provided	\$ 57,047.56
40-19990007	DEP - Sewer District 1, 4 & 5	Kenaidan Corp. v County of Erie	Contract Dispute	Contract Dispute with general contractor regarding construction of Overflow Retention Facility (ORF) and pump station.	3/23/2002	\$217K	Hiscock Barclay	None provided	\$ 752.10
40-20080000	DEP - Sewer District 1, 4 & 5	Depew Landfill	Environmental/Super Fund	The County of Erie has been identified by the New York State Dep't of Environmental Conservation ("NYS DEC") as a potentially responsible party ("PRP") for environmental remediation costs at, and in the vicinity of, the former Depew Landfill ("Landfill").	5/6/2008	All or portion of remediation costs currently estimated to be approximately \$8.6M	Webster Szanyi	\$8,000-\$10,000	\$ 2,422.00
44-20090001	DEP - Sewer District - Southtowns	Severn Trent Water Purification, Inc. v. C.O. Falter Construction Corp. and County of Erie	Bond/Lien Matters	Construction claim brought by supplier to County contractor on water treatment facility project.	5/11/2009	Stipulation and order discontinuing the action against the County by the filing of a lien discharge bond	Hiscock Barclay	None provided	\$ 2,571.80
15-20080009	Erie Community College	Willis, Darley v. COE, Erie Community College	Human Rights	Plaintiff contends that college engaged in or is engaging in an unlawful discriminatory practice.	6/6/2008		Jaekle Fleischmann	None provided	\$ 10,000.00
15-20090010	Erie Community College	Faculty Federation Negotiations- Erie Community College	Labor Negotiations	Conduct Faculty negotiations on behalf of ECC	5/20/2009		Jaekle Fleischmann	None provided	\$ 120.00
15-20100069	Erie Community College	Kao, Li-Wei vs. County of Erie, Erie Community College, Erie County and Buffalo and Erie County Workforce Development Consortium, Inc.	National Origin Discrimination under Title VII, National Origin Retaliation under Title VII, Discrimination and Harassment under Section 1981, National Origin and Race Discrimination under HRL, Retaliation under HRL	Plaintiff is of Taiwanese origin. He is a part time instructor for ECC. He alleges a discriminatory remark was made to him. He complained and Defendants created a hostile work environment in retaliation for his complaint.	7/22/2010	Lost wages and benefits, consequential, compensatory and punitive damages, and costs of action with attorneys' fees	Damon & Morey	\$15K through Discovery. Additional \$20K through trial.	\$15,000 deduct. Insurance Def/Indem
10-20090024	Erie County Board of Elections	County of Erie v. Civil Service Employees Association Local 815	Appeal to New York State Court of Appeals	County sued to prevent arbitration regarding employees working for Board of Elections; Union counter-sued to compel arbitration of grievance. County prevailed before Trial Court and at 4th Department. Court of Appeals granted Union's request for leave to appeal.	11/18/2009	County is seeking permanent stay of arbitration proceedings; Union is seeking order compelling arbitration.	Schraeder Israely	None provided	\$ 700.00
10-20100033	Erie County Board of Elections	Sawma, Martin J. v. Chris Collins, As County Executive, COE, State of New York	FOIL Request	Alleged failure to turn over EEO report pursuant to a FOIL request; plaintiff filed Petition; denied; plaintiff filed appeal; pending.	8/11/2010	EEO Report	Lippes Mathias	None provided	\$ 21,088.77

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

6-20100001	Erie County Correctional Facility	Quandrell Ivey v. Erie County, New York, Chris Collins, Anthony Billittier, IV, M.D., Edwin Heidelberger, M.D., Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Sergeant Overturf	Damages arising from denial and delay of medical care	Negligence	1/4/2010	General and compensatory damages, exemplary damages, attorney fees and cost of litigation.	Hiscock Barclay	None provided	\$ 58,131.17
2-20100005	Erie County Department of Budget, Management & Finance	Erie County Fiscal Stability Authority - Control Period 2010	Litigation	Litigation involving decision of ECFSA to go into a control period.	2/5/2010		Harris Beach	None provided	\$ 19,210.33
2-20100005	Erie County Department of Budget, Management & Finance	Erie County Fiscal Stability Authority - Control Period 2010	Litigation	Litigation involving decision of ECFSA to go into a control period.	2/5/2010		Hurwitz & Fine	None provided	\$ 11,424.30
2-19960992	Erie County Department of Environment & Planning	County of Erie v. Estelle T. Zoladz, Victor F. Zoladz, Aloysius S. Zoladz, Louise M. Hacker and Stasia T. Vogel	EDPL Article 5 claim for just compensation	County acquired permanent easement for sewer system using its power of eminent domain. Property owners sued for just compensation in addition to County's advanced payment.	3/23/2002	Total damages of \$432,000.00 less the County's advance payment of \$52,000.00	Hiscock Barclay	None provided	\$ 25,834.71
2-20080019	Erie County Department of Environment & Planning	Village of Depew Landfill - NYSDEC Site # 915105	Environmental/Super Fund	Erie County Sewer District #4 has been identified by the NYS DEC as a potentially responsible party ("PRP") for environmental remediation costs at the site of the former Depew Landfill where the Sewer District currently owns and operates a permitted overflow retention facility ("ORF")	2/23/2008	All or portion of remediation costs currently estimated to be approximately \$2.3M	Webster Szanyi	\$6,000-\$8,000	\$ 4,317.50
2-20090016	Erie County Department of Environment & Planning	Buffalo Niagara Convention & Visitor's Bureau; Buffalo Niagara Convention & Visitor's Bureau Foundation; Buffalo Niagara Convention Center Management Corporation - Termination Agreement with Richard S. Geiger	Administrative	Overseeing terms and conditions of termination of Richard S. Geiger from his employment at Buffalo Niagara Convention and Visitors Bureau including in put into Separation/Severance Agreement; Waiver and General Release	5/8/2009		Gross Shuman	None provided	\$ 3,442.50
28-20040016	Erie County Department of Public Works	Wehrle Drive Condemnation (Sterben Property)	Eminent Domain	This is a remnant of the eminent domain proceedings to acquire property interests for the widening of Wehrle Drive *This was part of the original Wehrle Drive condemnation case matter 3014806 which was closed out. A new matter number was opened solely to finalize the Sterben advanced payment issues when the condemnee finally came forward to collect the advanced payment monies.	4/30/2004	Finalize distribution of advance payment out of funds deposited with the Court.	Hiscock Barclay	None provided	\$ 223,235.08

