



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: September 20, 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 13 new claims brought against the County of Erie. The claims are as follows:

Claim Name

Estate of Charles Reno v. County of Erie, et al.
Guadalupe Stabler v. County of Erie
Green Party of Erie County v. Erie County BOE, et al.
Genevieve M. Smaszcz – Keybank National v. Smaszcz, County of Erie, et al.
Christina Scanio v. Erie County Sheriff's Office
Ronnie Moore v. Erie Community College
Barbara Veres v. County of Erie, et al.
Brandon Nieswiadomy v. County of Erie
Corey & Cindy Meer o/b/o Cayden Meer v. County of Erie, et al.
James DePasquale v. Erie County BOE, et al.
Vershawn Herring, Jr. v. County of Erie, et al.
Robert Pattison v. County of Erie, et al.
National Fuel v. County of Erie

MMP:dld
Attachments

Comm. 19D-9



MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

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DEPARTMENT OF LAW

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JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 1, 2016

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

Dear Ms. McCarthy:

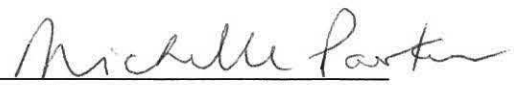
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Reno, Charles E., Estate of, by Anne-Marie Reno v. County of Erie and Town of Newstead</i>
Document Received:	Notice of Claim
Name of Claimant:	Anne-Marie C. Reno 1281 Bloomingdale Road Basom, New York 14013
Claimant's attorney:	Harry J. Forrest, Esq. Gross Shuman Brizdle & Gilfillan, P.C. 465 Main Street Suite 600 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.

Comm. 19D-9
Page 2 of 102

In the Matter of the Claim of

ANNE-MARIE C. RENO, Individually and as
Administratrix of the Estate of Charles E. Reno
1281 Bloomingdale Road
Basom, New York 14013

NOTICE OF CLAIM

Claimant,

-against-

COUNTY OF ERIE
69 Delaware Avenue
Suite 300
Buffalo, New York 14202

TOWN OF NEWSTEAD
5 Clarence Center Road
Akron, New York 14001

TOWN OF NEWSTEAD HIGHWAY DEPARTMENT
12707 Clarence Center Road
Akron, New York 14001

Respondents.

TO: COUNTY OF ERIE
TOWN OF NEWSTEAD
TOWN OF NEWSTEAD HIGHWAY DEPARTMENT

PLEASE TAKE NOTICE, that the undersigned, ANNE-MARIE C. RENO, pursuant to General Municipal Law § 50-e, does hereby make a claim against the Respondents, County of Erie, Town of Newstead, Town of Newstead Highway Department (the "Respondents") for damages, and in support of such claim, states the following:

1. The name of the Claimant is Anne-Marie C. Reno (the "Claimant") and her post office address is: 1281 Bloomingdale Road, Basom, New York, 14013. Claimant's attorneys,

Gross, Shuman, Brizdle & Gilfillan, P. C. (Harry J. Forrest, Esq., of Counsel), have their offices at 465 Main Street, Suite 600, Buffalo, New York, 14203.

2. The nature of the claim of the Claimant is for wrongful death, personal injuries, including pain and suffering, medical expenses, lost wages, emotional and mental distress, loss of ability to enjoy life, and for attendant damages and losses for which the proximate and contributing cause was negligence, carelessness, and recklessness of the Respondents, their agents, servants and/or employees.

3. The time when the claim arose and the time when the injuries were sustained by Claimant's decedent was on May 31, 2016 at approximately 5:15 p.m. on Route 5 at or near the intersection with Barnum Road in the Town of Newstead, County of Erie, State of New York as the result of a motor vehicle collision. A copy of the police accident report is attached as **Exhibit A**. Upon information and belief, the above described incident and injuries were caused by and arose as a result of the negligence, carelessness and recklessness of the Respondents, their agents, servants and/or employees in, among other things: the maintenance, upkeep, repair and control of Barnum Road and Route 5 and the intersection of said roads; causing, permitting and/or allowing to exist unsafe, dangerous and hazardous conditions on Barnum Road and Route 5, the intersection of said roads; and adjacent to said roads, which rendered it unsafe for persons using said roads; the failure to correct the unsafe, dangerous and hazardous conditions on Barnum Road and Route 5, the intersection of said roads, and adjacent to said roads within a reasonable time despite having a reasonable opportunity to do so; allowing and permitting said unsafe, dangerous and hazardous conditions to exist when the Respondents had both the knowledge and notice, or in the exercising of reasonable care, could and should have known of

said conditions; the failure to take proper measures to protect persons traveling against road hazards foreseeable in the exercise of reasonable care on Barnum Road and Route 5, the intersection of said roads, or adjacent to said roads; the intersection of said roads, and adjacent to said roads to allow proper visibility for persons traveling said roads; the failure to make the necessary observations and inspections of Barnum Road and Route 5, the intersection of said roads, and adjacent to said roads to determine the existence of unsafe, dangerous and hazardous conditions and to ensure safety for persons traveling said roads; the failure to properly inspect, investigate, monitor, and evaluate Barnum Road and Route 5, the intersection of said roads, and adjacent to said roads to ensure proper visibility for persons traveling said roads; the failure to employ and/or provide personnel to properly inspect, investigate, monitor and evaluate Barnum Road and Route 5, the intersection of said roads, and adjacent to said roads to ensure safety for persons traveling said roads; the failure to employ and/or provide personnel to properly inspect, investigate, monitor and evaluate Barnum Road and Route 5, the intersection of said roads, and adjacent to said roads to ensure proper visibility for persons traveling on said roads; the failure to adopt and/or adhere to, prescribe, and/or promulgate proper procedures, rules, regulations, and protocols relating to the visibility on Barnum Road and Route 5, the intersection of said roads, and adjacent to said roads, including but not limited to inspecting and enforcing parking of vehicles on the roads near the intersection and on adjacent properties near the intersection; the failure to properly and adequately research potential existing road conditions prior to and during preparation of highway design study; the failure to gather necessary, appropriate and adequate facts and statistics regarding said roads in order to prepare an adequate preliminary design study; the failure to consider roadside hazards, shoulder characteristics, embankment, slope of

embankment, slope of road, road surface, human factors, and other factors in the preparation of the design study of said roads; the failure to consider applicable highway design standards by developing, approving and implementing an unreasonably defective and inadequate design plan for the intersection of Route 5 and Barnum Road in that it was based on a defective and inadequate preliminary design study, provided for inadequate, insufficient and improper signs and delineator posts and traffic lights or other traffic control devices to regulate traffic and allowed signing at an unsafe rate of speed for motorists in light of conditions then existing; the failure to review and revise the existing design plan in light of conditions and the failure to take steps to eliminate or reduce the risk of accidents created by such conditions; authorizing, erecting and maintaining inadequate and defective signing and traffic lights at the intersection of Route 5 and Barnum Road in that the existing signage and traffic control devices were either non-existent or ambiguous and failed to clearly warn motorists of existing conditions, the need to proceed with caution through the intersection, and the need to reduce speed, was misleading and deceptive as to actual road conditions, permitted and authorized an unsafe and inappropriate level of speed by failing to warn operators to reduce their speed and did not meet uniform and accepted standards for highway signs under the circumstances existing.

4. The items of damage or injuries claimed by the Claimant so far as is now practicable consist of: wrongful death; pain and suffering; medical expenses; mental anguish, anxiety, fear of impending death; funeral expenses; and loss of consortium, support, assistance, training, guidance, possible inheritance, and other pecuniary losses resulting from the decedent's death; and all of the damages available under applicable law.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the Respondents within thirty (30) days from the date of service of this Notice of Claim, the Claimant intends to commence an action in the Supreme Court of the State of New York, County of Erie, against the Respondents for a sum which exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

WHEREFORE, the Claimant requests that this claim be allowed and paid by the Respondents.

Dated: Buffalo, New York
August 26, 2016

Anne-Marie C. Reno
Anne-Marie C. Reno

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Anne-Marie C. Reno, being duly sworn, deposes and states that deponent is a 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 her own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, she believes it to be true.

Anne-Marie C. Reno
Anne-Marie C. Reno

Subscribed and sworn to before
me this 26th day of August 2016.

[Signature]
Notary Public

Doc #502566.1

HARRY J. FORREST
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 10, 2018

EXHIBIT A

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes
16-039330
R1EC065Q2LB4

☐ AMENDED REPORT

1	Accident Date Month 5 Day 31 Year 2016		Day of Week TUESDAY	Military Time 17:12	No. of Vehicles 2	No. Injured 3	No. Killed 1	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	20																																																																																																		
2	VEHICLE 1					<input checked="" type="checkbox"/> VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN						21																																																																																																	
3	VEHICLE 1- Driver License ID Number 137581594 Driver Name - exactly as printed on license RENO, CHARLES E Address (Include Number and Street) 1281 BLOOMINGDALE RD City or Town BASOM State NY Zip Code 14013 Date of Birth Month 12 Day 19 Year 1983 Sex M Unlicensed <input type="checkbox"/> No. of Occupants 01 Public Property Damaged <input type="checkbox"/>					VEHICLE 2- Driver License ID Number 909971356 Driver Name - exactly as printed on license MAZUREK, SHANNON M Address (Include Number and Street) 13493 GENESEE ST City or Town ALDEN State NY Zip Code 140040000 Date of Birth Month 12 Day 17 Year 1973 Sex M Unlicensed <input type="checkbox"/> No. of Occupants 03 Public Property Damaged <input type="checkbox"/>						22																																																																																																	
4	Name - exactly as printed on registration RENO, CHARLES E Address (Include Number and Street) 1281 BLOOMINGDALE RD City or Town BASOM State NY Zip Code 14013 Plate Number EJY5637 State of Reg. NY Vehicle Year & Make 2004 CHEV Vehicle Type 4DSD Ins. Code 328					Name - exactly as printed on registration MAZUREK, SHANNON M Address (Include Number and Street) 9 GOLDEN POND EST City or Town AKRON State NY Zip Code 14001 Plate Number FTS4631 State of Reg. NY Vehicle Year & Make 2000 CHEV Vehicle Type PICK Ins. Code 113						23																																																																																																	
5	Ticket/Arrest Number(s) Violation Section(s)					Ticket/Arrest Number(s) Violation Section(s)						24																																																																																																	
6	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.					Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.						25																																																																																																	
7	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact 11 Box 2 - Most Damage 11 Enter up to three more damage codes 12 10 5 Vehicle By: TTT TOWING Towed To: ALDEN GARAGE VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER					VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact 2 Box 2 - Most Damage 2 Enter up to three more damage codes 1 2 3 Vehicle By: TTT TOWING Towed To: ALDEN GARAGE						26																																																																																																	
8	Reference Marker 5 5 3 0 2 4 1 3 7					Coordinates (if available) Latitude/Northing 4765946 Longitude/Easting 210429						27																																																																																																	
9	Place Where Accident Occurred: County ERIE <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town of NEWSTEAD Road on which accident occurred MAIN ST at 1) Intersecting street BARNUM RD or 2) _____ of _____ (Route Number or Street Name) (Milepost, Nearest Intersecting Route Number or Street Name)					Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. Rear End Left Turn Right Angle Right Turn Head On 1. 3. 5. 7. Sideswipe (same direction) Left Turn Right Turn Sideswipe (opposite direction) 2. 4. 6. 8. ACCIDENT DIAGRAM See the last page of the MV-104A for the accident diagram. Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to determine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						28																																																																																																	
10	Accident Description/Officer's notes Main Road in the vicinity of the crash, is a two lane paved asphalt highway with one east bound lane and one west bound lane. The lanes are separate by a double solid yellow line. The posted speed limit on Main road is 55 miles per hour. Barnum Road, in the vicinity of the crash, is a two lane paved asphalt roadway with one north bound and one southbound lane of travel. The speed limit of Barnum Road is 45 miles per hour. The crash occurred											29																																																																																																	
11	<table border="1"> <thead> <tr> <th>8</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17 BY</th> <th>TO 18</th> <th>Names of all involved</th> <th>Date of Death Only</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1</td> <td>1</td> <td>4</td> <td>1</td> <td>32</td> <td>M</td> <td>12</td> <td>03</td> <td>1</td> <td>9993</td> <td>1423</td> <td>RENO, CHARLES E</td> <td>5/31/2016</td> </tr> <tr> <td>B</td> <td>2</td> <td>1</td> <td>A</td> <td>1</td> <td>42</td> <td>M</td> <td>05</td> <td>03</td> <td>6</td> <td></td> <td></td> <td>MAZUREK, SHANNON M</td> <td></td> </tr> <tr> <td>C</td> <td>2</td> <td>3</td> <td>A</td> <td>1</td> <td>33</td> <td>F</td> <td>05</td> <td>03</td> <td>6</td> <td></td> <td></td> <td>DUDLEY, AUBREY A</td> <td></td> </tr> <tr> <td>D</td> <td>2</td> <td>4</td> <td>4</td> <td>1</td> <td>10</td> <td>F</td> <td>05</td> <td>03</td> <td>6</td> <td>9993</td> <td>1423</td> <td>MAZUREK, PAIGE T</td> <td></td> </tr> <tr> <td>E</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>F</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>											8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only	A	1	1	4	1	32	M	12	03	1	9993	1423	RENO, CHARLES E	5/31/2016	B	2	1	A	1	42	M	05	03	6			MAZUREK, SHANNON M		C	2	3	A	1	33	F	05	03	6			DUDLEY, AUBREY A		D	2	4	4	1	10	F	05	03	6	9993	1423	MAZUREK, PAIGE T		E														F														30
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12	Officer's Rank and Signature DEPUTY <i>[Signature]</i> Print Name In Full SIMON BIEGASIEWICZ					Badge/ID No. 0241		NCIC No. 01400		Precinct/Post Troop/Zone Station/Beat Sector		Reviewing Officer KADERLY Date/Time Reviewed 06/05/2016 18:27																																																																																																	

ALL INVOLVED

 USE
COVER
SHEET
N

POLICE ACCIDENT REPORT

Local Codes
16-039330
R1EC065Q2LB4

☐ AMENDED REPORT

MV-104A (6/04)

1	Accident Date Month 5 Day 31 Year 2016		Day of Week TUESDAY	Military Time 17:12	No. of Vehicles 2	No. Injured 3	No. Killed 1	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	20
2	VEHICLE <input type="checkbox"/> VEHICLE <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN										21
3	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER										22
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ALL INVOLVED

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all Involved	Date of Death Only
A												
B												
C												
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E												
F												
Officer's Rank and Signature DEPUTY <i>Simon Biegasiwicz</i>		Badge/ID No. 0241		NCIC No. 01400		Precinct/Post Troop/Zone		Station/Beat Sector		Reviewing Officer KADERL, E		Date/Time Reviewed 04/05/2016 18:27

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes

16-039330

R1EC065Q2LB4

☐ AMENDED REPORT

1	Accident Date Month 5 Day 31 Year 2016			Day of Week TUESDAY	Military Time 17:12	No. of Vehicles 2	No. Injured 3	No. Killed 1	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	20									
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<p>Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.</p> <table border="1"> <tr> <td>Rear End 1. ← ←</td> <td>Left Turn 3. ↓</td> <td>Right Angle 4. ↓</td> <td>Right Turn 5. →</td> <td>Head On 7. → ←</td> </tr> <tr> <td>Sidewipe (same direction) 2. ← ←</td> <td>Left Turn 6. ↓</td> <td></td> <td>Right Turn 8. →</td> <td>Sidewipe (opposite direction) 9. → ←</td> </tr> </table> <p>9.</p> <p>Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to determine <input type="checkbox"/> Yes <input type="checkbox"/> No</p>											Rear End 1. ← ←	Left Turn 3. ↓	Right Angle 4. ↓	Right Turn 5. →	Head On 7. → ←	Sidewipe (same direction) 2. ← ←	Left Turn 6. ↓		Right Turn 8. →	Sidewipe (opposite direction) 9. → ←	27
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Reference Marker		Coordinates (if available) Latitude/Northing		Place Where Accident Occurred: County <u>ERIE</u> <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles <input type="checkbox"/> N <input type="checkbox"/> S of _____ <input type="checkbox"/> E <input type="checkbox"/> W (Milepost, Nearest Intersecting Route Number or Street Name)									29								
		Longitude/Easting																			
<p>Accident Description/Officer's notes vehicle 1 was pronounced dead at Millard Fillmore Suburban Hospital. The crash was mapped with a Nikon Total Station.</p>												30									