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

28-20070050	Erie County Department of Public Works	Seneca Street Condemnation	Eminent Domain	Proceeding under EDPL Article 4 to acquire various real property easements in the Town of West Seneca in connection with the reconstruction of the Seneca Street Bridge	9/18/2007	Acquisition of title to necessary property interests.	Hiscock Barclay	None provided	\$ 29,481.32
28-20080007	Erie County Department of Public Works	US EPA v. Underground Storage Tanks	General Counsel	US Environmental Protection Agency on underground storage tanks.	3/11/2008		Underberg Kessler	None provided	\$ 36,790.35
28-20090005	Erie County Department of Public Works	Contractual Defense & Indemnification Language in COE standard	Litigation	Changes to existing indemnification language in all Erie County professional services contracts	4/13/2009		Kenney Shelton	None provided	\$ 5,349.00
32-20110008	Erie County Department of Social Services	COE v. Richard F. Daines, as Commissioner of the NYS Department of Health	Litigation	Obtain over burden reimbursement from NYS on behalf of EC Dept. of Social Services	5/18/2011		Nancy Rose Stonner	None provided	Contingent
32-20110019	Erie County Department of Social Services	Heath, Julia M. v. Erie County Department of Social Services	Litigation	Termination of employment from EC Dept. of Social Services	12/1/2011		Goldberg Segalla	None provided	\$ 1,200.00
32-20110016	Erie County Department of Social Services - Detention Division	In the Matter of an Article 78 Proceeding - Steven K. Watson & County of Erie	Litigation	Article 78 seeking to reverse decision to terminate petitioner and vacate arbitrator's decision	9/15/2011		Goldberg Segalla	None provided	\$ 4,947.42
9-20090011	Erie County District Attorney's Office	Mark Sacha v. Frank Sedita, III, District Attorney of Erie County and the Erie county District Attorney's Office	Employment	Employee claims wrongful termination	10/5/2009	\$160,000.00	Hodgson Russ	None provided	\$ 139,241.73
1-20100013	Erie County Executive	Poloncarz, Mark C. Ind. & as County Comptroller of Erie County v. Christopher C. Collins and the Erie County Leg., Kozub, Kennedy, Miller-Williams, Walter, Fudoli, Whyte, Grant, Mazur, Bove, Hardwick, Marinelli, Dison, Mills, Loughran, Rath III, & Gregory C. Gach, COE	Litigation	Challenges to County Executive's 2011 Budget as it relates to independently elected officials and in particular, the Comptroller.	11/15/2010		Harris Beach	None provided	\$ 24,712.00
1-20100015	Erie County Executive	Whyte, Maria; Mazur, Thomas J.; Loughran, Thomas A. & Marinelli, Lynn M. v. Chris Collins, Erie County Legislature, Barbara Miller-Williams, Daniel M. Kozub, Timothy M. Kennedy, Christina Bove, Betty Jean Grant, Edward A. Rath, III, Raymond Walter, John Mills, Lynn Dixon, Kevin Hardwick, Dino Fudoli, Erie County	Article 78	A petition was filed challenging the County Executive's ability to make statements about legality of budget amendments by legislature.	12/15/2010	Injunctive	Harris Beach	None provided	\$ 30,405.05
17-20090002	Erie County Health Department	Erie County v. Colgan Air, Continental Airlines, Pinnacle Airline Corp.	Recovery of disaster costs	Erie Co. seeks to recover clean up and other specials related to the crash of Colgan Air flight 3047	2/17/2009	\$600,000 money damages only	Kenney Shelton	\$30,000.00	\$ 19,452.50
17-20090083	Erie County Health Department	Teamsters and NYSNA Nursing Work Stoppage at Holding Center PERB	Litigation	Litigation to stop the nursing work stoppage at the Holding Center	9/29/2009		Goldberg Segalla	None provided	\$ 42,203.00
17-20090083	Erie County Health Department	Teamsters and NYSNA Nursing Work Stoppage at Holding Center PERB	Litigation	Litigation to stop the nursing work stoppage at the Holding Center	9/29/2009		Jaecle Fleischmann	None provided	\$ 4,660.00

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

17-20100006	Erie County Health Department	NYS Department of Labor Investigation - Overtime for Nurses - Erie County Holding Center; Erie County Sheriff's Department	Litigation	Investigation by NYS Dept. of Labor into overtime for nurses at Holding Center	1/28/2010		Jaekle Fleischmann	None provided	\$ 860.00
13-20030042	Erie County Highway Department	Wrobel, Timothy M. v. County of Erie, Douglas Naylor & Daniel Rider	Litigation	Claim of retaliation based on political affiliation	3/20/2003		Lipsitz Green	None provided	\$ 45,831.33
3-20030042	Erie County Highway Department	Wrobel, Timothy-M. v. County of Erie, Douglas Naylor & Daniel Rider	Litigation	Claim of retaliation based on political affiliation	3/20/2003		Chaccia & Fleming	None provided	\$ 2,223.38
13-20030042	Erie County Highway Department	Wrobel, Timothy M. v. County of Erie, Douglas Naylor & Daniel Rider	Litigation	Claim of retaliation based on political affiliation	3/20/2003		Lipsitz Green	None provided	\$ 475.00
3-20050097	Erie County Highway Department	Knuth, Ronald & Maureen v. County of Erie, Benjamin J. Hardy & Demarios Hardy	Tort - negligence	Plaintiffs brought claims against the County of Erie for negligent design and construction as well as a failure to maintain the Blakely Corners Road Bridge in East Aurora, NY. Plaintiffs' claims stem from the 1989 through 1992 County of Erie project to reconstruct the bridge at issue.	8/31/2005	\$250,000	Harter Secrest	None provided	\$ 83,998.81
3-20090062	Erie County Highway Department	Philip Tricoli v. County of Erie and County of Erie Department of Public Works, Division of Highways	Action in Federal Court (WDNY)	Plaintiff Tricoli claims employment discrimination based on age.	5/1/2009	Prohibit future age discriminatory acts, institute new policies/procedures, lost wages and benefits, lost overtime pay, lost pension, health and other benefits, compensatory damages (emotion distress), punitive damages, attorneys fees & costs.	Schraeder Israely	None provided	\$ 280.00
13-20090221	Erie County Highway Department	Jessica Schuster v. COE	Tort - negligence	18 yr. old plaintiff Jessica Schuster lost control of her vehicle while driving on Greenbush Road in Newstead, New York on 9/28/09. Plaintiff blames the accident on excessive oil and stone placed on the road during road resurfacing done by contract between the County of Erie and Suit-Kote Corporation.	11/12/2009	Money damages (settlement demand \$135,000) of an unknown amount	Zdarsky, Agostinelli	None provided	\$ 4,537.50
13-20100014	Erie County Highway Department	Schnorr, Jennifer, Ind. and as Administratrix of the Estate of Megan D. Schnorr v. Town of Clarence and COE	Automobile Accident	Two car automobile accident at intersection of County Road and Strickler Road in Clarence. Claims against COE are for improper design of intersection and insufficient signage.	1/29/2010	Money damages of an unknown amount	Damon & Morey	None provided	\$ 2,582.50

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

13-20100015	Erie County Highway Department	Brown, Dawn P., Ind. and as Administratrix of the Estate of Mark R. Brown v. County of Erie, New York	Automobile Accident	Two car Automobile accident at intersection of County Road and Strickler Road in Clarence. Claims against COE are for improper design of intersection and insufficient signage.	1/29/2010	Money damages of an unknown amount	Damon & Morey	None provided	\$ 2,601.50
13-20100045	Erie County Highway Department	Slisz, Richard Ind. and as Executor of the Estate of Amanda Slisz, Deceased Infant Over 14 Years v. Town of Clarence & COE	Automobile Accident	Two car automobile accident at intersection of County Road and Strickler Road in Clarence. Claims against COE are for improper design of intersection and insufficient signage.	4/14/2010	Money damages of an unknown amount	Damon & Morey	None provided	\$ 2,203.00
19-20090002	Erie County Information & Support Services	Amendments to SAP Contract	General Counsel	Review of contract amendments for DISS	6/22/2009		Bouvier Partnership	None provided	\$ 1,320.00
20-20090002	Erie County Labor Relations Division	Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Erie County Local 815, Erie County Unit v. County of Erie	Litigation	Improper practice charge #U-28198 regarding use of regular part time position	5/1/2009		Jaekle Fleischmann	None provided	\$ 15,600.00
20-20090002	Erie County Labor Relations Division	Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Erie County Local 815, Erie County Unit v. County of Erie	Litigation	Improper practice charge #U-28198 regarding use of regular part time position	5/1/2009		Goldberg Segalla	None provided	\$ 5,591.10
20-20090003	Erie County Labor Relations Division	PBA Interest Arbitration	General Counsel	Arbitration regarding awarding of wage increases sought by PBA	6/24/2009		Jaekle Fleischmann	None provided	\$ 42,770.43
20-20090003	Erie County Labor Relations Division	PBA Interest Arbitration	General Counsel	Arbitration regarding awarding of wage increases sought by PBA	6/24/2009		Goldberg Segalla	None provided	\$ 1,600.00
20-20090007	Erie County Labor Relations Division	ECMCC dispute over MOA - PERB Case No. U-28856	Litigation	Dispute over Memorandums of Understanding at ECMCC re: upgrades	11/19/2009		Jaekle Fleischmann	None provided	\$ 9,737.97
20-20100007	Erie County Labor Relations Division	General Issues - 2010	Administrative	Use of outside counsel by ECMCC for arbitrations involving hospital and home	3/8/2010		Jaekle Fleischmann	None provided	\$ 732.00
20-20100007	Erie County Labor Relations Division	General Issues - 2010	Administrative	Use of outside counsel by ECMCC for arbitrations involving hospital and home	3/8/2010		Goldberg Segalla	None provided	\$ 10,230.00
20-20100008	Erie County Labor Relations Division	CSEA v. County of Erie & Sheriff of Erie County & Teamsters Local 264	Litigation	PERB charge alleging improper replacement of med aids at ECCF with RNs	5/10/2010		Jaekle Fleischmann	None provided	\$ 2,660.00
20-20100008	Erie County Labor Relations Division	CSEA v. County of Erie & Sheriff of Erie County & Teamsters Local 264	Litigation	PERB charge alleging improper replacement of med aids at ECCF with RNs	5/10/2010		Goldberg Segalla	None provided	\$ 4,160.00

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

20-20100010	Erie County Labor Relations Division	Joseph Brown, John Hargrave & Willie E. Hawkins v. County of Erie, Erie County Medical Ctr. Corp., AFSCME, Local 1095	New York State Supreme Court - Erie County	Plaintiffs were employees of County or ECMC between 1/1/2004-12/3/2008; County & ECMC agreed to bonus payments for certain employees (allegedly, including Plaintiffs). Postal Service seek bonus payments of up to \$4000. Also claim against Union for failure to represent members' interests	8/11/2010	Payment of bonuses (up to \$4,000 per employee), plus interest at 9%; alternatively, declaration that agreement to make bonus payments are null and void and subject to renegotiation and ratification.	Schraeder Israely	None provided	\$ 453.32
20-20100011	Erie County Labor Relations Division	David L. Lenczyk, Willa M. Davis, Tishea Burden, William Long, Martina Jamison, Dennis Oleksy, Seven D. Paris, Paul J. Przybyszewski, Sr., Catherin Williams, Jasmaine M. Williams, Jerome Dixon, Patrice Bell, Sonja Taylor v. County of Erie, Erie County Medical Ctr. Corp., AFSCME, Local 1095	New York State Supreme Court - Erie County	Plaintiffs were employees of County or ECMC between 1/1/2004-12/3/2008; County & ECMC agreed to bonus payments for certain employees (allegedly, including Plaintiffs). Postal Service seek bonus payments of up to \$4000. Also claim against Union for failure to represent members' interests	8/11/2010	Payment of bonuses (up to \$4,000 per employee), plus interest at 9%; alternatively, declaration that agreement to make bonus payments are null and void and subject to renegotiation and ratification.	Schraeder Israely	None provided	\$ 906.84
21-20040037	Erie County Law Department	Pharmacy Litigation and Medicare/Medicaid- Abbott Lab. Inc., et al.	Litigation	Pharmacy litigation and Medicare/Medicaid fraud	12/2/2004		Weitz Luxenberg (should be combined with 29-20090010)	None provided	Contingent
21-20090010	Erie County Law Department	Empire State Chapter of Associated builders & Contractors v. Smith	Appeal	Appeal in challenge to Home Rule violation in 2008 Amendments to Wicks Law that discriminates against Erie County and other upstate counties		Reversal of Supreme Court; and, Declaration that differential thresholds of the 2008 Amendments to the Wicks Law, which impermissibly violate the Home Rule provisions of the state Constitution, are unconstitutional.	Phillips Lytle	None provided	\$ -
21-20090037	Erie County Law Department	In Rem Foreclosure Services	General Counsel	RFP to provide legal services for In Rem foreclosures of Erie County tax liens	6/17/2009		Mosey Persico	None provided	\$ 218,750.00