ALL INVOLVED

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A												
B												
C												
D												
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Officer's Rank and Signature DEPUTY <i>Simon Biegasiwicz</i>		Badge/ID No. 0241		NCIC No. 01400		Precinct/Post Troop/Zone		Station/Beat Sector		Reviewing Officer KADERL		Date/Time Reviewed 10/19/2016 18:27

Local Codes
16-039330
R1EC065Q2LB4

POLICE ACCIDENT REPORT

MV-104A (6/04)

☐ AMENDED REPORT

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene	Left Scene	Police Photos
Month	Day	Year								
5	31	2016	TUESDAY	17:12	2	3	1	Accident Reconstructed		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

SCENE MAPPED WITH NIKON
TOTAL STATION



POLICE REPORT FOR FATAL MOTOR VEHICLE ACCIDENTS

MV-104D (3/02)



Page 1 of 1 Pages

Local Code 16-039330 R1EC065Q2LB4	Accident Date Month Day Yr. 05 31 2016	Military Time 17:12	County ERIE	City/Town/Village NEWSTEAD, TOWN OF	No. Killed 1	No. Vehicles 2	Work Related <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name and Address of Deceased 1: RENO, CHARLES E 1281 BLOOMINGDALE RD BASOM NY 14013							

ACCIDENT DATA

Speed Limit (MPH) 55	Location (Route or Street Name) MAIN ST
Estimated Speed: Vehicle 1 _____ MPH <input checked="" type="checkbox"/> Unknown Vehicle 2 _____ MPH <input checked="" type="checkbox"/> Unknown Vehicle _____ MPH <input type="checkbox"/> Unknown	
Vehicle Model (for example, Mustang or Corvette): Vehicle 1 CAVALIER Vehicle 2 SILVERADO Vehicle _____	
Roadway Surface: <input type="checkbox"/> Concrete <input checked="" type="checkbox"/> Blacktop <input type="checkbox"/> Brick or Block <input type="checkbox"/> Dirt <input type="checkbox"/> Slag <input type="checkbox"/> Gravel <input type="checkbox"/> Stone <input type="checkbox"/> Other	
No. of Lanes 2	Roadway Flow: <input type="checkbox"/> One Way Traffic <input type="checkbox"/> Divided highway, other barrier or barrier type unknown <input type="checkbox"/> Divided highway, median strip <input type="checkbox"/> Divided highway, guard rail <input checked="" type="checkbox"/> Not physically divided
EMERGENCY MEDICAL SERVICES * Time (Military): Notified _____ 17:12 Arrived at Scene _____ 17:16 Arrived at Hospital _____ 17:55	
HOSPITAL INFORMATION If the victim was taken to a hospital outside of NYS, give name, county and state of that hospital: 1: ERIE - MILLARD FILLMORE SUBURBAN HOSPITAL If the victim was transferred to another hospital (after initial transportation), give the name, county and state of that hospital:	

OCCUPANT DATA

Name	Deceased Yes/No	Time of Death	Extricated Yes/No**	Type of Extrication Equip. Used	Air Bags Deployed Yes/No	Not in Vehicle	Initial Point of Impact to Vehicle***
V Driver E RENO, CHARLES E H Passenger I Passenger C Passenger L Passenger E Passenger 1	YES	18:08	YES	HYDRAULIC TOOLS	NO	NO	11 - DOOR LEFT
V Driver E MAZUREK, SHANNON M H Passenger I Passenger C Passenger L Passenger E Passenger 2	NO		NO		YES	NO	02 - FRONT CENTER
DUDLEY, AUBREY A	NO		NO		YES	NO	02 - FRONT CENTER
MAZUREK, PAIGE T	NO		NO		NO	NO	02 - FRONT CENTER
V Passenger H Passenger I Passenger C Passenger L Passenger E Passenger							

* This includes any type of EMS service (for example, fire, police, private). If you are unable to furnish the EMS data, please give the name, address and plate number of the ambulances so we can contact them:

** To be "extricated", the victim must be pried from the wreckage. Unfastening the seat belt is not considered "extricated".

*** Indicate the first area of the vehicle that was impacted, for example, right front, undercarriage.

Additional Information

SIGN HERE	Officer's Rank and Signature DEPUTY	Badge/ID No 0241	Department 01400	Precinct/Post Troop/Zone	Station/Beat/ Sector	Reviewing Officer KADERLT	Date/Time Reviewed 06/06/2016 18:27
	Print Name in Full SIMON BIEGASIEWICZ	Comm. 199-9					



MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 1, 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>Stabler, Guadalupe v. County of Erie</i>
Document Received:	EEOC Notice of Charge
Name of Claimant:	Guadalupe Stabler 84 Roundtrail Road West Seneca, New York 14218
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 Parker*
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

CHARGE OF DISCRIMINATION

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

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

☐ FEPA
☒ EEOC

525-2016-00477

New York State Division Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Guadalupe Stabler

Home Phone (Incl. Area Code)

(716) 677-0817

Date of Birth

02-01-1963

Street Address

City, State and ZIP Code

84 Roundtrail Road, West Seneca, NY 14218

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ERIE COUNTY HOLDING CENTER

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(716) 858-8090

Street Address

City, State and ZIP Code

40 Delaware Avenue, Buffalo, NY 14218

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

04-01-2015

03-28-2016

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have worked for the Respondent since on or about December 18, 2000. My current position is Registered Nurse. My date of birth is February 1, 1963. My national origin is Puerto Rican.

On or about April/May 2015 I applied for a promotion to a supervisory position but was not selected. I believe that I was not selected for the position because of my national origin and age. A Caucasian female, approximately 34 years of age, was chosen and is now my supervisor. On or about May 2015 I complained to Management by filing a grievance through my union.

Since I complained I have been subjected to more onerous working conditions, different terms and conditions of employment and frivolous disciplinary actions. I received written warnings on both March 10, 2016 and March 11, 2016 for minor infractions that have been ignored when committed by my coworkers. I believe that

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

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

NOTARY - When Qualified by State or Local Agency Requirements

Reg. No. 01BU4999160

My Commission Expires 01/15/2019

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

SIGNATURE OF COMPLAINANT

Guadalupe Stabler

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

Comm. 19D-9

Page 15 of 102

Date

Charging Party Signature

CHARGE OF DISCRIMINATION

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

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

☐ FEPA

☒ EEOC

525-2016-00477

New York State Division Of Human Rights

and EEOC

State or local Agency, if any

these events have occurred in retaliation for having complained about national origin and age discrimination in willful violation of Title VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967, as amended.

Mark T. Busha

MARK T. BUSHA

Notary Public, State of New York

Qualified in Erie County

Reg. No. 01BU4999160

NOTARY *When necessary for State and Local Agency Requirements*
My Commission Expires 01/13/20 19

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

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

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

SIGNATURE OF COMPLAINANT

Signature Stub

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 5-17-2016
(month, day, year)

Comm. 19D-9

Page 16 of 102

Date

Charging Party Signature

5/17/18

On or about April/May 2015 after I applied for the Data Entry Position, the position became unavailable. I believe that I was not selected for the position because of my national origin and age. But then a Caucasian female approximately 34 years of age gets promoted to assistant director of nursing who is my supervisor.

Guadalupe Stabler
Guadalupe Stabler



MARK T. BUSH
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01BU4999160
My Commission Expires 01/15/20

19



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

September 6, 2016

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

Dear Ms. McCarthy:

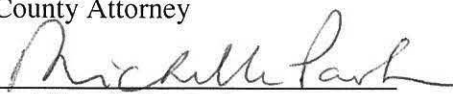
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Green Party of Erie County, et al. Erie County Board of Elections, et al.</i>
Document Received:	Order to Show Cause
Name of Claimants:	Green Party of Erie County PO Box 36 465 Grant Street Buffalo, New York 14213 Charley Tarr 347 Bird Avenue, Floor 1 Buffalo, New York 14213
Claimant's attorney:	Frank Housh, Esq. 70 Niagara Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 19D-9
Page 18 of 102

At a Special Term of the Supreme Court held in and for the County of Erie, at the Courthouse in the City of Buffalo, New York on the 2nd day of September 2016.

HON. John L. Michalski, J.S.C.
PRESIDING JUSTICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Application of

GREEN PARTY OF ERIE COUNTY
P.O. Box 36
465 Grant St.
Buffalo, New York 14213

and

CHARLEY TARR,
347 Bird Ave, Fl 1.
Buffalo, New York 14213

Petitioners,

-against-

THE ERIE COUNTY BOARD OF ELECTIONS

Leonard R. Lenihan and Ralph M. Mohr, Commissioners of and Constituting the Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

and

JAMES DEPASQUALE, JR.
7000 Erie Rd., Apt. 5
Derby, NY 14047

Respondents,

For an Order Pursuant to Section 16-110,
Of the Election Law, canceling the enrollment of James DePasquale and
Invalidating the Designating Petition
In the Green Party Primary for State Senate in the 60th District

This paper received at the
Erie County Attorney's Office
from Matthew Pilley on
the 2nd day of Sept, 2016
at 2nd a.m./p.m.
James J. Tarr
Assistant County Attorney

ORDER TO SHOW CAUSE

Index No. 2016 000129

PAID
09/02/2016/ 13:41:55
ERIE COUNTY CLERK
RCPT # 16146183
I 2016000129

**TO THE SUPREME COURT OF THIS STATE OF NEW YORK:
COUNTY OF ERIE:**

Upon the Verified Petition of the Petitioners the Green Party of Erie County and Charley Tarr, dated the 2nd day of September 2016, and

AFTER DUE DELIBERATION having been had and in order to comply with Election Law Section 16-116's requirement that these proceedings be "summarily determined" and "have preference over all other cause in all courts," it is hereby,

ORDERED, that the Respondents **SHOW CAUSE BEFORE THIS COURT**, at a Special Term, of Supreme Court, to be held in and for the County of Erie, State of New York, in the Courthouse at ✓ 25 Delaware Avenue, 50 Delaware Avenue, 92 Franklin Street, Buffalo, NY in Part 18, on the 15th day of September, 2016 at 9:30 o'clock in the a.m. / ~~p.m.~~ of that day, or as soon thereafter as counsel can be heard,

WHY an ORDER should not be made and entered herein, pursuant to Election Law Article 16, and including, but not limited to, Section 16-110, **granting the following relief against the Respondents:**

1. An Order, pursuant to Election Law Article 16 section 110, recognizing, confirming and enforcing the findings of the subcommittee of the Green Party of Erie County;
2. An Order pursuant to Election Law Article 16 section 110 directing the Erie County Board of Elections to invalidate and cancel the voter enrollment of James DePasquale, Jr., in the Green Party of Erie County; and
3. An Order directing the Erie County Board of Elections to void ab initio the designating petition of James DePasquale, Jr., for State Senate in the 60th District on the Green Party line upon the grounds that he is not a validly enrolled member of the Green Party, which is necessary for the designating petition for Mr. DePasquale to exist.

SERVICE OF PROCESS:

And it is further,

ORDERED, that service of a conformed copy of this Order to Show Cause and the underlying Verified Petition, upon the Respondent James V. DePasquale, Jr. and the Respondent Erie County Board of Elections shall be deemed good and sufficient if accomplished no later than 6 p.m. on the 6th day of September 2016 as follows:

1. Respondent-Candidate JAMES V. DEPASQUALE, Jr.:

By delivery to James V. DePasquale, Jr. by overnight delivery service (as defined by CPLR § 2103(b)(6)) to him at 7000 Erie Road, Apt. D5, Derby, New York 14047, by overnight delivery service complete by delivery to the delivery service provider by the time and date above-stated and by affixing a copy of this Order to Show Cause and the accompany Verified Petition to the same residence; and

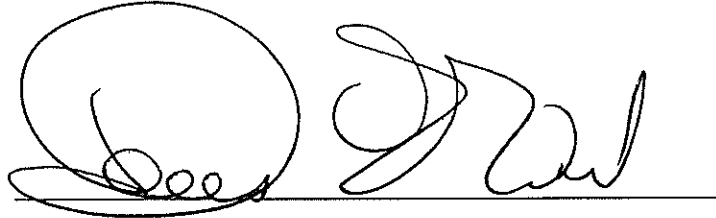
2. Respondent ERIE COUNTY BOARD OF ELECTIONS:

By delivery to a person authorized to accept service at the offices of such Respondent ERIE COUNTY BOARD OF ELECTIONS at 134 West Eagle Street, Buffalo, NY 14202 in a manner authorized by CPLR Section 308 or by overnight delivery service (as defined by CPLR § 2103(b)(6)) to the Board at 134 West Eagle Street, Buffalo, NY 14202 with such overnight delivery service complete by delivery to the delivery service provider by the time and date above-stated, or service upon any Commissioner of Elections, or at the office of the County Attorney, counsel for the Erie County Board of Elections, 69 Delaware Ave, Buffalo, New York 14202.

RESPONSIVE PAPERS

and it is further

ORDERED, that the Respondents shall file their verified answer to the petition, and affidavits or other responding papers, including motion papers, to the Court and deliver them to Petitioner' counsel, no later than ~~the~~ 5 ~~a.m.~~ / p.m. the 13th day of September 2016; and it is further



DENNIS E. WARD, J.S.C.
Justice of the Supreme Court
County of Erie

1/A/D Hon. John L. Michalski

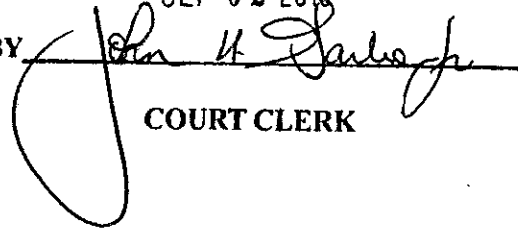
GRANTED: September __, 2016

Court Clerk

GRANTED

SEP 02 2016

BY



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

September 6, 2016

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

Dear Ms. McCarthy:

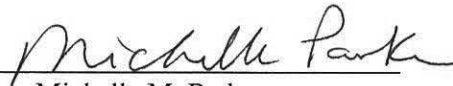
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Smaszcz, Genevieve M. -- Keybank National Association v. Smaszcz, County of Erie, et al.</i>
Document Received:	Summons and Complaint
Name of Plaintiff:	Keybank National Association
Plaintiff's Attorney:	Robert Kurzatkowski, Esq. Clarfield, Okon, Salomone & Pincus, P.L. 425 RXR Plaza Uniondale, New York 11556

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.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

KEYBANK NATIONAL ASSOCIATION,

SUMMONS

INDEX #

Original filed with Clerk

Plaintiff Designates Erie County
as the Place of Trial

Plaintiff,

-against-

The Basis of Venue is that the
subject action is situated Erie
County

GENEVIEVE M. SMASZCZ; HSBC MORTGAGE
CORPORATION (USA); THE ERIE COUNTY
DEPARTMENT OF SOCIAL SERVICES; THE
COUNTY OF ERIE, A MUNICIPAL CORPORATION
and JOHN DOE AND JANE DOE #1 through #7, the
last seven (7) names being fictitious and unknown to the
Plaintiff, the persons or parties intended being the
tenants, occupants, persons or parties, if any, having or
claiming an interest in or lien upon the mortgaged
premises described in the Complaint,

Premises:
205 North Avenue
West Seneca, NY 14224

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a
copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of
appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this Summons,
exclusive of the day of service (or within 30 days after the service is complete if this Summons is
not personally delivered to you within the State of New York); the United States of America may
appear or answer within 60 day of service hereof; and in case of your failure to appear or answer,
judgment will be taken against you by default for the relief demanded in the Complaint.

Help for Homeowners in Foreclosure

New York State Law requires that we send you this notice about the foreclosure process. Please read it carefully.

SUMMONS AND COMPLAINT

You are in danger of losing your home. If you fail to respond to the summons and complaint in this foreclosure action, you may lose your home. Please read the summons and complaint carefully. You should immediately contact an attorney or your legal aid office to obtain advice on how to protect yourself.

SOURCES OF INFORMATION AND ASSISTANCE

The State encourages you to become informed about your options in foreclosure. In addition to seeking assistance from an attorney or legal aid office, there are government agencies and non-profit organizations that you may contact for information about possible options, including trying to work with your lender during this process.

To locate an entity near you, you may call the toll-free helpline maintained by the New York State Department of Financial Services at 1-800-269-0990 or visit the Department's website at <http://www.dfs.ny.gov>.