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

22-20110022	Erie County Legislature	Allen, Debbie v. Erie County Legislature	Complaint of Discrimination filed with the New York State Division of Human Rights	Complainant alleges that she was terminated by former Legislature Chairwoman Barbara Miller-Williams because of her race.	11/2/2011	This is an administrative complaint--so there is no statement of the relief sought. Normally, such claims seek back pay, front pay, reinstatement, and compensatory damages.	Schraeder Israely	None provided	\$ 2,955.38
6-20070033	Erie County Medical Center	Linda Herbert, Individually and as Administrator of the Estate of Donald J. Herbert v. ECMC	Medical Malpractice	Plaintiff is disabled firefighter claiming improper discharge from the ER with a brain bleed	11/21/2007	Monetary Damages	Roach Brown McCarthy & Gruber	None provided	\$ 8,710.00
16-20070029	Erie County Medical Center	Richard Little and Linda G. Little v. ECMC	Medical Malpractice	Chest wall infection resulting in sternotomy post CABG	10/11/2007	Monetary Damages	Roach Brown McCarthy & Gruber	None provided	\$ 19,161.41
16-20060010	Erie County Medical Center	Delphine McCarthy, Individually and as Executrix of the Estate of Daniel McCarthy, deceased v. ECMC	Medical Malpractice	Death of patient following stroke and MI of patient during multi-level lumbar spinal fusion surgery.	4/12/2006	Monetary Damages	Roach Brown McCarthy & Gruber	None provided	\$ 2,456.00
6-20060035	Erie County Medical Center	Nancy S. Wulbrecht, As Administratrix of the Estate of Robert M. Wulbrecht v. ECMC	Medical Malpractice	Patient hung himself	10/30/2006	Monetary Damages	Roach Brown McCarthy & Gruber	None provided	\$ 17,092.30
6-20040017	Erie County Medical Center	Sandra Lee v. ECMC	Slip and fall	Slip and fall inside ECMC vestibule	1/1/2004	Monetary Damages	Roach Brown McCarthy & Gruber	None provided	\$ 165.00
4-20110005	Erie County Mental Health	2011 General	Kendra's Law	NYS Mental Hygiene Law 9.60. Petitions for orders for assisted outpatient treatment.	1/11/2011		Bouvier Partnership	None provided	\$ 54,576.00
25-20090005	Erie County Parks, Recreation & Forestry	Hall, Mary J. & Fillmore v. Hall v. City Fence, Inc., Buffalo Off leash Area, Inc., Buffalo, Inc., Buffalo Micro Parks, Inc., City of Buffalo, Buffalo Water Authority, Erie County, and Erie County Parks Department	Trip and fall (premises liability and negligent issuance of park permit)	Plaintiff tripped and fell on the entrance gate of the fence around the temporary dog park then located in LaSalle Park. The target defendant is City Fence, who constructed the temporary fence. However, plaintiff has also sued the City of Buffalo and County of Erie based on their respective duties to keep the park in a reasonably safe condition.	1/28/2009	Money damages of an unknown amount	Damon & Morey	None provided	\$ 15,344.50
25-20090018	Erie County Parks, Recreation & Forestry	Slawek, Timothy v. Erie County Parks Department	Employment Discrimination	Slawek filed a discrimination disability claim with EEOC investigating allegations of retaliation	6/26/2009	Unspecified money damages	Kenney Shelton	None provided	\$ 1,080.00
25-20090032	Erie County Parks, Recreation & Forestry	Morales, Jannette v. Asarese Matters Community Center, Rees-Allison Pool, City of Buffalo Parks & Recreation Dept., Erie County Dept. of Parks & Recreation, City for Buffalo & County of Erie	Personal Injury	Morales nearly drowned in public pool and sustained cognitive impairment.	11/9/2009	\$10 million	Jaekle Fleischmann	None provided	\$ 33,460.00

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

26-20110003	Erie County Personnel Department	John W. Greenan, as Personnel Commissioner for the COE and Jeremy A. Colby, Esq., Ind. And as Erie County Attorney for an Order & Judgment Pursuant to CPLR v. Mark C. Poloncarz, Ind. & as Erie County Comptroller	Litigation	Article 78 proceeding brought for refusal to pay salary to Jeremy Colby pursuant to directive of John Greenan	4/12/2011		Goldberg Segalla	None provided	\$ 23,854.75
1-20030004	Erie County Sheriff's Department	Cash, Vikki v. County of Erie, Erie County Sheriff's Department, Sheriff Patrick Gallivan, and Marchon C. Hamilton	Petition for Certiorari	Petition for writ of certiorari	1/30/2003	Reinstatement and unspecified money damages	Phillips Lytle	None provided	\$ 28,886.16
1-20030035	Erie County Sheriff's Department	Graziani, Thomas N. v. County of Erie, Erie County Sheriff's Department, Patrick M. Gallivan, Ind. And as Sheriff of Erie County, Timothy B. Howard, Ind. & as Undersheriff of Erie County	Civil Rights	Civil rights violation as a result of termination of employment.	6/13/2003		Saeli & Tollner	None provided	\$ 150.00
31-20040044	Erie County Sheriff's Department	Adam Pritchard, Edward Robinson and Julenne Tucker v. The County of Erie, Patrick M. Gallivan, Timothy Howard, Donald Livingston, Robert G. Huggins and H. McCarthy Gibson	Civil rights claim brought on behalf of class of misdemeanor and violator arrestees based on alleged violation of rights relating to strip searches at the Erie County Correctional Facility and Holding Center.	Class Action defense of County and Sheriff's Department officials regarding strip search policy as applied to misdemeanors and violator arrestees	7/27/2004	Compensatory damages to plaintiffs and members of class, punitive damages, declaratory judgment, permanent injunction and attorneys fees and costs.	Mattar D'Agostino	None provided	\$ 20,330.05
31-20040044	Erie County Sheriff's Department	Adam Pritchard, Edward Robinson and Julenne Tucker v. The County of Erie, Patrick M. Gallivan, Timothy Howard, Donald Livingston, Robert G. Huggins and H. McCarthy Gibson	Civil rights claim brought on behalf of class of misdemeanor and violator arrestees based on alleged violation of rights relating to strip searches at the Erie County Correctional Facility and Holding Center.	Class Action defense of County and Sheriff's Department officials regarding strip search policy as applied to misdemeanors and violator arrestees	7/27/2004	Compensatory damages to plaintiffs and members of class, punitive damages, declaratory judgment, permanent injunction and attorneys fees and costs.	Hiscock Barclay	None provided	\$ 167,803.09
1-20060010	Erie County Sheriff's Department	Beatty, Craig v. Kathleen Davidson, R.N., The County of Erie, New York, Michael Benson and Sheriff Timothy Howard	Personal Injury	Inmate @ ECHC who went into diabetic coma	3/20/2006	Closed	Kavinoky Cook	None provided	\$ 2,905.25
1-20060031	Erie County Sheriff's Department	Erie County and Erie County Sheriff v. New York State Public Employment Relations Board	Litigation	Article 78 challenging decision of PERB on merger/co-mingling of prisoners.	8/18/2006		Jaekle Fleischmann	None provided	\$ 40,149.10
1-20070052	Erie County Sheriff's Department	United States of America v. The County of Erie	Civil Rights	Alleged Civil Rights violations at Holding Center (DOJ Litigation)	11/13/2007		Alston & Bird	None provided	\$ 172,951.73
31-20070052	Erie County Sheriff's Department	United States of America v. The County of Erie	Civil Rights	Alleged Civil Rights violations at Holding Center (DOJ Litigation)	11/13/2007		Harter Secrest	None provided	\$ 43,079.00

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

1-20070052	Erie County Sheriff's Department	United States of America v. The County of Erie	Civil Rights	Alleged Civil Rights violations at Holding Center (DOJ Litigation)	11/13/2007		Lippes Mathias	None provided	\$ 2,100.00
1-20080047	Erie County Sheriff's Department	Arrindell, Eustace, Ind. & as Husband & Guardian of Wife, Marguerite v. Timothy B. Howard, Erie County Sheriff's Department, COE, Ronald Moscati, M.D., Lesley Pyjas, R.N. and Andrew Case, P.A.	Medical Malpractice	Medical malpractice claim alleging failure to provide blood pressure medication to inmate	7/2/2008		Hodgson Russ	None provided	\$ 1,148.24
1-20080081	Erie County Sheriff's Department	Heath, Afreda, as PNG of Nicholas Heath v. County of Erie, Timothy B. Howard, Ind. & as Sheriff of Erie County, and Donald Livingston, Ind. & In His Official Capacity as Superintendent of the Erie County Holding Center	Sexual Assault	Claim alleging sexual assault by inmate while at ECHC.	9/28/2008		Saeli & Tollner	None provided	\$ 318.75
1-20080093	Erie County Sheriff's Department	Rodriguez, Raymond v. Erie County Sheriff's Department, County of Erie, Sheriff's Deputy Michael J. Mecca, Joshua L. Hulton & Steven S. Buscalia	Personal Injury	Claim alleging personal injuries resulting from transportation van accident on 7/24/2008.	10/15/2008		Kenney Shelton	None provided	\$ 257.02
1-20090016	Erie County Sheriff's Department	The NYS Commission of Correction v. Timothy B. Howard, Ind. & in his capacity of Sheriff of Erie County, NY	Litigation	Suit arising out of Commission of Corrections directive issued on 2/18/2009.	3/23/2009		Phillips Lytle	None provided	\$ 26,077.69
11-20090031	Erie County Sheriff's Department	County of Erie v. City of Buffalo - Cell Block Agreement	Litigation	Recovery of escalation costs from city arising out of cell block agreement.	5/20/2009		Damon & Morey	None provided	\$ 14,802.50
11-20090072	Erie County Sheriff's Department	Mack v. Howard	Excessive Force	Litigation concerning alleged excessive use of force by Sheriff's Deputies.	7/27/2009	Monetary Damages	Webster Szanyi	\$60,000.00	\$ 1,483.80
11-20090033	Erie County Sheriff's Department	Ilogu, Nkechi P. v. Sheriff Timothy Howard, Ind. & in his official capacity as Sheriff of Erie County, Sgt. Robert Dee, and One or More John Does	Race Discrimination	Litigation concerning alleged constructive discharge of nurse who retired after she was disciplined for insubordination (refusing to pass meds).	5/22/2009	Monetary Damages	Webster Szanyi	\$70,000.00	\$ 8,564.50
31-20100014	Erie County Sheriff's Department	Medical Care of Western New York, aao Brown, Jeffrey v. Erie County	No-fault insurance claim - COE self-insured	There are actually two actions pending (Index Nos. 21658/2009 and 10387/2010) for payment of no-fault benefits that were refused by the County of Erie pursuant to the results of independent medical examinations of the injured claimant Jeffrey Brown. Brown claims that he was injured on 3/17/2007 when he was being transported as a prisoner in custody.	2/2/2010	Money damages totaling \$11,985.74 plus \$850 in attorneys' fees. (Settlement demand 80%)	Zdarsky Office	None provided	\$ 8,469.66
31-20100019	Erie County Sheriff's Department	Debra Gacek v. ECSO	Sex Discrimination	Administrative litigation concerning Deputy Gacek's allegations of sex discrimination and retaliation in the nature of denied overtime and involuntary transfers.		Monetary and injunctive relief	Webster Szanyi	\$15,000.00	\$ 1,655.80
31-20100028	Erie County Sheriff's Department	Mack, Marquez v. County of Erie	Personal Injury	Alleged abuse by deputies	3/15/2010		Webster Szanyi	None provided	\$ 1,483.80