FORECLOSURE RESCUE SCAMS

Be careful of people who approach you with offers to "save" your home. There are individuals who watch for notices of foreclosure actions in order to unfairly profit from a homeowner's distress. You should be extremely careful about any such promises and any suggestions that you pay them a fee or sign over your deed. State law requires anyone offering such services for profit to enter into a contract which fully describes the services they will perform and fees they will charge, and which prohibits them from taking any money from you until they have completed all such promised services.

NOTICE OF RIGHTS

YOU ARE HEREBY PUT ON NOTICE THAT WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

THE AMOUNT OF THE DEBT AS OF 07/31/2016: \$47,583.52 CONSISTING OF PRINCIPAL BALANCE OF \$46,024.49 PLUS INTEREST OF \$937.84, ESCROW/IMPOUND SHORTAGES OR CREDITS OF \$451.41, LATE CHARGES OF \$53.28; BROKER'S PRICE OPINION, INSPECTION AND MISCELLANEOUS CHARGES OF \$116.50; SUSPENSE BALANCE OF \$(0). BECAUSE OF INTEREST, LATE CHARGES, AND OTHER CHARGES THAT MAY VARY FROM DAY TO DAY, THE AMOUNT DUE ON THE DAY YOU PAY MAY BE GREATER. HENCE, IF YOU PAY THE AMOUNT SHOWN THEREIN, AN ADJUSTMENT MAY BE NECESSARY AFTER WE RECEIVE YOUR CHECK, IN WHICH EVENT WE WILL INFORM YOU BEFORE DEPOSITING THE CHECK FOR COLLECTION. FOR FURTHER INFORMATION, PLEASE CONTACT THE LAW FIRM LISTED BELOW.

THE NAME OF THE CREDITOR TO WHOM THE DEBT IS OWED: KEYBANK NATIONAL ASSOCIATION.

UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF, WITHIN THIRTY (30) DAYS AFTER RECEIPT HEREOF, THE DEBT WILL ASSUMED TO BE VALID BY CLARFIELD, OKON SALOMONE & PINCUS, P.L.

IF YOU NOTIFY THE HEREIN DEBT COLLECTOR WITHIN THIRTY (30) DAYS AFTER YOUR RECEIPT HEREOF THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, WE WILL OBTAIN VERIFICATION OF THE DEBT OR A COPY OF ANY JUDGMENT AGAINST YOU REPRESENTING THE DEBT AND A COPY OF SUCH VERIFICATION OR JUDGMENT WILL BE MAILED TO YOU BY THE HEREIN DEBT COLLECTOR.

UPON YOUR REQUEST, WITHIN SAID THIRTY (30) DAY PERIOD, THE HEREIN DEBT COLLECTOR WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.

NOTE: YOUR TIME TO RESPOND TO THE SUMMONS AND COMPLAINT DIFFERS FROM YOUR TIME TO DISPUTE THE VALIDITY OF THE DEBT OR TO REQUEST THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR. ALTHOUGH YOU HAVE AS FEW AS 20 DAYS TO RESPOND TO THE SUMMONS AND COMPLAINT DEPENDING UPON THE METHOD OF SERVICE, YOU STILL HAVE 30 DAYS

FROM RECEIPT HEREOF TO DISPUTE THE VALIDITY OF THE DEBT AND TO REQUEST THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR.

IF YOU HAVE RECEIVED A DISCHARGE FROM THE UNITED STATES BANKRUPTCY COURT, AND YOU HAVE NOT REAFFIRMED YOUR LIABILITY FOR THIS DEBT, YOU ARE NOT PERSONALLY LIABLE FOR THE UNDERLYING INDEBTEDNESS OWED TO PLAINTIFF/CREDITOR AND THIS NOTICE/DISCLOSURE IS FOR COMPLIANCE AND INFORMATIONAL PURPOSES ONLY.

DEBT COLLECTORS, IN ACCORDANCE WITH THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 ET SEQ., ARE PROHIBITED FROM ENGAGING IN ABUSIVE, DECEPTIVE, AND UNFAIR DEBT COLLECTION EFFORTS, INCLUDING BUT NOT LIMITED TO (I) THE USE OR THREAT OF VIOLENCE; (II) THE USE OF OBSCENE OR PROFANE LANGUAGE; AND (III) REPEATED PHONE CALLS MADE WITH THE INTENT TO ANNOY, ABUSE, OR HARASS.

IF A CREDITOR OR DEBT COLLECTOR RECEIVES A MONEY JUDGMENT AGAINST YOU IN COURT, STATE AND FEDERAL LAWS MAY PREVENT THE FOLLOWING TYPES OF INCOME FROM BEING TAKEN TO PAY THE DEBT:

- A. SUPPLEMENTAL SECURITY INCOME, (SSI);
- B. SOCIAL SECURITY;
- C. PUBLIC ASSISTANCE (WELFARE);
- D. SPOUSAL SUPPORT, MAINTENANCE (ALIMONY) OR CHILD SUPPORT;
- E. UNEMPLOYMENT BENEFITS;
- F. DISABILITY BENEFITS;
- G. WORKERS' COMPENSATION BENEFITS;
- H. PUBLIC OR PRIVATE PENSIONS;
- I. VETERANS' BENEFITS;
- J. FEDERAL STUDENT LOANS, FEDERAL STUDENT GRANTS, AND FEDERAL WORK STUDY FUNDS; AND
- K. NINETY PERCENT OF YOUR WAGES OR SALARY EARNED IN THE LAST SIXTY DAYS.

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this Summons and Complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

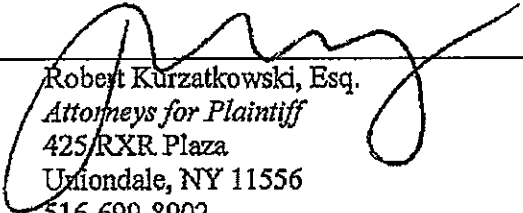
YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF KEYBANK NATIONAL ASSOCIATION AND FILING THE ANSWER WITH THE COURT.

Dated: Uniondale, New York
August, 2016

Respectfully submitted,

Clarfield, Okon, Salomone & Pincus, P.L.

By: _____


Robert Kurzatkowski, Esq.
Attorneys for Plaintiff
425 RXR Plaza
Uniondale, NY 11556
516-699-8902

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

KEYBANK NATIONAL ASSOCIATION,

COMPLAINT

INDEX #

Plaintiff,

-against-

GENEVIEVE M. SMASZCZ; HSBC MORTGAGE CORPORATION (USA); THE ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES; THE COUNTY OF ERIE, A MUNICIPAL CORPORATION and JOHN DOE AND JANE DOE #1 through #7, the last seven (7) names being fictitious and unknown to the Plaintiff, the persons or parties intended being the tenants, occupants, persons or parties, if any, having or claiming an interest in or lien upon the mortgaged premises described in the Complaint,

Defendants.

Plaintiff, KEYBANK NATIONAL ASSOCIATION, by its attorneys, complaining of the Defendants, alleges upon information and belief as follows:

1. That the Plaintiff herein is, and at all times hereinafter mentioned was organized and existing under and by virtue of the laws of the United States of America.

2. On April 23, 2003, the Defendant, GENEVIEVE M. SMASZCZ (hereinafter "Mortgagor"), executed and delivered to HSBC MORTGAGE CORPORATION (USA), a Note (hereinafter "the Note") in the principal sum of \$65,900.00. A copy of the Note is annexed hereto as Exhibit "A".

3. On April 23, 2003, the Mortgagor executed and delivered to HSBC MORTGAGE CORPORATION (USA), a Mortgage (hereinafter "the Mortgage") in the principal sum of \$65,900.00 with interest, mortgaging the premises known as 205 North Avenue, West Seneca,

NY 14224 ("the Premises") as collateral security for the Note. The mortgaged premises are more fully described in Exhibit "B" annexed hereto.

4. The subject mortgage was recorded on April 24, 2003, in Official Records Book 13067 at Page 0475, of the Public Records of Erie County, New York and the Mortgage Tax was duly paid. A copy of the Mortgage is annexed hereto as Exhibit "C". Thereafter, said mortgage was assigned on February 7, 2012 to HSBC BANK USA, N.A. and said assignment was recorded in the Erie County Clerk's Office on March 16, 2012 in Page 13573, Page 868. Said mortgage was further assigned on July 16, 2012 to KEYBANK NATIONAL ASSOCIATION and said assignment was recorded in the Erie County Clerk's Office on August 22, 2012 in Book 13596, Page 2469. Thereafter said mortgage was assigned by duplicate assignment on November 11, 2014 to KEYBANK NATIONAL ASSOCIATION and said assignment was recorded in the Erie County Clerk's Office on December 10, 2014 in Book 13705, Page 3005. Copies of the Assignments are annexed hereto as Exhibit "D". Plaintiff is the holder of the promissory note at issue in this proceeding and has the right to foreclose.

5. Prior to the filing the complaint, Plaintiff or Plaintiff's agent was in possession and control of the original promissory note.

6. Pursuant to the Note, the Mortgagor promised to make consecutive monthly payments in initial amounts of \$295.92 each month, representing principal and interest, commencing on June 1, 2003, with subsequent payments to be made in accordance with the terms of the Note on the first day of each succeeding month to and including May 1, 2033 until the entire principal amount and accrued interest shall be due and payable.

7. Pursuant to the Mortgage, the Mortgagor promised to pay, in addition to principal and interest, all amounts necessary to pay for taxes, assessments, leasehold payments or ground rents (if any), hazard insurance and mortgage insurance.

8. The Mortgagor defaulted on their obligation under the terms of the Note and Mortgage by failing and omitting to pay to the Plaintiff payments due on February 1, 2016 and said default has continued for a period in excess of fifteen (15) days.

9. Plaintiff notified the Mortgagor of the default under the terms of the Note and Mortgage however, the Mortgagor failed to remedy the default. As a result of the Mortgagor failure to remedy the default, the Plaintiff elected to declare the entire principal balance due and owing. A copy of the Notice of Default is annexed hereto as Exhibit "E".

10. Pursuant to the terms of the Note and Mortgage, the Plaintiff has elected and does hereby elect to declare the entire principal balance to be due and owing.

11. By reason of the foregoing, there is now due and owing from the Mortgagor to Plaintiff the principal sum of \$46,024.49 plus interest and late charges.

12. The Note provides that in the event any installment shall become overdue for a period in excess of fifteen (15) days a late charge of 2.00% on the overdue sum may be charged for the purpose of defraying the expense in handling such delinquent payment.

13. The Mortgage further provides that in the event of default by the Mortgagor, Plaintiff may recover all costs, including reasonable attorneys' fees, disbursements, and allowances provided by law in bringing any action to protect its interest in the premises.

14. Plaintiff shall not be deemed to have waived, altered, released or changed the election hereinbefore made by reason of the payment after the date of commencement of this action of any or all of the defaults mentioned herein, and such election shall continue and remain effective until the costs and disbursements of this action and any and all future defaulted payments under the aforesaid Note and Mortgage occurring prior to the discontinuance of this action are fully paid.

15. That in order to protect its security, the Plaintiff may be compelled during the pendency of this action to pay taxes, assessments, water, sewer charges, insurance premiums, and other charges for the protection of the premises, and the Plaintiff requests that any sums so paid by it shall be added to the sum otherwise due herein and be deemed secured by said Mortgage and adjudged a valid lien on the premises described herein.

16. The Plaintiff is now and was at the commencement of the within action the sole, true and lawful owner of said Note and Mortgage securing the same or has been delegated the authority to institute a mortgage foreclosure action against the homeowner by the owner and holder of the subject Mortgage and Note, and the within subject Mortgage complies with the underwriting standards in §6-m of the Banking Law, as well as the pre-foreclosure notice requirements, unless exempt from doing so.

17. Plaintiff has complied with all provisions of Banking Law §§ 595-a, 6-1 and 6-m, and any rules and regulations promulgated thereunder, if applicable.

18. Plaintiff has complied with Real Property Actions and Proceedings Law §§ 1304 and 1306, if applicable. The tracking number provided by the New York State Department of

Financial Services for the reporting is NYS3848984. Copies of the notices required by RPAPL § 1304 are collectively annexed hereto as Exhibit "F".

19. That each of the Defendants, including but not limited to the aforementioned Defendants, have or claim to have some interest in, or lien upon, the said mortgaged premises or some part thereof, which interest or lien, if any, is subject and subordinate to the lien of the Plaintiff's Mortgage. Copies of the subordinate mortgages are annexed hereto as Exhibit "G".

20. That each and all defendants herein have or claim to have some interest in, or lien upon the said mortgaged premises or some part thereof, which interest or lien, if any, has accrued subsequently to the lien of said mortgage, and is subject subordinate thereto. The liens of defendants who are judgment creditors that were filed prior to origination of the mortgage are subordinate to the lien of Plaintiff inasmuch as Plaintiff's mortgage is a purchase money mortgage.

21. That any government agencies or instrumentalities are named as defendants herein solely by reason of a lien as set forth herein, if applicable.

22. That if the premises consist of more than one parcel, Plaintiff respectfully requests that the judgment of foreclosure provide for the parcels be sold as one parcel.

23. There are no pending proceedings at law or otherwise to collect or enforce said Note and Mortgage.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

A. That the Defendants and all persons claiming under them, or any of them, subsequent to the filing of the Notice of Pendency of this action and the recording of the mortgage in the Office of the Clerk of Erie County, the county in which said mortgaged premises are located, and every person whose conveyance or encumbrance is subsequent or subsequently recorded or subordinate, be forever barred or foreclosed of any and all right, title, claim, lien and equity of redemption of the said mortgaged premises and each and every part thereof;

B. that the premises be sold according to law;

C. that the amount due to Plaintiff on its Note and Mortgage may be adjudged;

D. that the monies received from the sale may be brought into Court;

E. that Plaintiff be paid the amount adjudged to be due it with interest thereon to the time of such payment, together with the costs and disbursements of this action, together with

Plaintiff's attorneys' fees, late charges, escrow advances and the expenses of said sale to the extent that the amount of such monies applicable thereto will pay the same;

F. that this Court, if requested, forthwith appoints a Receiver of the rents and profits of said premises and the usual powers and duties;

G. unless the Defendant, GENEVIEVE M. SMASZCZ, has been discharged by the United State Bankruptcy Court for the underlying indebtedness owed to Plaintiff, that the Defendant, be adjudged to pay any deficiency which may remain after applying all of such monies as aforesaid in accordance with the law made and provided that Plaintiff have execution therefore;

H. Plaintiff specifically reserves its rights to share in any surplus monies arising from the sale of subject premises by virtue of its position as a judgment or other lien creditor excluding the Mortgage being foreclosed herein; and

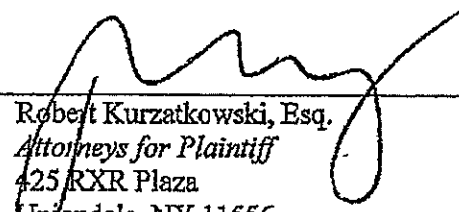
I. that the Plaintiff have such other and further relief as may be just and equitable together with the costs, allowances and disbursements of this action.

Dated: Uniondale, New York
August 4, 2016

Respectfully submitted,

Clarfield, Okon, Salomone & Pincus, P.L.

By: _____


Robert Kurzatkowski, Esq.
Attorneys for Plaintiff
425 RXR Plaza
Uniondale, NY 11556
516-699-8902



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

September 7, 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>Scanio, Christina v. Erie County Sheriff's Office</i>
Document Received:	NYS Div of Human Rights Charge of Discrimination
Name of Claimant:	Christina Scanio 4786 Mosey Lane Blasdell, New York 14219
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 Parker*
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

CHRISTINA SCANIO,

Complainant,

v.

ERIE COUNTY, SHERIFF'S OFFICE,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10183428

Federal Charge No. 16GB604057

I, Christina Scanio, residing at 4786 Mosey Lane, Blasdell, NY, 14219, charge the above named respondent, whose address is 95 Franklin St., Rm. 1634, Buffalo, NY, 14202 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 sex, opposed discrimination/retaliation.

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

See attached complaint.

**New York State Division of Human Rights
Complaint Form**

RECEIVED

AUG 24 2016

NYSDHR BUFFALO
REGIONAL OFFICE

CONTACT INFORMATION

My contact information:

Name: Christina Scanio

Address: 4786 Mosey Lane Apt or Floor #: _____

City: Blasdell State: NY Zip: 14219

REGULATED AREAS

I believe I was discriminated against in the area of:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Employment | <input type="checkbox"/> Education | <input type="checkbox"/> Volunteer firefighting |
| <input type="checkbox"/> Apprentice Training | <input type="checkbox"/> Boycotting/Blacklisting | <input type="checkbox"/> Credit |
| <input type="checkbox"/> Public Accommodations
(Restaurants, stores, hotels, movie
theaters amusement parks, etc.) | <input type="checkbox"/> Housing | <input type="checkbox"/> Labor Union, Employment
Agencies |
| <input type="checkbox"/> Commercial Space | <input type="checkbox"/> Internship | |

I am filing a complaint against:

Company or Other Name: Erie Co. Sheriff's Dept.