2008-2011 OUTSIDE COUNSEL REPORT - OPEN MATTERS

31-20100060	Erie County Sheriff's Department	Colpoys, Donald v. Erie County Sheriff's Office	ADA	Administrative litigation concerning the ECSO's alleged refusal to accommodate Deputy Colpoys by allowing him to avoid forced overtime of more than 4 hours due to his medical condition (knee injury).	8/16/2010	Monetary and injunctive relief	Webster Szanyi	\$50,000 if filed in Federal Court	\$ 449.90
31-20100063	Erie County Sheriff's Department	Kretzman, Jacqueline v. Erie County Sheriff's Office	Retaliation/Harassment	Litigation concerning claimed retaliation and harassment against Holding Center Lieutenant.	8/25/2010	Monetary Damages	Webster Szanyi	\$70,000.00	\$ 640.70
31-20100071	Erie County Sheriff's Department	Commission of Correction - Action against COC arising out of denial	Litigation	Action vs. COC arising out of denial of variances.	10/13/2010	Open	Phillips Lytle	None provided	\$ 13,217.00
31-20100072	Erie County Sheriff's Department	Ouchie, Carla v. Ms. Ross, Ms. Juleen Bremim, Deputy Russo 1, Deputy Russo 2, & Mr. Roth	Civil Rights Violation	Civil rights violation and denial of medical treatment while at ECHC.	10/14/2010	Open	Mattar D'Agostino	None provided	\$ 572.50
31-20100080	Erie County Sheriff's Department	County of Erie and Erie County Sheriff's Office v. International Brotherhood of Teamsters Local 264 and Thomas J. Thompson	PERB	Litigation	11/8/2010	Open	Goldberg Segalla	None provided	\$ 5,000.00
31-20100089	Erie County Sheriff's Department	Gallivan, John T. v. Erie County Sheriff's Office	ADA	Administrative litigation concerning the ECSO's alleged refusal to accommodate Deputy Gallivan by allowing him to avoid forced overtime due to his medical condition (diabetes).	12/30/2010	Monetary and injunctive relief	Webster Szanyi	\$14,000.00	\$ 2,134.10
31-20110019	Erie County Sheriff's Department	Gacek, Debra A. v. County of Erie, Erie County Sheriff's Office	Sex Discrimination	Allegations of sexual discrimination of claims of hostile working environment.	3/29/2011	Open	Webster Szanyi	None provided	\$ 1,655.80
32-20110010	Erie County Social Services	Greenan, Stacey E. v. Erie County Department of Social Services	NYSDHR	Discrimination	7/1/2011	Promotion	Goldberg Segalla	None provided	\$ 2,210.00
32-20110011	Erie County Social Services	Boyce, Melissa J. v. Erie County Department of Social Services	NYSDHR	Discrimination	7/1/2011	Promotion	Goldberg Segalla	None provided	\$ 1,541.00
32-20110015	Erie County Social Services	Puleo, Geraldine F. v. Erie County	EEOC	Discrimination	8/25/2011	Job Restore	Goldberg Segalla	None provided	\$ 890.00
32-20110016	Erie County Social Services	Watson, Steven K. v. Erie County	Article 75	Firing Dispute	9/15/2011	Job Restore	Goldberg Segalla	None provided	\$ 4,947.42
32-20110018	Erie County Social Services	Evarts, Brian v. County of Erie, Chris Collins, John W. Greenan, Joseph P. Dobies & Cheryl Ballard	Article 78	Demotion	10/14/2011	Job Restore	Goldberg Segalla	None provided	\$ 3,870.00
32-20110019	Erie County Social Services	Julia M. Heath v. Erie County Social Services	NYSDHR	Discrimination	12/1/2011	Job Restore	Goldberg Segalla	None provided	\$ 1,200.00
35-20100002	Erie County Youth Services Department	Grant, Linda v. Erie County Youth Detention Services	Employment Discrimination	Grant has filed a claim with EEOC alleging disability and age discrimination from 2008 and 2009	6/15/2010	Reinstatement and unspecified money damages	Kenney Shelton	None provided	\$ 1,080.00

\$ 1,999,724.77

2008-2011 OUTSIDE COUNSEL REPORT - CLOSED MATTERS

Matter ID	Client Sort	Caption/Names of Parties	Matter Description	Matter Type	Opened/Closed Dates	Relief Sought	Firm/Atty	Original estimate of the legal fees	Amount of legal fees to conclusion
44-20040001	DEP - Sewer District Southtowns	C.O. Falter Construction Corp. v. County of Erie; County of Erie v. R&D Engineering, Inc.; County of Erie on behalf of Erie County Southtowns Sewage Treatment Agency v. C.O. Falter Construction Corporation and Fidelity and Deposit Company of Maryland	Breach of Contract	Multiple counterclaims on behalf of County due to alleged construction failures.	10/20/2003; 9/29/2011	Contract Damages	Hiscock & Barclay	None Provided	\$254,512.00
42-20090002	DEP - Sewer District No. 3	State Pollutant Discharge Elimination System (SPDES) Permits - Sewer District 3	Permit Negotiations	The work for Erie County Sewer District #6 involves the proposed amendments to its SPDES permits for the three sewer plants under its jurisdiction - Blasdell, Lackawanna and Southtowns.	7/29/2009	Closed	Bond Schoeneck & King	None Provided	\$ 8,676.75
	Department of Public Works	Wehrle Drive Condemnation	Eminent Domain	Proceedings brought under eminent domain procedural Article 4 to acquire various property interests necessary for the widening of Wehrle Drive.	8/2/2005; 5/15/11	Acquisition of necessary property interests for the widening of Wehrle Drive	Hiscock & Barclay	None Provided	\$221,854.08
1-20100014	Erie County Executive	Whyte, Maria; Loughran, Thomas, Mazur, Thomas, Grant, Better Jean, Kozub, Daniel & Marinelli, Lynn v. Chris Collins, Gregory Gach and Mark Poloncarz	Article 78	County Exec was sued by majority caucus of Erie County Legislature to compel payment of budgeted funds to ECC	11/29/2010; 1/15/2011		Magavern, Magavern & Grimm	None Provided	\$5,040.00
1-20100016	Erie County Executive	Poloncarz, Mark v. Christopher C. Collins, Erie County Legislature & County of Erie	Article 78 hybrid action	A hybrid petition was filed seeking to prevent the County Executive from abolishing positions in the Comptroller's office.	12/15/2010	Injunctive and Declaratory	Harris Beach	None Provided	\$23,112.21
2-20100005	Erie County Budget	Collins and Poloncarz v. Erie County Fiscal Stability Authority Index No. 2010/011796	Article 78 hybrid action	An Article 78 Petition challenging bond issuance for 2009 County financing.	2/24/2010	Declaratory	Harris Beach	None Provided	\$19,719.77
1-20100013	Erie County Executive	Poloncarz v. Collins, County Executive and Erie County Legislature Index No. 2010/12419	Article 78 hybrid action	An Article 78 Petition challenging County Executive's ability to propose Budget as to Comptroller's staff and abolish positions.	11/15/2010	Injunctive and Declaratory	Harris Beach	None Provided	\$13,566.79
0-20100039	Erie County Board of Elections	Gaughan, Kevin P. and Christopher Collins, Raymond W. Walter, John J. Mills, Dino J. Fudoli, Kevin R. Hardwick, Lynne M. Dixon, Edward A. Rath, III, Thomas A. Loughran, Daniel M. Kozub, Timothy M. Kennedy and Christina W. Bove v. Ralph M. Mohr and Dennis E. Ward	Election	Suit contesting the determination of the Board of Elections not to place the downsizing proposition on the ballot	10/06/2011 - 10/05/2011	Placement of the proposition on the ballot	Hurwitz & Fine	None Provided	\$10,679.54

2008-2011 OUTSIDE COUNSEL REPORT - CLOSED MATTERS

10-20110056	Erie County Board of Elections	Cooper et al. v. Board of Elections et al.	Election Law	Suit brought against the Board and various candidates contesting their placement on the ballot as candidates for the Independence Party.	10/04/2011; 01/9/2012	Removal of certain candidates from the Independence line	Hurwitz & Fine	None Provided	\$3,407.14
		County of Erie, Christopher Collins and Mark Poloncarz v. Erie County Fiscal Stability Authority et al and a second action: In the Matter of the Application of The County of Erie, Mark C. Poloncarz, as Erie County Comptroller, vs. Christopher C. Collins, as County Executive et al.		The first matter involved representation of the County regarding whether the Fiscal Stability Authority should remain as a "hard" control board or be changed to a "soft" board as outlined in the statute. The second action, was a proceeding brought by Poloncarz as the County Comptroller against the Executive on the authority and procedure to issue bonds on behalf of the County.	3/1/2010; 8/27/2010	In action 1 - transformation of the FSA from a "hard" to a "soft" Board. In the second matter preventing the Executive from proceeding to issue bonds.	Hurwitz & Fine	None Provided	\$11,630.90
2-20090007	EC Dept. of Budget, Management & Finance	County of Erie vs. Dynamic Enterprises, Inc., et al.	Collections	Defendants entered into a Lease Agreement in lieu of paying taxes. Breached the Agreement.	3/01/09; 9/6/11	\$436,415.32 plus interest and costs	Rupp Baase	None Provided	\$5,592.22
13-20060161	Erie County Department of Highways	Steven Sundberg v. County of Erie, Richard J. Syracuse	Litigation	Provided Opinion Letter only.	6/1/10; 7/27/10		Rupp Baase	None Provided	\$2,880.00
2-20100103	Erie County Department of Environment and Planning	Goldman, Mark; Fisher, Scot D., Fisher, Bruce L., Davis, Susan M., Halpern, Stephen C. and Stanton, Elizabeth P. v. Bass Pro Outdoor World, L.L.C., Erie Canal Harbor Development Corporation, Richard M. Kessel, Jordan Levy, Dannis M. Mullen, NYS Economic Development Power Allocation Board, NYS Urban Development Corporation, d/b/a Empire State Development Corporation, Power Authority of the State of NY, Kenneth Schoetz, State of NY, Buffalo Municipal Housing Authority, Buffalo Sewer Authority, City of Buffalo, NY, County of Erie, NY & NYS Thruway Authority	Litigation	Concerning Canal Side Project (waterfront)	8/1/10; 5/23/11		Rupp Baase	None Provided	\$6,386.67
		Disqualification of Dan Ward	Research project only	Should county exec. recuse himself from overseeing a primary election in which both his wife and brother are candidates?	9/1/08; 12/31/11		Rupp Baase	None Provided	\$720.00