Address: 10 Delaware Avenue

City: Buffalo State: NY Zip: 14202

Telephone Number: 716 858 7618
(area code)

Individual people who discriminated against me:

Name: See Attached Name: _____

Title: _____ Title: _____

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 04 16 16
month day year

BASIS OF DISCRIMINATION

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



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

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and 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 (Does not apply to Public Accommodations) Date of Birth:	<input type="checkbox"/> Genetic Predisposition (Employment only) Please specify:
<input type="checkbox"/> Arrest Record (Only for Employment, Licensing, and Credit) Please specify:	<input type="checkbox"/> Marital Status Please specify:
<input type="checkbox"/> Conviction Record (Employment and Credit only) 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 checked="" type="checkbox"/> Sex Please specify: <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Domestic Violence Victim Status: (Employment only) Please specify:	<input type="checkbox"/> Sexual Orientation Please specify:
<input type="checkbox"/> Familial Status (Does not apply to Public Accommodations or Education) Please specify:	<input checked="" type="checkbox"/> Retaliation (If you filed a discrimination case before, or helped someone else with a discrimination case, or reported discrimination due to race, sex, or any other category listed above) Please specify: See attached.



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.

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.

☐ 1-3 ☐ 4-14 ☒ 15 or more ☐ 20 or more ☐ Don't know

☒ **Yes**

Date of hire: 04 2009
Month day year

What is your job title? Deputy Sheriff

Last day of work: (_____)
Month day year

What was your job title? _____

Date of application: (_____) _____
Month day year

- ☐ 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: Please see attached.

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.

Please see attached complaint narrative which details events in full.

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.

CHRISTINA SCANIO v. ERIE COUNTY SHERIFF'S DEPARTMENT

I, Christina Scanio, residing at 4786 Mosey Lane, Blasdell, New York 14219, charge Erie County Sheriff's Department, whose address is 10 Delaware Avenue, Buffalo, New York 14202, with an unlawful discriminatory practice relating to employment on the basis of sex/gender in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law), §296(a)(1), Title VII of the Civil Rights Act of 1964, as amended.

The allegations are:

PROTECTED CLASS: Sex/Gender, Retaliation

1. I am female.
2. I was hired by Respondent Erie County Sheriff's Department ("Respondent" or "the County") in April 2009 and hold the position of Deputy Sheriff. I am qualified for my job.
3. I have a separate complaint against Respondent before this Agency for unlawful discrimination that arose during my pregnancy in 2015. The Case Number for that matter is 10178874. The charge received a finding of *probable cause* on June 1, 2016 and is currently awaiting administrative hearing.
4. The instant complaint is one of sex/gender discrimination and retaliation that started upon my return to work from pregnancy leave.
5. In July 2015, I started a long-term unpaid leave. This long term leave was necessitated by Respondent's denial of a reasonable accommodation during my pregnancy. Before going on leave, however, I attempted to arrange pumping accommodations since I planned to breastfeed once my baby was born.
6. Shortly before I returned to work in April 2016, I again tried to arrange my pumping accommodations with Respondent. I encountered confusing, conflicting information when I dealt directly with Respondent and my Union, so, on March 29, 2016, I, through counsel, sent a letter to Respondent's attorney to confirm my intentions to assert my state lactation rights upon my return to work.
7. In this letter, I communicated my understanding that I would have a private, partitioned area in a locked locker room. I asserted my understanding that no other employees, staff, or inmate contact will occur in this space while I was pumping. I also asserted my understanding that the two permitted personnel who had access to this space would not access this private lactation space while I was pumping.

8. I, through counsel, also noted that under the New York State Department of Labor Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place, I had a right to a space, at a minimum, where the employer "may make available a cubicle for use by individuals expressing breast milk, provided the cubicle is fully enclosed with a partition and is not otherwise accessible to the public or other employees while it is in use for expression purposes. The cubicle walls shall be at least seven feet tall to insure the nursing employee's privacy."
9. Since the pumping space Respondent intended to provide was a partitioned space in a locker room, I sought to ensure that this space was adequately private under state labor guidelines.
10. In the March 29th letter to Respondent, I further expressed my understanding that I would be allowed reasonable pumping breaks during my shifts as required under state law. I informed Respondent that, at that time, I anticipated pumping no later than every three hours at work.
11. I further expressed my understanding that I would be provided a locked refrigerator in this area by my union where I could safely store my expressed breastmilk, and my understanding that I would be able to sanitize my pump parts after each pump break at a nearby sink outside of this locker room location, as there was no sink in this area.
12. Following my letter, Respondent's counsel responded to my letter in writing stating that the lactation area was in a private locker room (reserved for female supervisors; the two supervisors are currently assigned to nights), that it could be locked so it need not be partitioned; and that the union did not furnish a refrigerator as it agreed, so the Sheriff's Office supplied that instead.
13. Upon receipt of Respondent's response, I believed it to be incorrect as my Union representative had informed me that the Union purchased the refrigerator and that he had physically observed the partition in the women's locker room.
14. Nevertheless, I was encouraged that Respondent was in receipt of my notification and hopeful that I would not experience any problems vis-à-vis my pumping accommodations when I returned to work.
15. I returned to work on Monday, April 4, 2016. Immediately upon my return to work, I began experiencing problems. Although my Union told me before I returned that I would be able to "keep" the pumping room key with me at work each day, Respondent demanded that I return the key to it after each pumping session. Picking up and returning

the key cut into my pumping break time. Further, being out of possession of the room key made me fear that others would attempt to surreptitiously gain access to my pumping area and stored milk.

16. Respondent also ordered me to return the key to the refrigerator used to store my breastmilk in my pumping room. Captain Philip Kuppel instructed me to return both keys to Respondent and only allowed me to check them out as needed. This caused me tremendous anxiety about the safety and security of my ability to pump and store breastmilk at work. I immediately voiced my concerns to my Union.
17. The next day, on April 5th, I continued to experience problems with obtaining the refrigerator key. I raised the issue with Deputy Klein, who was in Central Control at the time. As Deputy Klein and I were speaking, Deputy Randolph interrupted and asked me "what the problem was." I responded, stating that I was having trouble gaining access to the pumping room refrigerator.
18. In response, Deputy Randolph remarked "they probably think you store your lunch in the fridge" and then joked that he wanted to store a 12-pack of beer in the refrigerator. As Deputy Randolph said this, Sergeant Cutrona plugged his ears and pretended not to hear any of Deputy Randolph's remarks.
19. Deputy Randolph continued his inappropriate comments, and referring to my breast milk, asked me if he could have "some creamer for [his] coffee," He continued, saying that if I did not give him "creamer" for his coffee, he wouldn't help me with the key issue.
20. I was shocked and humiliated by Deputy Randolph's offensive comments.
21. I again complained and at the end of the day was told by 1st Deputy Superintendent John Rodriguez that I could hold on to the key throughout the day.
22. On April 6, 2016, shortly after reporting to my shift, I spoke with Deputy Gugino and Deputy Thompson on Gulf South. I told them that I would be pumping throughout the day and would be on and off the unit, at which time Deputy Gugino held up his coffee cup and asked "can I get some creamer for my coffee?" I responded that I would "pretend that I didn't hear that." When Deputy Gugino asked why, I told him that I found his comment offensive to which he replied that he was only "joking."
23. On April 7th, I reported to work to find my pumping room had not been cleaned. I complained to my Union, and was told Captain Kuppel said the room would be cleaned the following Thursday and was added to the maintenance schedule.

24. The issues with my ability to pump at work escalated on April 11, 2016, when another Sergeant, Jennifer Weyand Garrett, entered the pumping room while I was pumping. Despite there being a sign on the door noting that the room was occupied, Sergeant Weyand Garrett entered and remained in the room for over fifteen minutes while I pumped.
25. During that time, she opened mail and puttered around the room with seemingly no real purpose for being there beyond making me uncomfortable. Because the partition was only five-feet tall, I could clearly see Sergeant Weyand Garrett and she could clearly see me.
26. On April 12, 2016, I submitted a written complaint about the April 5th, 6th, and 11th incidents, including the inappropriate remarks equating my breastmilk with coffee creamer and Sergeant Weyand Garrett barging in during my pumping session. I submitted my complaints on a "pink sheet" to Lieutenant Lodestro.
27. On April 13, 2016, I received a letter from Superintendent Thomas Diina stating that he was in receipt of my complaints and that my complaints were forwarded to the Professional Standards Division, as well as Erie County EEO for investigation.
28. Around this time, Respondent created a logbook for my pumping sessions.
29. On April 13th, I met with 1st Deputy Superintendent John Rodriguez about the "milk expressing logbook." Upon information and belief, past lactating female employees were not required to sign in and out for their pumping sessions.
30. During our meeting, I told Mr. Rodriguez how distressed and uncomfortable these incidents made me and how the stress could—and did—negatively affect my milk supply. During the incident with Sergeant Weyand Garrett, I tensed up so much that I was not able to produce as well as I regularly did.
31. During this meeting, Mr. Rodriguez asked me to adjust my pumping schedule to accommodate the night shift Sergeants so they could access the pumping room during my shift. I explained that I needed to continue pumping on a set schedule and the reasons for doing so—that I needed to avoid engorgement and maintain consistency in my milk production so that I could meet my son's needs.
32. Mr. Rodriguez responded that he knows I've had a "hard time" with Respondent and that he would "personally" help me. He then asked how my baby was doing, but never actually helped resolve the issues with the pumping room.

33. That same day, I entered my pumping room to find plastic shower curtains crudely hanging around my pumping partition. The shower curtains were tucked into the ceiling and emitted a noxious chemical smell, which was worsened by the fact that room does not have any windows or proper ventilation.
34. Shortly after entering the room to pump, I got a migraine. I immediately complained about the fumes and lack of ventilation. Respondent then took the curtains down and said they would be replaced with inmate bed sheets.
35. On April 17, 2016, Respondent hung the bed sheets around my partition.
36. At no point did Respondent provide me with a partition of appropriate height as required by the Department of Labor Guidelines.
37. On April 18th, I called Deputy Klein about cleaning the pumping room as it still had not yet been cleaned. Again on this same day, Sergeant Weyand Garrett twice walked in on me while I was pumping and while the privacy sign was on the door of the pumping room.
38. On April 19, 2016, I filed a "pink sheet" with Captain Hartman complaining that my pumping room had not yet been cleaned and briefed him on everything else that happened with the pumping room while he was on vacation. He and Sergeant Jenkins then visited the pumping room to observe its conditions and informed me that they would look into "other options" for me.
39. On April 22nd, I visited my primary care physician because of the stress related to my job and pumping accommodations. I reported my increased stress, anxiety, and its negative effects on my milk production.
40. On April 27th, I again asked for the pumping room to be cleaned. I was told by Lieutenant Paul Glinski that per Captain Kuppel the pumping room was only to be cleaned on Thursdays and if I needed it cleaned any other day that Lieutenant Glinski had to email for the Captain's approval and see what happens.
41. Around this time, other officers began telling employees that I was a complainer and to "watch what you say around Deputy Scanio" because "she will go and report it."
42. I complained to Respondent about these statements—made by Lieutenant Franklin—as I believed they were harassing and retaliatory for all of my protected activity.

43. On Sunday May 1st during my shift, I spilled milk on the floor while pumping. There were no cleaning materials in my pumping room and I had nothing to clean the spill, so on Monday May 2nd, I notified Lieutenant Lodestro and Lieutenant Glinski that I needed the room cleaned.
44. In response, I was asked why the room needed to be cleaned. I was embarrassed by the question, given the nature of the room's function, but I explained that I had spilled breastmilk on the floor when one of my bottles fell off while I was pumping. I also stated that I believed the room should be cleaned daily for health reasons.
45. I also spoke with Captain Hartman about the pumping room's cleanliness issues. He too asked me why the room needed to be cleaned, and I again explained the incident with my milk bottles and the indignity of having to do so. Captain Hartman said he would get me some cleaning supplies and that I would have to clean the room myself on a regular basis.
46. On May 3, 2016, I arrived at the pumping room to find the cleaning supplies Respondent provided me. The "cleaning supplies" provided included only a plastic bottle of air freshener and a stack of paper towels. I told Lieutenant Glinski that the supplies were insufficient and that my pumping room was not a bathroom—I did not need air freshener, but actual surface cleanser.
47. On May 7th, I reported to the pumping room at 8:00 AM and found one quarter of a can of disinfectant spray.
48. On May 9, 2016, I was again walked in on while pumping by Sergeant Weyand Garrett. I stopped pumping mid-session because I felt uncomfortable and violated. I completed a pink sheet and went to see Captain Hartman in Administration, but he was already gone for the day. I spoke with Chief Harris and told him I would return to complain in the morning.
49. On May 10, 2016, I spoke with Captain Hartman in the hallway outside of Central Control. I told him that I had another pink sheet for him and that Sergeant Weyand Garrett had again walked in on me while pumping.
50. Captain Hartman asked me to "work with them" and that there was nothing they could do about the privacy issue, stating that it was shift change and that the Sergeant needed to get to her locker. I explained to Captain Hartman that each time Sergeant Weyand Garrett entered the room while I was pumping, she remained there for at least fifteen minutes.

51. I told him I become highly stressed and anxious when others enter the room while I pump, that it is highly uncomfortable for me, and that I don't like it. I also told Captain Hartman that the law requires that my pumping space be private. Captain Hartman responded that he would take the pink sheet but "couldn't do anything" because "[Sergeant Weyand Garrett] has a point and so do [I]."
52. Captain Hartman then told me he was working on getting an actual pumping room for me and that it would have appropriate accommodations. He then told me that, while he had me there, I should know that administration launched an investigation into my pumping schedule.
53. Captain Hartman continued on to share that Administration had reviewed the milk expression logbook, averaged my times, and that Administration felt I was "taking too many breaks," taking "too long" on my breaks, and that was "taking advantage of my breaks."
54. I felt shocked and violated. I responded to Captain Hartman that the law entitles me to reasonable pumping breaks—up to three in an eight-hour shift—that the breaks depend on the nursing mother and her frequency, and that I am entitled to breaks of reasonable duration.
55. I reminded Captain Hartman that Respondent allowed a previous pumping Deputy, Melody Carabello, hour-long pumping breaks. Upon information and belief, Deputy Carabello was not required to document her breaks in a logbook. I also explained that my pumping time fluctuates depending on my milk supply.
56. Captain Hartman concluded by stating that he found that I was not taking excessive breaks and that three times per day was "OK."
57. On Wednesday, May 11th, Captain Hartman informed me that it was not safe for Respondent to keep disinfectant spray around food and since my breastmilk is considered food, he would need Maintenance to remove the disinfectant and replace it with another cleanser. I was again distressed by Respondent's failures to provide me with safe, sanity pumping accommodations.
58. That same day, I called Ernie Haye at Professional Standards Division to check on the status of my April complaint. Mr. Haye responded that he "couldn't help" me, that I "definitely had a case," but that "sometimes they need more information." I told Mr. Haye how odd it was that I had not yet received any follow-up from PSD or EEO on my complaint given EEO's typical policy and procedures.