2008-2011 OUTSIDE COUNSEL REPORT - CLOSED MATTERS

6-20020002	Erie County Correctional Facility	Patton Sherril, Sherry E v. The County of Erie		Civil matter that was opened and closed several years ago. We have no current information.			Phillips Lytle	None Provided	\$276.00
21-20090010	Erie County Department of Law	Empire State Chapter of Associated Builders & Contractors et al v. Smith et al.	Affirmative litigation challenging unconstitutional differential thresholds in 2008 Wicks Law Amendments.	Challenge Home Rule violations in 2008 Wicks Law amendments	Early 2009; late 2010	Declaration that the differential thresholds of the 2008 Amendments to the Wicks Law, which impermissibly violate the Home Rule provisions of the State of New York	Phillips Lytle	None Provided	\$0.00
		Erie County Sheriff Matter re Commission of Corrections	Prepare reply brief and argue Fourth Department appeal.	Appeal of judgment in favor of Plaintiff.	Approx. Nov. 2010; appox. Spring 2011 (County Attorney's Office handled motion for leave to Court of Appeals).	Reversal of Supreme Court judgment that county's ECHC violated certain COC regulations.	Phillips Lytle	None Provided	\$23,777.69
31-20100071	Erie County Sheriff's Department	Erie County Sheriff Advice re Variances	Advice regarding ECHC/ECCF variances	Advice regarding ECHC/ECCF variance requests	2010	Variances from COC regulations	Phillips Lytle	None Provided	\$13,217.00
1-20020032	Erie County Sheriff's Department	Bennett, Michael	Litigation	Wrongful Death and Civil Rights Violations	8/6/2002	Closed	Mattar D'Agostino	None Provided	\$ 7,506.86
9-20050006	Erie County District Attorney's Office	Erie County District Attorney's Office - Braxton, Clifford v. Erie County District	Discrimination/Wrongful Termination	Plaintiff alleged he was wrongfully denied a promotion and was subject to a hostile work environment as a result of his race	12/12/11-2/01/12	Back pay and reinstatement	Phillips Lytle	25,000 --	\$29,746.99
51-20100032	Erie County Sheriff's Department	Heilmann, Stephen v. Chris Collins Erie County Executive, The COE, Timothy Howard, Sheriff of Erie County, Erie County Sheriff's Dept., Thomas J. Thompson, Gregory Stutt, Robert Gould, Peter Eagle, Richard Matthews & Jonathon Weir	Outside Counsel	Litigation	3/25/2010; 9/23/2011	Closed	Thomas J. Eoannou	None Provided	\$ 2,500.00

2008-2011 OUTSIDE COUNSEL REPORT - CLOSED MATTERS

31-20100032	Erie County Sheriff's Department	Heilmann, Stephen v. Chris Collins Erie County Executive, The COE, Timothy Howard, Sheriff of Erie County, Erie County Sheriff's Dept., Thomas J. Thompson, Gregory Stutt, Robert Gould, Peter Eagle, Richard Matthews & Jonothon Weir	Outside Counsel	Litigation	3/25/2010; 9/23/2011	Closed	Thomas Burton	None Provided	\$ 10,052.72
31-20100032	Erie County Sheriff's Department	Heilmann, Stephen v. Chris Collins Erie County Executive, The COE, Timothy Howard, Sheriff of Erie County, Erie County Sheriff's Dept., Thomas J. Thompson, Gregory Stutt, Robert Gould, Peter Eagle, Richard Matthews & Jonothon Weir	Outside Counsel	Litigation	3/25/2010; 9/23/2011	Closed	Connors & Villardo	None Provided	\$ 9,882.00
31-20100032	Erie County Sheriff's Department	Heilmann, Stephen v. Chris Collins Erie County Executive, The COE, Timothy Howard, Sheriff of Erie County, Erie County Sheriff's Dept., Thomas J. Thompson, Gregory Stutt, Robert Gould, Peter Eagle, Richard Matthews & Jonothon Weir	Outside Counsel	Litigation	3/25/2010; 9/23/2011	Closed	Shaw & Shaw	None Provided	\$ 3,450.00
1-20100032	Erie County Sheriff's Department	Heilmann, Stephen v. Chris Collins Erie County Executive, The COE, Timothy Howard, Sheriff of Erie County, Erie County Sheriff's Dept., Thomas J. Thompson, Gregory Stutt, Robert Gould, Peter Eagle, Richard Matthews & Jonothon Weir	Outside Counsel	Litigation	3/25/2010; 9/23/2011	Closed	Atti Law	None Provided	\$ 4,220.00
1-20100032	Erie County Sheriff's Department	Heilmann, Stephen v. Chris Collins Erie County Executive, The COE, Timothy Howard, Sheriff of Erie County, Erie County Sheriff's Dept., Thomas J. Thompson, Gregory Stutt, Robert Gould, Peter Eagle, Richard Matthews & Jonothon Weir	Outside Counsel	Litigation	3/25/2010; 9/23/2011	Closed	Viola, Cummings & Lindsay	None Provided	\$ 3,240.00

2008-2011 OUTSIDE COUNSEL REPORT - CLOSED MATTERS

27-20090009	Erie County Probation Department	In the Matter of the Arbitration between Civil Service Employees' Association, Inc., Local 1000 and The County of Erie	Labor arbitration re employee termination for cause	Scott Smith, former Local 1000 union president and Erie County Probation Officer, was terminated for cause based on his insubordination, neglect of job duties and failure to follow job instructions. Smith's union grieved the termination, which proceeded to arbitration. After hearing testimony over several days of arbitration and reviewing the parties' post hearing briefs, the arbitrator issued a decision finding that the County had good cause to terminate Smith. The Arbitrator thus denied Smith's request for reinstatement and back pay.		Back pay and reinstatement	Phillips Lytle	None Provided	\$78,996.45
27-20090009	Erie County Probation Department	In the Matter of the Arbitration between Civil Service Employees' Association, Inc., Local 1000 and The County of Erie	Alleged unfair labor practice	Scott Smith, former Local 1000 union president and Erie County Probation Officer, was terminated for cause based on his insubordination, neglect of job duties and failure to follow job instructions. Smith's union filed a charge with the Public Employment Relations Board, alleging that he was terminated because of his union activity. The County denied the Union's allegations. Following the arbitration, CSEA voluntarily withdrew the charges and PERB dismissed the action.		Back pay and reinstatement	Phillips Lytle	None Provided	Included in above.
		Review of Contractual Indemnification Detention and Insurance Procurement Provisions	legal opinion	Erie Co. requested a coverage opinion regarding the obligation of outside vendors to provide "additional insured coverage" for work on county jobs.	Open February 2009; Close 12/23/2009		Kenney Shelton	None Provided	\$5,943.00
21-20100027	Erie County Law Department	New York Civil Liberties Union v. Erie County and Cheryl Green, County Attorney for Erie County	Article 78	Settled	Open: 6/22/2010 Closed: not reported	Not specified	Lippes Mathias	None Provided	\$19,116.52
									\$799,703.30