59. On Thursday May 12th, Respondent again failed to clean the pumping room despite it being the assigned day to do so.
60. On May 16th, when I next returned to work, I notified Lieutenant Glinski that the pumping room had not been cleaned. Lieutenant Glinski responded that Maintenance cleaned the room after I left work on the 12th, but the key sign-out sheet did not reflect this.
61. Around this time, Respondent gave us new lockers, which added time on to my pumping breaks since I had to travel farther to access my supplies and to *still* a different space to wash my supplies, and clean the actual pumping room.
62. On May 16th, Sergeant Weyand Garrett again walked into the room while I was pumping despite the privacy sign being on the door. Because Respondent had recently reconfigured my pumping area, there was a gap between the partition and the outside lockers where my chair sat. This created a gap that put me in clear view of anyone who entered the pumping room. At this time, Sergeant Weyand Garrett could clearly see me pumping through the gap. This made me intensely uncomfortable and I immediately stopped pumping.
63. Afterward, I again submitted additional written complaints about the continuous intrusions into the pumping room.
64. Throughout this time, other Deputy Sheriffs began giving me problems at work. I believe the retaliation for my exercise of my workplace lactation rights extended to my fiancé, Deputy Sheriff Joe Ganci, as well. Several colleagues refused to relieve me for my pumping breaks and Respondent began requiring Deputy Ganci to relieve me for my breaks, even when there was other relief more readily available.
65. One time, Deputy Ganci was pulled from his construction security job to come relieve me, and was told that, in turn, another deputy would relieve him. Respondent's hostility surrounding my exercise of my lactation rights was palpable.
66. On Saturday June 11, 2016, I entered my pumping room to find dirty floors and the garbage can overflowing. It was evident that Respondent had not cleaned the room the prior Thursday, despite Respondent's statements that the room would be cleaned on Thursdays.
67. In early July, Respondent also issued me a "Record of Counseling" after I went home on my lunch break to retrieve additional pumping supplies. I did so after Respondent mandated me to work a sixteen-hour shift. I believed this Counseling to be yet another

instance of retaliation for my exercising of my workplace lactation rights. I also believed Respondent was retaliating against me for my earlier Agency complaint related to my pregnancy.

68. On August 15, 2016, Captain Hartman called me in to his office. When I sat down, he told me that I was not going to like what he was about to say and that "no one else" wanted to tell me. Captain Hartman proceeded to tell me that Respondent had enacted a new policy for nursing mothers and that, pursuant to the new policy, I would be limited to thirty-five-minute pumping breaks.
69. Captain Hartman also told me that, pursuant to its new policy, Respondent would begin docking my pay for any pump breaks that I took outside of my paid lunch break.
70. Upon information and belief, Respondent has never docked the pay of another pumping employee. Respondent's past practice involves paying nursing mothers for their lactation breaks.
71. Upon information and belief, Respondent has permitted past lactating employees to take pump breaks that lasted upwards of one hour without issue.
72. Upon information and belief, Respondent treated me disparately from past lactating employees because of my protected activity related to my pregnancy and, now, my protected activity related to my lactation rights.
73. At the time Respondent enacted its new policy, I was the only female employee who pumped in the workplace.
74. When I asked Captain Hartman why it was changing its policy now, I was told that Respondent could change its policy whenever it wanted.
75. I informed Captain Hartman that, pursuant to Department of Labor Guidance, employers are to provide reasonable breaks lasting no less than thirty minutes, and that, depending on the distance of the pumping room from the employee's workspace, travel time would necessitate an increase in the length of the break.
76. I told Captain Hartman that it took me at least five minutes to travel from my unit at the Jail to the pumping room, and that in addition to having to sign the milk expression log-in book, I also, at the mandate of Respondent, had to clean my pumping area, which only increased the time of my pumping breaks and also ate into valuable pumping time.
77. I was told the new lactation policy would take effect immediately.

78. Respondent's policy regarding policy changes provides that, "when a modification is signed and approved the information on the new procedure will be implemented through [minor change] line-up reading for 10 consecutive days or [major change] distribution of a copy of the new procedure at lineup to each staff member which the officers will sign for."
79. After implementing its new lactation policy, Respondent did not follow this procedure, nor did it provide me with the requisite notice before the policy took effect.
80. The next day, on August 16, 2016, Captain Hartman informed me that, since Respondent's payroll can only dock employees in fifteen or thirty minute increments, it would be contacting the County Attorney to see if it could reduce the time allotted by the Lactation Policy to thirty minutes.
81. I informed Captain Hartman that I believed the policy change was discriminatory and retaliatory and intended to target me for my complaints and continued exercise of my lactation rights.
82. Respondent's actions in enacting a harsher lactation policy had an immediate dissuasive effect on me. I felt punished, harassed, and humiliated. I felt as though I could not continue expressing milk in the workplace and that I would have to give up nursing altogether, even though my son is only seven-months-old and still relies on my body for food and nourishment.
83. Respondent's continued discrimination and retaliation against me as a lactating employee is discrimination and retaliation on the basis of my sex. As a result of Respondent's actions, I have suffered humiliation, anxiety, increased stress, depression, loss of enjoyment of life, a decrease in my milk supply, engorgement, physical discomfort, and other physical and emotional distress.

Based on the foregoing, I charge Respondent with an unlawful discriminatory practice relating to employment because of sex/gender and retaliation/opposed discrimination in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended.

NOTARIZATION OF THE COMPLAINT

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

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

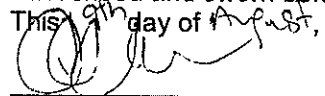
I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and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

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

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


Sign your full legal name

Subscribed and sworn before me
This 9th day of August, 2016


Signature of Notary Public

County: Erie Commission expires: March 31, 2018

CANDACE R. ALNAJI
Notary Public, State of New York
Registration #02AL6300345
Qualified in Erie County
Commission Expires March 31, 2018

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.

I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced 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.

Christina Scanio
Christina Scanio

STATE OF NEW YORK)
COUNTY OF Erie) SS:

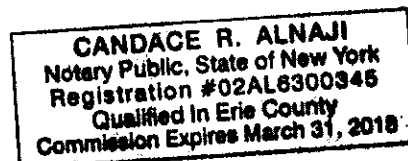
Christina Scanio, being duly sworn, deposes and says: that she is the complainant herein; that she has read (or had read to her) the foregoing complaint and knows the content thereof; that the same is true of her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, she believes the same to be true.

Christina Scanio
Christina Scanio

Sworn before me this

19th day of August, 2016

Candace R. Alnaji
Notary Public, State of New York
Qualified in Erie County



My Commission Expires March 31, 2018



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 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>Moore, Ronnie v. Erie Community College</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Ronnie S. Moore 655 East Ferry Street Buffalo, New York 14211
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 Parker*
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

RONNIE S. MOORE,

Complainant,

V.

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

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10183299

Federal Charge No. 16GB603964

I, Ronnie S. Moore, residing at 655 East Ferry Street, Buffalo, NY, 14211, 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 race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 4/8/2016.

The allegations are:

1. I am African American and made prior internal complaints of discrimination due to race/color, both internal and with SDHR. SDHR complaints include the following: #10170154 filed 07/18/2014, #10169612 filed 06/23/2014, #10162407 filed 06/03/2014). Because of this, I have been subject to unlawful discriminatory actions.
2. In or around February 2011, I was hired by respondent and last held the job title of Truck Driver. I was the only African American holding this position.
3. I have experienced disparate treatment due to my race/color and my opposition to discrimination due to race/color. In addition to the SDHR complaints I have made against respondent, I also made several internal complaints, most recently in January and March 2016.
4. Respondent suspended me without pay on or about 03/15/2016 saying it had come to their attention that I did not have a valid New York State Commercial Driver's License ("CDL"). The letter also stated that if I regained a CDL by 03/28/2016, I would be placed back in the Truck Driver position. That same day, I submitted a New York State Abstract of Driving Record from the NYS Department of Motor Vehicles to respondent which proved that I possessed a CDL license. However, respondent did not return me to work.

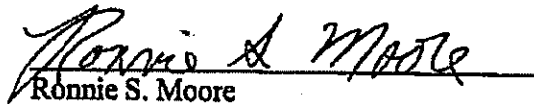
5. On 04/08/2016, respondent terminated my employment, alleging that I had operated respondent motor vehicles that require a CDL to operate during times when my CDL license had lapsed, which is not true. Also, the vehicles which I most recently drove did not require a CDL license to operate them. In addition, upon information and belief, Caucasian employees were not treated in this manner for like offenses. These employees include Matt Mazzone, Otillo Mendiola, and James Hartman.

6. Finally, respondent terminated my employment citing alleged misconduct which occurred more than eighteen months after the occurrence which is a violation of New York State Civil Service Law. I believe respondent subjected me to disparate treatment and termination of employment due to my race/color and to retaliate against me for having made prior complaints of discrimination.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced 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.


Ronnie S. Moore

STATE OF NEW YORK)
COUNTY OF) SS:

Ronnie S. Moore, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.


Ronnie S. Moore

Subscribed and sworn to
Before me this 24 day
Of August, 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, 2018



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 7, 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>Veres, Barbara v. County of Erie and Erie County Water Authority</i>
Document Received:	Notice of Claim
Name of Claimant:	Barbara Veres 6190 Meadowlakes Drive East Amherst, New York 14051
Claimant's attorney:	Wayne C. Felle, Esq. The Law Offices of Wayne C. Felle, P.C. 6024 Main Street Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

IN THE MATTER OF THE CLAIM OF
BARBARA VERES,

Plaintiff,

-vs-

ERIE COUNTY and THE ERIE COUNTY
WATER AUTHORITY,

Defendant.

**NOTICE OF CLAIM AND
INTENTION TO SUE
PURSUANT TO MUNICIPAL
LAW § 50(e)**

This paper received at the
Erie County Attorney's Office
from Douglas Phillips on
the 7th day of Sept, 2016
at 11:30 a.m./p.m.
Kelly Brunkworth
Assistant County Attorney

TO: ERIE COUNTY and ERIE COUNTY WATER AUTHORITY

PLEASE TAKE NOTICE, that, BARBARA VERES, pursuant to the statute in such cases made and provided, does hereby make claim against ERIE COUNTY and THE ERIE COUNTY WATER AUTHORITY, and in support of such claim does state the following:

1. The claimant, BARBARA VERES, resides at 6190 Meadowlakes Drive, East Amherst, New York 14051.
2. The claimant is represented by THE LAW OFFICES OF WAYNE C. FELLE, P.C., WAYNE C. FELLE, ESQ., of counsel, 6024 Main Street, Williamsville, New York 14221.
3. This claim is one for money damages on behalf of the claimant, BARBARA VERES, for injuries received as a result of tripping and falling due to a manhole/sewer drain cover on July 30, 2016, at or around property located at 613 Breckenridge Street, in the City of Buffalo, County of Erie and State of New York. It is alleged that said manhole/sewer drain cover was maintained by and was the responsibility of ERIE COUNTY and THE ERIE COUNTY WATER AUTHORITY.

4. That a substantial factor in causing the aforesaid incident was negligent placement, maintenance and/or neglect by ERIE COUNTY and THE ERIE COUNTY WATER AUTHORITY, which caused and/or contributed to the claimant sustaining serious personal injuries. It is further alleged that ERIE COUNTY and THE ERIE COUNTY WATER AUTHORITY, should have taken action to cover/move/ warn of said manhole/sewer drain cover prior to the incident herein.

5. Notice is hereby given that in the event that this claim for money damages is not paid within thirty (30) days of the service herein, it is my intention to commence litigation to recover for the damages which have been sustained.

DATED: September 6, 2016



WAYNE C. FELLE, ESQ.



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

September 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>Nieswiadomy, Brandon v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Brandon Nieswiadomy 285 Parker Avenue Cheektowaga, New York 14206
Claimant's attorney:	James A. Partacz, Esq. 3890 Seneca Street West Seneca, New York 14224

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

Brandon J. Nieswiadomy
285 Parker Avenue
Cheektowaga, New York 14206

Claimant

vs.

County of Erie
95 Franklin Street
Buffalo, New York 14202

Respondent

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Douglas J. Phillips on
the 7 day of Sept, 2016
at 11:34 a.m./p.m.

Kelly Brunkowich
Assistant County Attorney

TO: Chairman or Clerk of the Board of Supervisors, Clerk, Attorney or
Treasurer of the County of Erie

SIRS:

PLEASE TAKE NOTICE, that the undersigned Brandon J. Nieswiadomy residing at 285
Parker Avenue, Cheektowaga, New York 14206 makes claim and demands against the County of
Erie for injury and damages as follows:

1. The name and address of Claimant's attorney is James A. Partacz, Attorney At Law,
3890 Seneca Street, West Seneca, New York 14224.
2. The nature of the claim: Brandon J. Nieswiadomy was injured and suffered serious
personal injuries on the 18th day of June, 2016 on at or about premises at or near Woodlawn
Beach State Park, at or on Access Road by Woodys at or about premises commonly known as
Woodlawn Avenue and/or 3580 Lakeshore Road, Town of Hamburg, County of Erie and State of
New York at approximately 7:30 p.m. The incident occurred when Claimant was a passenger on
a vehicle owned, operated, leased and/or maintained and/or controlled by the Respondent at or
near Woodlawn Beach State Park at or on Access Road by Woodys at or about premises

commonly known as Woodlawn Avenue and/or 3580 Lakeshore Road, Town of Hamburg, County of Erie and State of New York. Said property and vehicle was and is owned, maintained, leased and/or controlled and/or operated by the County of Erie. The incident occurred when Claimant was a passenger on a vehicle owned, leased, maintained and/or controlled and/or operated by Respondent at which time due to the negligence of the Respondent and operator of same and the dangerous and defective conditions on said premises he was caused to fall out of said vehicle and sustain serious personal injuries. Said Claimant was rendered sick, sore, lame and disabled, sustained various and diverse injuries, shock to his nervous system, considerable pain and suffering, severe mental and emotional injuries and other personal injuries of which the Claimant is not yet informed including the permanent effects the nature of which is not yet known.

3. That further, upon information and belief, the County of Erie, its agents, servants and/or employees owned, built, maintained, leased and controlled Woodlawn Beach State Park at or on Access Road by Woodys at or about Woodlawn Avenue and/or 3580 Lakeshore Road in the Town of Hamburg, County of Erie and State of New York and said area was under the General Highway System of the County of Erie and the County of Erie was bound by law to own, build, maintain, lease and control said roadway and areas in a reasonable safe and suitable condition for public travel under the provisions of the statutes of the State of New York, the United States and such other cases as are made and provided that said County of Erie through its officers, agents, servants and/or employees failed and neglected to own, maintain, construct, lease and/or control said roadway and areas as required but allowed same for a long period of time prior to the 18th day of June, 2016 to be and remain in a dangerous condition for public travel both foot and traffic. Upon information and belief, the County of Erie had actual and/or

constructive knowledge of said dangerous and/or defective conditions and failed to properly provide safeguards and/or precautions for the Claimant or others similarly situated to protect them from injury. Said Claimant has been injured in an unliquidated sum.

4. The items of damage or injuries claimed are: severe and permanent personal injuries rendering Claimant sick, sore, lame and disabled, sustained various and diverse injuries, shock to his nervous system, considerable pain and suffering, severe mental and emotional injuries and other personal injuries of which the Claimant is not yet informed including permanent effects, the nature of which is not yet known to Brandon J. Nieswiadomy.

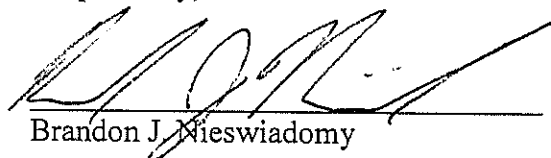
5. Claimant's medical bills to date are incomplete.

6. This notice is made and served on behalf of said Claimant in compliance with the provisions of Section 50-e of the General Municipal Law and such other laws and statutes as are in this case made and provided.

PLEASE TAKE FURTHER NOTICE, that Claimant demands payment of said claims and unless said claims are paid within the statutory period provided, therefore, it is the intention of Claimant to commence suit against the County of Erie to recover for the injuries sustained as a result of this accident.

DATED: West Seneca, New York
September / , 2016

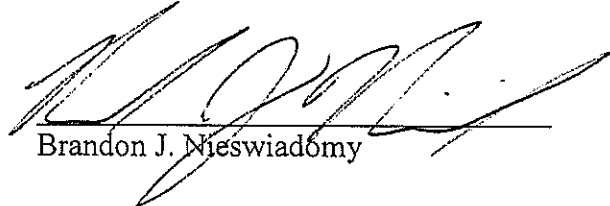
Respectfully,



Brandon J. Nieswiadomy

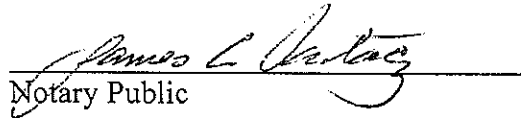
STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Brandon J. Nieswiadomy being duly sworn deposes and says: That I am the Claimant in the above-entitled action. I have read the foregoing Notice of Claim and know its contents. The claims are true to my knowledge except as to those matters stated to be alleged upon information and belief and as to such matters I believe them to be true.


Brandon J. Nieswiadomy

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On the 15th day of September, in the year 2016, before me the undersigned a Notary Public in and for the said state, personally appeared Brandon J. Nieswiadomy personally known to me or proven 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.


Notary Public

JAMES A. PARTACZ
Notary Public, State of New York
Reg. #02PA4735162
Qualified in Erie County
My Commission Expires Dec. 31, 2017



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 8, 2016

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

Dear Ms. McCarthy:

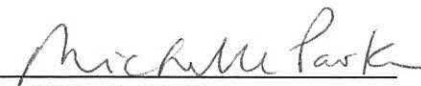
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Meer, Corey and Cindy and o/b/o Cayden Meer v. County of Erie, Erie County Sheriff's Office, Sheriff Howard, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Corey and Cindy Meer 370 Esser Avenue Buffalo, New York 14207
Claimant's attorney:	Matthew Albert, Esq. 254 Richmond Avenue Buffalo, New York 14222

Should you have any questions, please call.

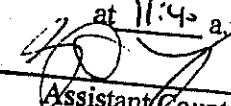
Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

This paper received at the
Erie County Attorney's Office
from Jessica Morrill on
the 30th day of August, 20 16
at 11:45 a.m./p.m.

Assistant County Attorney

In the Matter of the Claim of

COREY MEER, CINDY MEER and COREY MEER AS THE GUARDIAN AND AS
CUSTODIAL FATHER AND GUARDIAN OF CAYDEN MEER (1/3/2014)

NOTICE OF CLAIM

Claimants,

vs.

COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY SHERIFF
TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS' TIMOTHY DONOVAN,
TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFFS JOHN DOE 1-6, CITY OF
BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE UNITED STATES OF
AMERICA DRUG INFORCEMENT AGENCY.

Respondents.

TO: COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY
SHERIFF TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS TIMOTHY
DONOVAN, TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFF DEPUTIES JOHN
DOE 1-6 CITY OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE
UNITED STATES OF AMERICA DRUG INFORCEMENT AGENCY.

PLEASE TAKE NOTICE, that COREY MEER has and hereby makes claim against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY SHERIFF TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS TIMOTHY DONOVAN, TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFF DEPUTIES JOHN DOE 1-6 CITY OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE UNITED STATES OF AMERICA DRUG ENFORCEMENT AGENCY and in support of said claim state the following:

The post office address of the Claimants is 370 ESSER AVENUE, BUFFALO, NEW YORK 14207.

The attorney for the Claimants is MATTHEW ALBERT ESQ., and his post office address is 254 Richmond Ave, Buffalo, New York 14222.

The claims of COREY MEER, CINDY MEER AND CAYDEN MEER is for battery, the negligent, reckless, and/ or intentional infliction of emotional distress that arose from the shooting of Claimant's dog, a six-year-old Pit Bull, "Damian," AND that Claimants were unlawfully deprived of their right to liberty and property, as well as tortuously and maliciously harmed by the Respondents, all while acting under the color of law. Respondents have unlawfully converted the property of Claimants, a formerly six-year year old healthy and vibrant canine, by seizing the body of said canine after killing him, without the permission of the owner. This was done in a continuing course of fraudulent conduct with the intent to conceal and cover up the criminal activity of said Respondents. The Defendant's negligently entrust their Police Force to interact with canines without any kind of formalized training, leading to the unnecessary and brutal deaths of family pets. Claimant's canine's death is a result of the negligent entrustment and inadequate and incompetent training done by the Erie County Sheriff's Department. Such malicious, intentional, and unjustified killing of said companion animal, all while Claimants were in the zone of danger, was egregious, shocking to the conscience, and have caused all Claimants' severe emotional distress.

The claim arose at the Claimants' residence, located at 370 Esser Avenue, in the City of Buffalo, County of Erie, and State of New York.

The claims arose in substance as follows: At approximately 1:30 pm, on or about July 28, 2016, 6-8 heavily armed Erie County Sheriffs arrived at 370 Esser Avenue. The Sheriffs, with no

probable cause that a crime was being committed nor consent from any authorized party, entered the home through the front door at 370 Esser Avenue. Claimants were at their home with their dog Bear, a coonhound mix and their six-year-old Pit Bull dog Damian. The Sheriff's busted into the residence screaming "raid" and telling claimants to get down on the floor. Claimant, two-year old Cayden, was screaming hysterically. The other two claimants were trying to talk to Cayden to try and get him to calm down. At this time the claimants were told to shut up and a Sheriff's Deputy punched Corey in the face at least once, causing him to sustain bruising and swelling to his right eye and brush burns to his face from having his head mashed into the floor due to the excessive force and brutality exercised by the unidentified Deputy Sheriff. All Deputies and Police Officers were wearing armed gear as if they were storming the beaches of Normandy in an embarrassing display of government tyranny.

Damian, the six-year-old Pit bull mix, was sleeping upstairs with claimant's friend Bobby. Damian began to come down the stairs in a friendly manner, consistent with the animal's disposition and how he engages with all people. Damian did not growl, run or act in a threatening or vicious manner. The claimants had their heads down on the floor and heard Damian get shot, and then heard his body fall down the stairs. All of the bullet holes were at the top of the second stairwell by the landing area, indicating the dog never even began to go down the second stairwell when he was shot by Respondents. Two bullets lodged in the claimant's freezer further corroborating that they were shooting from the bottom of the stairs up to the landing area. The top of the stairs is about five feet from the bottom of the stairs. Claimant Cayden Meer had full view of the bottom of the stairs where Damian was lying dead. A Deputy Sheriff, in a disgusting display of humanity, told Claimant Corey Meer to "be a man" when Meer was distressed and crying about the death of his beloved companion animal and the reaction of his two-year-old son to the death.

Respondents then continued to toss the house and interrogate the claimants, without providing them with a search warrant the whole time they were at Claimants' residence. At one point Corey Meer asked the Sheriffs to loosen his zip ties because his wrists were turning purple due to lack of circulation.

Damian was the best friend of claimant Cayden Meer. Damian was a good natured and perpetually friendly companion animal, who was beloved by his Neighbors on Grand Island, and

as well as the family of claimants loved him; he never bit or attacked anyone. Since Damian was killed, Cayden has been having flashbacks where he breaks into crying spells and begins to shake and cry uncontrollably. Damian was not nor ever has been a threat to anyone, and killing him was completely unnecessary and unjustified. Upon information and belief, as a result of the aforesaid incident, COREY MEER, CINDY MEER AND CAYDEN MEER sustained severe emotional distress and trauma.

All of the above actions represent a gross abuse of government authority, excessive force and an unlawful deprivation of Claimants property, all of which are forms of unlawful seizures pursuant to the 4th Amendment of the Constitution.

WHEREFORE, Claimant request that the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY SHERIFF TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS TIMOTHY DONOVAN, TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFF DEPUTIES JOHN DOE 1-6 CITY OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE UNITED STATES OF AMERICA DRUG ENFORCEMENT AGENCY honor and pay the claims of COREY MEED, CINDY MEER AND CAYDEN MEER.

DATED: Buffalo, New York
August 16, 2016

By: 

MATTHEW A. ALBERT, ESQ.
Attorneys for Claimants
Office and P.O. Address
254 Richmond Ave.
Buffalo, New York 14222
(716) 445-4119

**VERIFICATION
PAGE**

In the Matter of

CINDY MEER

vs.

Claimant

COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY SHERIFF
TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS TIMOTHY DONOVAN,
TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFF DEPUTIES JOHN DOE 1-6 CITY
OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE UNITED STATES
OF AMERICA DRUG INFORCEMENT AGENCY.

Respondents.


STATE OF NEW YORK)
) SS.:

COREY MEER, being duly sworn, deposes and says that she is the CLAIMANT in this
action; that she has read the annexed NOTICE OF CLAIM dated AUGUST 16, 2016, and know the
contents thereof; and that the same is true to the best of my own knowledge.


CINDY MEER

Sworn to before me this

16 day of August, 2016.



Notary Public

MATTHEW ALBERT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires November 12, 17

**VERIFICATION
PAGE**

In the Matter of

COREY MEER AS THE GUARDIAN AND AS CUSTODIAL FATHER AND GUARDIAN OF
CAYDEN MEER (1/3/2014)

vs.

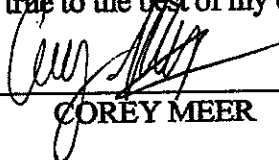
Claimant

COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY SHERIFF
TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS TIMOTHY DONOVAN,
TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFF DEPUTIES JOHN DOE 1-6 CITY
OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE UNITED STATES
OF AMERICA DRUG INFORCEMENT AGENCY.

Respondents.

STATE OF NEW YORK)
) SS.:


COREY MEER AS THE GUARDIAN AND AS CUSTODIAL FATHER AND
GUARDIAN OF CAYDEN MEER (1/3/2014), being duly sworn, deposes and says that he is the
CLAIMANT in this action; that he has read the annexed NOTICE OF CLAIM dated AUGUST 16,
2016, and know the contents thereof; and that the same is true to the best of my own knowledge.



COREY MEER

Sworn to before me this

16 day of August, 2016.



Notary Public

MATTHEW ALBERT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires November 12, 17

**VERIFICATION
PAGE**

In the Matter of

COREY MEER

vs.

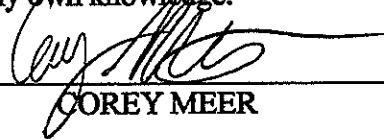
Claimant

COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY SHERIFF
TIMOTHY HOWARD, ERIE COUNTY DEPUTY SHERIFFS TIMOTHY DONOVAN,
TIMOTHY CARNEY, ERIE COUNTY DEPUTY SHERIFF DEPUTIES JOHN DOE 1-6 CITY
OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, AND THE UNITED STATES
OF AMERICA DRUG INFORCEMENT AGENCY.

Respondents.


STATE OF NEW YORK)
) SS.:

COREY MEER, being duly sworn, deposes and says that he is the CLAIMANT in this
action; that he has read the annexed NOTICE OF CLAIM dated AUGUST 16, 2016, and know the
contents thereof; and that the same is true to the best of my own knowledge.


COREY MEER

Sworn to before me this

16 day of August, 2016.


Notary Public

MATTHEW ALBERT
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires November 12, 17



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

September 9, 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>DePasquale, James v. Erie County Board of Elections, et al.</i>
Document Received:	Order to Show Cause
Name of Claimant:	James V. DePasquale, Jr. 7000 Erie Road, Apt. D5 Derby, New York 14047
Claimant's attorney:	Jeffrey Voelkl, Esq. Robshaw & Voelkl, P.C. 5672 Main Street Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

At a term of the Supreme Court, Erie
County, held at the Courthouse thereof at

_____, Buffalo, New York, on
the _____ Day of September, 2016.

PRESENT: Hon. _____, J.S.C.
STATE OF NEW YORK
COUNTY OF ERIE: SUPREME COURT

In the Matter of the Application of

JAMES V. DEPASQUALE, JR.
7000 Erie Road, Apt D5
Derby, NY 14047, *Petitioner*
~~Respondent~~ Candidate

v.

ERIE COUNTY GREEN PARTY
PO Box 36, 465 Grant Street, Buffalo, NY 14213; and

CHARLEY TARR, Purported Chairman
of the Erie County Green Party County Committee
237 Beard Avenue, Buffalo, NY 14213; and

PURPORTED GREEN PARTY COUNTY COMMITTEE
c/o Charley Tarr 237 Beard Avenue, Buffalo, NY 14213, and

JOHN and/or JANE DOE, a/k/a GREEN PARTY MEMBER
c/o Charley Tarr 237 Beard Avenue, Buffalo, NY 14213 ; and

ERIE COUNTY BOARD OF ELECTIONS
Leonard R. Lenihan and Ralph M. Mohr
Commissioners of and constituting the
Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

Respondents

CHECK PAID
CASH
SEP 01 2016
ERIE COUNTY
CLERK'S OFFICE
F28

Index No. 2016-000 F28

ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER

RECEIVED
SEP 09 2016
ERIE COUNTY
DEPARTMENT OF LAW
Sumit

PLEASE NOTICE THAT UPON THE VERIFIED PETITION of JAMES V.
DEPASQUALE, JR., dated September 1, 2016, the Green Party Candidate for the public office
of the New York State Senator 60th District in a Primary Election to be held September 13, 2016

(hereinafter referred to as "Candidate"), residing at 7000 Erie Road, Apt D5, Derby, NY 14047, and by his attorney Jeffrey F. Voelkl, Esq., LL.M. it is hereby,

ORDERED, that the Respondents shall show cause before this Court, at a Special Term of the Supreme Court to be held on September ____, 2016 at _____ am/pm at 25 Delaware Avenue, Buffalo New York 14202 in Part 18 before the Hon. John Michalski, to

SHOW CAUSE WHY an ORDER should not be entered pursuant to New York State Election Law Section 16-110 requiring the following:

1. Determining that the Rules of the Erie County Green Party filed with the Erie County Board of Elections are null, void and not effective;
2. Determining Charley Tarr is NOT a County Committee Chairman as defined by the Election Law and thus has no authority to conduct a hearing pursuant to Election Law Section 16-110(2);
3. Declaring the hearing notice provided to the petitioner to be null, void and without effect because it does not provide a copy of the complaint against the Petitioner and it does not even identify the purported "Green Party Member" who is purported to have filed a written complaint calling into question the candidate's sympathy with the principles of the Green Party;
4. Permanently enjoin the Respondents from conducting any hearing calling into question the candidate's sympathy with the principles of the Green Party;

And it is further

ORDERED, that service of this Order to Show Cause and the underlying Verified Petition upon the Respondents shall be deemed good and sufficient if accomplished no later than 7:30 p.m. on September 1, 2016 as follows:

- a. Service upon the ERIE COUNTY GREEN PARTY shall be served by nail and mail service at the address listed on the Green Party website PO Box 36, 465 Grant Street, Buffalo, NY 14213 and also the law office of attorney, Frank Housh at 70 Niagara Street, Buffalo, NY 14202.

b. Service upon CHARLEY TARR, Chairman of the Erie County Green Party shall be served by nail and mail delivery to 237 Beard Avenue, Buffalo, NY and also by delivery to the law office of his attorney, Frank Housh at 70 Niagara Street, Buffalo, NY 14202.

c. Service upon the PURPORTED GREEN PARTY COUNTY COMMITTEE, shall be served by nail and mail delivery to 237 Beard Avenue, Buffalo, NY and also by delivery to the law office of Frank Housh at 70 Niagara Street, Buffalo, NY 14202

d. Service upon JOHN and/or JANE DOE, a/k/a GREEN PARTY MEMBER, Chairman of the Erie County Green Party shall be served by nail and mail to 237 Beard Avenue, Buffalo, NY and also by delivery to the law office of Frank Housh at 70 Niagara Street, Buffalo, NY 14202.

e. Service upon the Erie County Board of Elections Leonard R. Lenihan and Ralph M. Mohr Commissioners of and constituting the Erie County Board of Elections by personal delivery at 134 West Eagle Street, Buffalo, NY 14202, and mail to the same address, 716-858-8891;

And it is further;

ORDERED, that the Respondents shall file their verified responses to the Court and deliver them to the Candidate's attorney no later than _____ p.m. September ____, 2016;

And it is further;

ORDERED, that prior to the return date set forth above, the Respondents **ARE AND SHALL BE TEMPORARILY RESTRAINED AND ENJOINED** from conducting any hearing challenging the enrollment of the Petitioner in the Green Party, or making any determination or issuing any recommendation as to the sympathy of the Petitioner with the principals of the Green Party.

ENTER:

Dated: _____, 2016

Hon. John Michalski, J.S.C.

GRANTED: _____, 2016

Court Clerk

≡ **Erie County Green Party**

Contact Us

Mail: Erie County Green Party

PO Box 36

465 Grant St

Buffalo, NY 14213


email: eriecountygreens@gmail.com

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Charley Tarr

Legendary Changemaker

Buffalo, New York Public Policy

Current Title-IX Performance Review of all 29-Campuses of the State University of New York (SUNY)

Previous Global Review of Pediatric Blood Brain Failures Adjacent to Hydraulic Fracturing of Oil & Gas, NSF-ETV Certification internationally grandfathered into New York State, Creation of the First Entrapment-Proof Underage Alcohol Sting Operation in NYS

Education State University of New York Empire State College

[Send Charley InMail](#)

55 connections

<https://www.linkedin.com/in/charley-tarr-5bb1a72a>

[Contact Info](#)

Background



Summary

My life experience reflects decades of devotion to advocacy and a proven talent for developing unique strategies, incorporating logistic and communication skills which achieve monumental and lasting social change. My skill for diplomacy, shepherding and shaping cooperation among many voices, has kept doors open to revisit and strengthen platforms of historic social, environmental and education change. I am most humbled when diverse relationships of trust merge with the integrity of prior accomplishments, facilitating swift and indelible future reform.



Experience

Significant First in Education Reform

Title-IX Performance Review of all 29-Campuses of the State University of New York (SUNY)
September 2010 – Present (6 years 1 month)

In 2010, I authored an affidavit and appellate brief before the U.S. Department of Education's Office for Civil Rights, resulting in a Title-IX performance review of the entire SUNY system. The affidavit documented a decade of crisis among both male and female students. The OCR initially responded by opening Tarr V. Buffalo State. The OCR sought to circumscribe the concerns to be addressed within a very limited purview. The appellate brief successfully argued the need to address both the administrative disconnects and the self-replicating 'crisis culture' among students which had persisted at Buffalo State across decades in the absence of pro-active guidance and leadership. In response to the appellate brief, the OCR converted Tarr V. Buffalo State to become a Title-IX Performance Review of all 29-SUNY campuses. My investigative work also revealed significant financial malfeasance occurring in relation to the U.S DOJ, Campus Grants Initiative Program. I remain a founding member of the campus-community coalition formed with Buffalo State President, Dr. Aaron Podolsky. I am presently authoring a 4-year update describing solutions for resolving the ongoing national circumstance. The update will highlight our successes amid continuing SUNY leadership failures and procedural shortfalls remaining in Buffalo.

northtown
lexus

**GOLDEN
OPPORTUNITY
SALES EVENT**



People Also Viewed



Destin Santacrose
Managing Attorney at Liberty Mutual Group



Richard S. Poveromo, Esq.
Staff Counsel, A2 at Liberty Mutual Insurance Company

Keith Willis
Field Reimbursement Manager, Endo Pharmaceuticals

Paige Hansen
Author at Ginger Fennel

Pearl Guerin
Lead Discovery Intern at Albany Molecular Research Institute

Rob Nichols
Assistant Vice President - Engineering Security at M&T Bank

ERIN K SKUCE
Field Legal at Law Offices of Destin C. Santacrose

Ken Ken (home) Gigliello
Professional Instructor at National Council on Aging

Charles Perry
Hydrogeologist/ Environmental Resource Specialist

Andrew Vecera
Counsel, Subcommittee on Energy and Mineral Resources at U.S. House of Representatives

How You're Connected

You

Comm. 19D-9
Page 77 of 102

9/1/2016 9:46 AM

STATE OF NEW YORK
COUNTY OF ERIE: SUPREME COURT

In the Matter of the Application of

JAMES V. DEPASQUALE, JR.
7000 Erie Road, Apt D5
Derby, NY 14047, Respondent-Candidate

Index No. 2016-000128

v.

VERIFIED PETITION

ERIE COUNTY GREEN PARTY
PO Box 36, 465 Grant Street, Buffalo, NY 14213; and

CHARLEY TARR, Purported Chairman
of the Erie County Green Party County Committee
237 Beard Avenue, Buffalo, NY 14213; and

PURPORTED GREEN PARTY COUNTY COMMITTEE
c/o Charley Tarr 237 Beard Avenue, Buffalo, NY 14213, and

JOHN and/or JANE DOE, a/k/a GREEN PARTY MEMBER
c/o Charley Tarr 237 Beard Avenue, Buffalo, NY 14213 ; and

ERIE COUNTY BOARD OF ELECTIONS
Leonard R. Lenihan and Ralph M. Mohr
Commissioners of and constituting the
Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

Respondents

State of New York:
County of Erie: ss.

JAMES V. DEPASQUALE JR., Green Party Candidate for the public office of the New
York State Senator 60th District in a Primary Election to be held September 13, 2016 (hereinafter

referred to as "Candidate"), residing at 7000 Erie Road, Apt D5, Derby, NY 14047, being duly sworn, hereby petitions this Court as follows:

1. I am a duly registered voter and enrolled and registered member of the Green Party.
2. I am the Green Party Candidate for the public office of the New York State Senator 60th District in a Primary Election to be held September 13, 2016.
3. On or about July 18 and July 20, 2016 Sarah Hunt filed both general and specific objections to my nominating petitions were filed at the Erie County Board of Elections.
3. On or about August 9, 2016 the Erie County Board of Elections (ECBOE) ruled unanimously that my designating petitions were in compliance with the New York State Election Law. Accordingly, I was officially placed on the ballot as the Green Party Candidate for the public office of the New York State Senator 60th District in a Primary Election to be held September 13, 2016.
4. On or about July 28, 2016 Sarah Hunt filed a Petition in New York State Supreme Court to invalidate my Green Party petitions filed with the ECBOE.
5. Responsive pleadings in opposition to Hunt's petition were filed with the Court, and Oral Argument was held August 16, 2016. As of the date of this petition no decision has been entered by the Court. Because the Sarah Hunt petition is still pending before Hon. John Michalski, the instant proceeding in a related case, and thus properly assigned to Judge Michalski.
6. On August 30, 2016, I received a letter purporting to be from Charley Tarr, the purported Erie County Green Party County Committee Chairman. A copy of the letter is attached hereto as Exhibit A.

7. Upon information and belief, Charley Tarr is not the legitimate chairman of the Erie County Green Party, and has not provided any verification of his claim to be the Chairman.

8. The August 30, 2016 letter alleged that a written complaint was received from a Green Party Member, registered to vote in Erie County, dated August 8, 2016, calling into question my sympathy with the principles of the Green Party.

9. I am prejudiced because I have not been provided with a copy of the alleged written complaint.

10. I have no way of preparing to respond to the alleged written complaint prior to the hearing. Accordingly, my due process rights are prejudiced by the failure to provide me with a copy of the complaint.

11. I am further prejudiced by the location of the hearing. The hearing is scheduled to occur at the Law Offices of Frank Housh. Attorney Housh is the attorney who represented Sarah Hunt in her petition pending before this Court to invalidate my nominating petitions.

12. Sarah Hunt's petition papers clearly identify at the bottom "R:\Small.Amber\Ltr to Erie County Board of Elections-Service OTSC-7-28-16". (Copy of Cover Letter attached as Exhibit B)

13. It would appear that Attorney Housh is really conspiring with Charley Tarr and Amber Small, the Democrat Candidate for the New York State Senator 60th District to prevent my nomination and election at the General Election in contravention of the law.

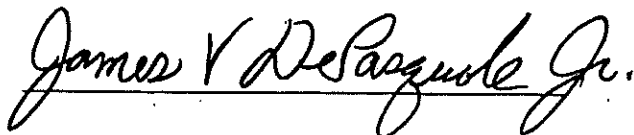
14. Attorney Housh's representation of Sarah Hunt, and calling a hearing at his office, is a mere pretext to disenfranchise the Green Party members and voters.

15. It is the product of a conspiracy to promote or prevent an election in violation of Article 17 of the Election law. This activity is classified as a misdemeanor under the law.

16. Ms. Small is an opponent in the upcoming election.
17. Ms. Small has upon information and belief acted through a proxy objector and Attorney Housh to attack my designating petitions.
18. It is obvious that any hearing that would take place in Attorney Housh's office would be a hostile environment, prejudicial and not afford me a fair hearing, due process and equal protection under the law.
19. Attorney Housh's participation in the hearing in any way would only aggravate the prejudicial and hostile nature of the proceeding that the Respondents are planning.
20. I believe in the Four Pillars of the Green Party (Ecological Wisdom, Social Justice, Grassroots Democracy, and Nonviolence), and the Green Parties Ten Key Values (Ecological Wisdom, Social Justice, Grassroots Democracy, Nonviolence, Decentralization, Community Based Economics, Feminism, Respect for Diversity, Personal and Global Responsibility, Future Focus and Sustainability).
21. No relief is sought against the Erie County Board of Elections, but the Board has been named in this proceeding as a necessary party.

WHEREFORE, it is respectfully demanded that the Court sign the within Order to Show Cause and, that an order of this Court issue granting the relief requested in the Order to Show Cause, together with such other, further and different relief as this Court may deem to be just and proper in the premises.

Dated: Sept 1, 2016.


James V. DePasquale, Jr.

VERIFICATION

James V. DePasquale, Jr., being duly sworn, deposes and says:

I am the respondent-candidate in the above entitled action, that deponent has read the foregoing Petition and knows the contents thereof, that the same is true and correct to the deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.

Dated: Sept 1, 2016

James V. DePasquale Jr.
James V. DePasquale, Jr.

Subscribed and sworn to before me
this 1st day of September, 2016.

Jeffrey F. Voelkl
Notary Public

JEFFREY F. VOELKL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 1/3/18

Matthew K. Pelkey
Partner
mpelkey@colliganlaw.com

July 28, 2016

VIA OVERNIGHT MAIL

Erie County Board of Elections
134 West Eagle Street
Buffalo, New York 14202

Re: Sarah C. Hunt v. DePasquale and Erie County Board of Elections
Index No. I2016-000109

Dear Sirs:

Enclosed for service upon you is Petitioner's Order to Show Cause with Verified Petition granted on this day by the Hon. John L. Michalski.

Very truly yours,

COLLIGAN LAW LLP


Matthew K. Pelkey

MKP/ses
Enclosure

R:\Small, Amber\Ltr to Erie County Board of Elections-Service OTSC-7-28-16.docx

EXHIBIT B

STATE OF NEW YORK
COUNTY OF ERIE: SUPREME COURT

In the Matter of the Application of

JAMES V. DEPASQUALE, JR.
7000 Erie Road, Apt D5
Derby, NY 14047, Respondent-Candidate

Index No. ~~27016~~ -000128

v.

EMERGENCY AFFIRMATION

ERIE COUNTY GREEN PARTY
PO Box 36, 465 Grant Street, Buffalo, NY 14213; and

CHARLEY TARR, Purported Chairman
of the Erie County Green Party County Committee
237 Beard Avenue, Buffalo, NY 14213; and

PURPORTED GREEN PARTY COUNTY COMMITTEE
c/o Charley Tarr 237 Beard Avenue, Buffalo, NY 14213, and

JOHN and/or JANE DOE, a/k/a GREEN PARTY MEMBER
c/o Charley Tarr 237 Beard Avenue, Buffalo, NY 14213 ; and

ERIE COUNTY BOARD OF ELECTIONS
Leonard R. Lenihan and Ralph M. Mohr
Commissioners of and constituting the
Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

Respondents

**TO THE SUPREME COURT OF THIS STATE OF NEW YORK
COUNTY OF ERIE:**

JEFFREY F. VOELKL, ESQ., LL.M., an attorney duly admitted to the practice of law before the Courts of the State of New York does hereby affirm under the penalties of perjury, as follows:

1. I am the attorney for the Petitioner(s) in the above captioned proceeding.
2. This affirmation is offered to the Court to explain why this matter is of the most urgent

nature and requires the Court's immediate attention.

3. This is an Election Law proceeding, and as such, this matter has a statutory preference over all other matters on the Court's calendar, see, Election Law Section 16 - 116.
4. This matter is subject to an incredibly short statute of limitations. The last day to commence this proceeding is **April 28, 2016**. As a practical matter, this case must receive immediate attention so that the Court may achieve jurisdiction.
5. Further, the Court of Appeals has determined that Elections Matters are always to be given the highest priority by the Courts. It is respectfully submitted that the circumstances described in the petition present this court with an emergency situation requiring immediate action, and further that the very nature of an election proceeding, particularly with regard to petition challenges which have a very short statute of limitations, presents an exemption to any rule which might delay or bar the court's action in other circumstances, Banko v. Webber, 7 NY2d 758 (1959).
6. It is respectfully submitted that the statute and case law require the immediate consideration of this matter by the Supreme Court.

WHEREFORE, it is respectfully requested that this Court take up the annexed Order to Show Cause immediately and grant the relief requested for such order in the verified petition, together with such other, further and different relief as this Court may deem to be just and proper.

DATED: September 1, 2016



Jeffrey F. Voelkl, Esq., LL.M.

Attorney for Candidate DePasquale

Robshaw & Voelkl, P.C.

5672 Main Street

Williamsville, NY 14221

(716) 633-4030

jvoelkl@robshawlaw.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

September 9, 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>Herring, Vershawn, Jr. v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Vershawn Herring, Jr. 20 Woodyard Way Lackawanna, New York 14218
Claimant's attorney:	Anjelika Abrahamyan, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Liz Welfel on
the 9th day of Sept, 2016
at 1:38 a.m./p.m.
Lexie Ortiz-Lopez
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

VERSHAWN HERRING, JR.
20 Woodyard Way
Lackawanna, New York 14218

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
65 Niagara Square
1100 City Hall
Buffalo, New York 14202

COUNTY OF ERIE
Attention County Attorney
95 Franklin Street - Rm 1634
Buffalo, New York 14202

Respondents.

PLEASE TAKE NOTICE that **VERSHAWN HERRING, JR.**, hereby makes claim against the **CITY OF BUFFALO** and **COUNTY OF ERIE** and in support thereof Claimant alleges:

1. The name of the Claimant is **VERSHAWN HERRING, JR.** The Claimant resides at 20 Woodyard Way, Lackawanna, New York 14218. The attorneys for the Claimant are William K. Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986 (ANJELIKA ABRAHAMYAN, ESQ. OF COUNSEL).

2. The nature of the Claim is one to recover damages for personal injuries and conscious pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, medical expenses and property damage and all other damages allowed by law resulting from the injuries suffered by the Claimant, VERSHAWN HERRING, JR., as a result of the negligence of the City of Buffalo and the County of Erie in the design, control, and maintenance and safety as well as inadequate traffic control in a construction zone located at Route 5 Skyway East, Buffalo, New York.

3. The incident which forms the basis of the claim herein occurred at approximately 12:25 p.m. on June 12, 2016 in the City of Buffalo, County of Erie and the State of New York. On that date and at that time, the Claimant VERSHAWN HERRING, JR., was a passenger in Vehicle 3 that was slowing for traffic in a construction area headed North on Route 5 Skyway East in the City of Buffalo and County of Erie. The driver of Vehicle 1 failed to slow and struck the rear of Vehicle 2, thus pushing Vehicle 2 into Vehicle 3, resulting in Mr. Herring suffering serious bodily injury as defined by NYS Ins. Law §5102(d). See Police Accident Report **Exhibit A.**


4. That as a result of the foregoing, the Claimant VERSHAWN HERRING, JR., sustained very serious and substantial injuries, including cervical disc displacement, intervertebral disc displacement, reduced cervical range of motion, and a sprain of the ligaments of his cervical and thoracic spines. These injuries may be of a permanent or indefinite duration. Other injuries will be disclosed as revealed through diagnosis by treating physicians and other medical personnel.

5. That the said injuries were occasioned solely and wholly as a result of the negligence of the City of Buffalo, and County of Erie, in the design, ownership, maintenance, safety, and management or lack thereof of their inadequate traffic control in a construction zone.

WHEREFORE, the Claimant VERSHAWN HERRING, JR. requests that this claim be allowed and paid by the City of Buffalo, and County of Erie.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the City of Buffalo and/or the County of Erie within thirty (30) days from the date of service of the Notice of Claim, said Claimant intends to commence an action in the Supreme Court of the State of New York against the Respondents, seeking a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
September 2, 2016




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

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

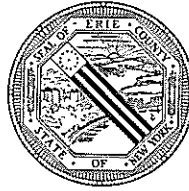
VERSHAWN HERRING, JR., being duly sworn, depose and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.


VERSHAWN HERRING, JR.

Sworn to before me this
7th day of September, 2016


Notary Public

Anjelika Abrahamyan Notary Public, State of New York No. 02AB6321385 Qualified in Erie County My Commission Expires March 16, 20 <u>19</u>



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

September 13, 2016

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

Dear Ms. McCarthy:

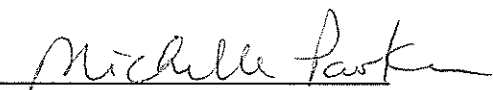
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Pattison, Robert v. County of Erie and Town of Evans</i>
Document Received:	Notice of Claim
Name of Claimant:	Robert Pattison 4260 Abbott Road Blasdell, New York 14219
Claimant's attorney:	David W. Olson, Esq. Brown Chiari, LLP 2470 Walden Avenue Cheektowaga, New York 14225

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

ROBERT J. PATTISON

Claimant

vs.

NOTICE OF CLAIM

TOWN OF EVANS

Respondent

TO: County of Erie
Michael A. Siragusa, Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

To whom it may concern:

PLEASE TAKE NOTICE, that the undersigned hereby makes claim against the Town of Evans and submits the following in compliance with the applicable statutes of the State of New York.

1. The Claimant herein is ROBERT PATTISON, who resides at 4260 Abbott Parkway, Blasdell, NY 14219.
2. The Claimant herein is represented by the law firm of BROWN CHIARI LLP, 2470 Walden Avenue, Buffalo, New York 14225-4751.
3. The subject claim is for personal injuries, medical expenses and lost wages sustained by reason of injury to Claimant, ROBERT PATTISON.

4. The incident giving rise to these damages occurred on June 11, 2016, while Claimant, ROBERT PATTISON, was riding an ATV on Granger Street in the Town of Evans, County of Erie, State of New York.

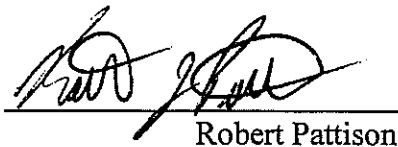
5. The said damages for which claim is hereby made arose in the following manner, to wit:

On or about June 11, 2016, Claimant, ROBERT PATTISON, was lawfully riding an ATV vehicle on Granger Street in the Town of Evans, County of Erie, when said ATV hit potholes in the road. (See **Exhibit "A"**). As a result of contacting the potholes with his ATV, Claimant was thrown from his ATV onto the road. Upon information and belief, the area of the road containing the potholes was repaved after the subject incident. (See **Exhibit "B"**). The incident was caused by the negligence of the Respondent in failing to adequately and timely repair the potholes on Granger Street; failing to warn vehicle and pedestrian traffic concerning the existence and location of the potholes; failing to place a sign, cone, or barrier or other object in front of, near, or on the potholes to prevent traffic from driving on or over it; failing to take any other measures to adequately warn travelers of the dangerous condition on the road and protect them from same; and otherwise failing to properly design, construct, maintain and/or repair the premises at the above described location.

6. Claimant, ROBERT PATTISON sustained severe and permanent injuries, including but not limited to a fractured ankle and wrist, both requiring multiple surgeries, as well as a brain bleed.

7. The subject claim is for a sum of money to be determined by a jury.

DATED: *September 6, 2016*


Robert Pattison

STATE OF NEW YORK)
COUNTY OF ERIE)

ss:

On the 6th day of September, 2016, Robert Pattison, being duly sworn, deposes and says that he is the claimant in this matter; that he has read the foregoing Notice of Claim and knows the contents thereof; that it is true to his personal knowledge, except as to matters stated to be upon information and belief, and as those matters he believes to be true.


Robert Pattison

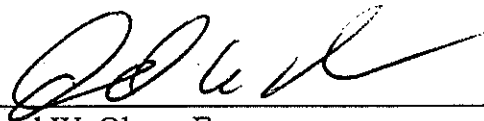
Sworn to before me on this
6th day of September, 2016.


Notary Public

DAVID OLSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 02015082888
Qualified in Niagara County
My Commission Expires November 17, 2017

CERTIFICATION

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.



David W. Olson, Esq.
BROWN CHIARI LLP
Attorneys for Claimant
2470 Walden Avenue
Buffalo, New York 14225-4751
(716) 681-7190



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

September 20, 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>National Fuel v. County of Erie - Highways - 8 2 2016 Taylor Road, Boston</i>
Document Received:	Notice of Claim
Name of Claimant:	National Fuel Gas Distribution Corporation 6363 Main Street Williamsville, New York 14221
Claimant's attorney:	Kenneth M. Gossel, Esq. National Fuel Gas Distribution Corporation 6363 Main Street Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

SUPREME COURT: COUNTY OF ERIE
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221

Claimant,

NOTICE OF CLAIM

-vs-

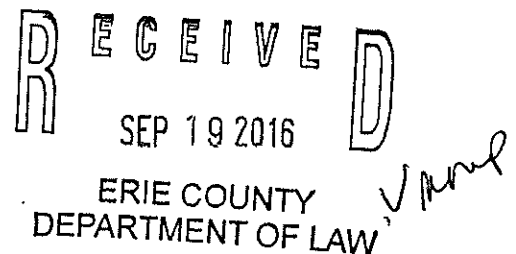
Index No.

County of Erie, Department of Law
Attn: Property Damage Department
95 Franklin Street, Room 1634
Buffalo, New York 14202

Defendant.

TO THE ABOVE NAMED DEFENDANT:

SIR:



PLEASE TAKE NOTICE that the Claimant herein hereby makes claim and demand against the Erie County Highway Department as follows:

1. The name and post-office address of the Claimant is: National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221. The name and post office address of Claimant's attorney is: Kenneth M. Gossel, Esq., National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221.

2. The nature of the claim is an action for the recovery of property damage to Claimant's underground facilities, for gas loss, and for the cost of the repair of said underground facilities caused solely by the negligence of Defendant and Defendant's violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 – 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 1926.1, et. seq., while Defendant was excavating in the City of Boston, County of Erie and State of New York.

3. The time when, the place where and the manner in which the incidents underlying the claim arose are as follows:

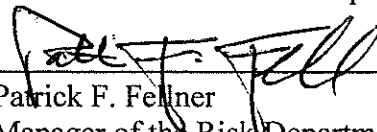
- (i) Damage to Claimant's underground facilities occurred on August 2, 2016, at approximately 10:00 a.m., at or near 7070 Taylor Road, City of Boston, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 – 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., hit and caused damage to Claimant's natural gas line and the loss of gas.

4. The items of damage are property damage to Claimant's underground facilities, detailed above, and the cost of repairing said damage. That said claim and demand is hereby presented for adjustment and payment. PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, and upon the default of the Erie County Highway Department, to pay Claimant the full amount of the damages suffered by reason of the foregoing, within the time limited for compliance with this demand by the said Erie County Highway Department, by the statutes in such cases made and provided, Claimant will institute an action against the Erie County Highway Department, to recover the full amount of Claimant's damages, with interest and costs.

DATED: Williamsville, New York
September 14, 2016

Respectfully yours,
National Fuel Gas Distribution Corporation

By:


Patrick F. Fellner
Manager of the Risk Department of
National Fuel Gas Distribution Corporation

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221,

Claimant,

-vs-

Index No.

County of Erie, Department of Law
Attn: Property Damage Department
95 Franklin Street, Room 1634
Buffalo, New York 14202

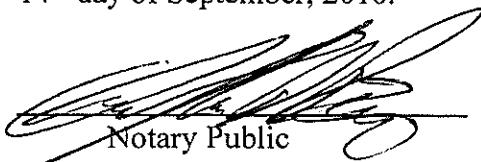
Defendant

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

Patrick F. Fellner, being duly sworn, deposes and says that I am an employee in the Risk Management Department for National Fuel Gas Distribution Corporation; that I have read the forgoing Notice of Claim; that the same is true to my knowledge, except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true based upon information supplied to me; and the reason the verification is made by me because National Fuel Gas Distribution Corporation is a corporation.


Patrick F. Fellner

Sworn to before me this
14th day of September, 2016.


Notary Public

CHRISTOPHER D. KINSLEY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES
NOVEMBER 27, 2018



INVOICE

PIPELINE DAMAGE

2016-45189-01

COUNTY OF ERIE, DEPT. OF LAW
ATTN: PROPERTY DAMAGE DEPT.
95 FRANKLIN STREET, ROOM 1634
BUFFALO, NY 14202

Date of Loss : 8/2/2016 11:02:00 AM

Location : 7070 TAYLOR RD

Pipe Size : 1 1/8 In.

Facility : Service

Labor Employee #

60281

SUPEX

OVERH

Labor Amount

\$78.64

\$10.28

\$70.46

Material Description

MATERIAL-STOCK 5007476 1" PIPE, PLASTIC, HIGH DENSITY, 1-1/8"
COUPLING, STAB STYLE, 1-1/8 MATERIAL-STOCK 5800544

Amount Billed

\$0.72

\$14.18

Equipment Description

011 DIR VEH & TOOLS

Amount Billed

\$6.00

General DescriptionAmount BilledMinutes Blowing

45.0

CCF

4.65

\$2.51

Total Due = \$182.79

Total Paid = \$0.00

Balance Due = \$182.79

PLEASE REFER TO FILE # : 70946831 ON ALL CORRESPONDENCE

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

CLAIM # : 2016-45189-01 NFG FILE # : 70946831

AMOUNT: \$182.79

REMIT PAYMENT
WITHIN 30 DAYS
TO:

NATIONAL FUEL
FINANCE DEPARTMENT
Patrick Fellner
6363 Main Street
Williamsville, NY 14221-5887
(716) 857-6920

NATIONAL FUEL
DAMAGE TO COMPANY PROPERTY REPORT

INVESTIGATION DATA (To be completed by first responder -- charge all time and material to 70 #.)

DAMAGE # 70 94683-1 LEAK # 2110199 C.S.O. # 10006716

Time and Date of Damage: 10:00 8-2-16 ☐ Camcorder ☒ Photographs ☐ Hit Kit Utilized
(Time) (Date) (video/photos must be taken on every line hit.)

Damage Occurred: Below Grade ☒ Complete All Sections Above Grade ☐ Sections A, D, E Gas quality issue ☐ Sections A, C, E

Section A: Damage Location and Description: Complete for all damages / incidents

Address / Exact Location: 7070 TAYLOR RD

Between Intersections of: ECKHART RD + WOODLAND DR

City / Town: BOSTON County: ERIE

Right of Way where event occurred: (Select One)

Public: ☐ City St-1 ☐ State Hwy-2 ☐ Interstate Hwy-7 ☒ County Rd-8 ☐ Other-9 ☐ Federal Land-12

Private: ☐ Land Owner-3 ☐ Private Business-4 ☐ Railroad-5 ☐ Pipeline-6 ☐ Private Easement-10

☐ Dedicated Public Utility Easement-11 ☐ Power / Transmission Line-13 ☒ Unknown/Other-99

Damaged by: ☒ Contractor*-1 ☐ County-2 ☐ Farmer-3 ☐ Municipality-4 ☐ Occupant-5

(Select One) ☐ Railroad-6 ☐ State-7 ☐ Utility-8 ☐ Developer -9 ☐ Unknown/Other-99

* If a Contractor, who are they working for:

Company: ERIE County Highway Dept Owner/Contact Name:

Address: 50 WEST AVE (B3)

Address:

City / Town: HARBOUR State: NY Zip Code: 14075

Phone #: 716-649-4077 Equipment Operator's Name: KEITH BUNDY

Type of Excavation Equipment: (Select One) ☐ Auger-1 ☐ Backhoe/Track Hoe-2 ☐ Boring-3 ☐ Drilling-4

☐ Directional Drill-5 ☐ Explosives-6 ☒ Grader/Scraper-7 ☐ Hand Tools/Shovel-8 ☐ Vacuum Equip-9

☐ Probing Device-10 ☐ Trencher-11 ☐ Farm Equip-12 ☐ Milling Equip-13 ☐ Unknown/Other-99

Vehicle License Plate # and State Jurisdiction: NYS AD 9344

Description of Incident (Select One Type of work being performed.):

☐ Agriculture -1 ☐ Cable Television-3 ☐ Bldg. Construction-4 ☐ Curb/Sidewalk-5 ☐ Bldg. Demolition-6 ☐ Drainage-7

☐ Driveway-8 ☐ Electric-9 ☐ Engineering/Survey-10 ☐ Fencing-11 ☐ Natural Gas-12 ☐ Irrigation-13

☐ Landscaping-1 ☒ Grading-15 ☐ Pole-16 ☐ Public Transit Auth-17 ☐ Railroad Maint-18 ☐ Road Work-19

☐ Sewer(Sanitary/Storm)-20 ☐ Site Development-21 ☐ Steam-22 ☐ Storm Drain/Culvert-23 ☐ Street Light-24

☐ Telecommunications-25 ☐ Traffic Signal-26 ☐ Traffic Sign-27 ☐ Water-29 ☐ Waterway Improvement-30

☐ Liquid Pipeline-31 ☐ Milling-32 ☐ Unknown/Other-99

Section B: Locate information: Complete for below grade damages

Was the One-Call Center notified? ☒ Yes ☐ No If yes, please provide the One Call ticket number:

Ticket Response Code: 3-Marked

07056-186-020-00

Type of Locator: ☐ Utility Owner ☒ Contract Locator ☐ Unknown/Other

Facility Marked? ☒ Y ☐ N Marks Visible in Excavation Area: ☒ Y ☐ N ☐ Unknown/Other

Marked Accurately: ☒ Y ☐ N

Remarks: Flags + PAINT IN ROAD - ECHWY was digging on an Expired ticket

Investigated by: D. Colarusso Employee #: 15337

SECTION C: REPAIR DATA - COMPLETE FOR BELOW GRADE DAMAGES

What type of facility was affected?

(Select One)

- ☐ Distribution Main
☒ Distribution Service
☐ Gathering
☐ Transmission
☐ Unknown/Other (Explain Below)

Size:

(Inches)

(Codes)

A - 1/8	E - 5/8
B - 1/4	F - 3/4
C - 3/8	G - 7/8
D - 1/2	S - 0
X - Out Dia.	

Type:

- ☐ 1 Bare Steel
☐ 2 Coated Steel
☐ 3 Cast Iron
☐ 4 Wrought Iron
☒ 5 Plastic
☐ 9 Other

Explanation:

Was the facility part of a joint trench? ☐ Unknown ☐ Y ☒ N

Gas blowing: ☒ Y ☐ N

No. of Service Interruptions: 1

Duration of Interruption: _____ (hours)

Estimated cost of damage/repair/restoration: ☒ Less than \$5,000 or \$

DRO No(s): _____

Number of people injured: 0

Number of fatalities: 0

Additional Explanation:

FRIE County Hwy Dept Damaged 1 1/8" LP
PLASTIC SERVICE WHILE CLEANING DITCHES W/ GRADE ALL

A Completion report is required if the main size, material, or dimension changed. Use "70" number. Update SVL info for serv. change.

Repaired by: _____

Employee # _____

SECTION D: GAS LOSS CALCULATION DATA - COMPLETE FOR BELOW AND ABOVE GRADE DAMAGES WITH GAS BLOWING

Line Pressure (psig):

0

(lbs.)

7

(oz.)

5" w.c. = 3 oz.

7" w.c. = 4 oz.

8.5" w.c. = 5 oz.

10" w.c. = 6 oz.

12" w.c. = 7 oz.

Time Leak Stopped:

10:45

Time Blowing (min.):

45

(Time Blowing = Time Leak Stopped - Time of Damage)

Hole Size (in.):

1 1/8"

(length)

1 1/8"

(width)

Main Hit Only

Choose the Type of Break

- ☐ Incomplete Break (Complete hole size)
☐ Complete Break: 2-way feed
☐ Complete Break: 1-way feed

SECTION E: CHECKLIST FOR PROCESSING AND SUPERVISOR APPROVAL - COMPLETE FOR ALL DAMAGES

SEND BILL - ☒ Y ☐ N

(Mis-Mark Review Required if Unlocatable, Locator Error or Incorrect records/maps.)

If "YES" - Choose Reason

(Select One)

If "NO" - Choose Reason and Explain Below

(Contract Locator may be billed if Contractor Locator error.)

- ☐ No notification made to the one call center-7
☒ Notification to one-call center made, but not sufficient-14
☐ Wrong information provided to one call center-12
☐ Excavation practices not sufficient/Excavator Error-15
☐ Failure to maintain clearance-19
☐ Failure to maintain marks-20
☐ Failure to support exposed facilities-21
☐ Failure to use hand tools where required-22
☐ Failure to verify location by test-hole (pot-holing)-23
☐ Improper backfilling practices-24
☐ Other-99

- ☐ One call center error-6
☐ Facility could not be found or located-9 (Unlocatable)
☐ Facility marking or location not sufficient-4 (Locator Error)
☐ Facility was not located or marked-1 (Locator Error)
☐ Incorrect facility records/maps-11
☐ Abandoned facility-10
☐ Deteriorated facility-13
☐ Previous damage-16

If Billing Locate Contractor:

- ☐ Facility marking or location not sufficient by locate contractor-4 (Contractor Locator Error)
☐ Facility was not located or marked by locate contractor-1 (Contractor Locator Error)

Explanation: Electr. hit LS service line. that was marked accurately.

mark area not well defined.

Supervisor Approval:

D. Colarusso

Employee #: 15337

Date: 8-5-16

District Mgr. Approval:

W. J. 15247