



ECLEG OCT04'16 4:00:08

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 30, 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 six (6) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Lombardo Funeral Home v. County of Erie
Alicia Allen v. County of Erie, et al.
National Fuel Gas Distribution Corporation v. County of Erie
David Dale v. County of Erie, et al.
John Keith & Pamela Moore – Foreclosure of tax, etc.
Randolph Curtis Ashby, II v. County of Erie

MMP:dld
Attachments



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 27, 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>Lombardo Funeral Home re: Duke, James F., Estate of, v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lombardo Funeral Home 3060 Abbott Road Orchard Park, New York 14127
Claimant's attorney:	Acea M. Mosey, Esq. Mosey Associates, LLP 625 Delaware Avenue, Suite 304 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

Comm. 20D-5

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STATE OF NEW YORK
COUNTY COURT : COUNTY OF ERIE

Lombardo Funeral Home

Plaintiff

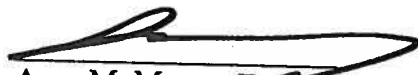
Notice of Claim
vs.

Department of Social Services (DSS)
And the County of Erie

Defendant.

PLEASE TAKE NOTICE that the undersigned, acting on behalf of Lombardo Funeral Home hereby claims that the funeral bill was not paid for the funeral of James F. Duke, Jr.. The amount due and owing is \$6,941.00 and no payment of this bill has been received by Lombardo Funeral Home.

Yours truly,


Acea M. Mosey, Esq.
Attorney for Defendant
625 Delaware Avenue, Suite 304
Buffalo, New York 14202
(716) 882-4890
(716) 882-5240

Lombardo Funeral Home

www.lombardofuneralhome.com
E-Mail info@lombardofuneralhome.com

3060 Abbott Road
Orchard Park, NY 14127
716-823-4812

102 Linwood Avenue
Buffalo, NY 14209
716-886-5363

885 Niagara Falls Blvd
Amherst, NY 14226
716-837-7100

4614 Main Street
Snyder, NY 14226
716-839-1133

STATEMENT

August 18, 2016

RE: James F. Duke, Jr.
Date of Death: July 4, 2016

Received From	Form of Payment	Check #	Date Paid	Amount of Payment
Adult Protection Owes (6941.00)			Jul 7, 2016	0.00

Total of Payments: \$0.00
Total Cost of Funeral: \$6,941.00
Balance: \$6,941.00

When you remit your payment, please include the name of the deceased and the day they passed away. If you have any questions or concerns please contact us at 716-837-7100. Thank you for your cooperation.

Special Note: If there are any funds that are owed on the account and the agencies/facilities deny payment you will be responsible for the balance (Ex: SS= Social Services, VA=Veteran's etc.).

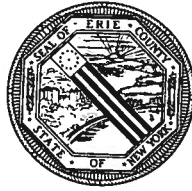
Please Remit Payment To:

Lombardo Funeral Home
3060 Abbott Road
Orchard Park, NY 14127

Sincerely,

Lombardo Funeral Home





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 27, 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>Allen, Alicia v. City of Buffalo, County of Erie, et al</i>
Document Received:	Notice of Claim
Name of Claimant:	Alicia Allen 1744 Welch Avenue Niagara Falls, New York 14303
Claimant's attorney:	Thomas M. Mercure, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

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. 20D-5
Page 5 of 33

In the Matter of the Claim of

ALICIA ALLEN,

Claimant,

- against -

CITY OF BUFFALO NEW YORK,
CITY OF BUFFALO DIVISION OF
PARKS AND RECREATION,
CITY OF BUFFALO DEPARTMENT OF
PUBLIC WORKS, PARKS AND
STREETS, CITY OF BUFFALO
DIVISION OF REAL ESTATE,
ERIE COUNTY, ERIE CANAL HARBOR
DEVELOPMENT CORPORATION,
COMCAST SPECTACOR, L.P.,
SPECTRA VENUE MANAGEMENT,
and GLOBAL SPECTRUM, INC.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Rocco Zendea Iron
the 20th day of September 2016
at 1:50 a.m. (p.m.)

S. M.
Assistant County Attorney

TO: CITY OF BUFFALO NEW YORK;
CITY OF BUFFALO DIVISION OF PARKS AND RECREATION;
CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND
STREETS;
CITY OF BUFFALO DIVISION OF REAL ESTATE,
ERIE COUNTY;
ERIE CANAL HARBOR DEVELOPMENT CORPORATION;
COMCAST SPECTACOR, L.P.;
SPECTRA VENUE MANAGEMENT; and
GLOBAL SPECTRUM, INC.

PLEASE TAKE NOTICE, that ALICIA ALLEN, has and hereby makes a claim against
CITY OF BUFFALO NEW YORK, CITY OF BUFFALO DIVISION OF PARKS AND
RECREATION; CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND
STREETS; CITY OF BUFFALO DIVISION OF REAL ESTATE; ERIE COUNTY; ERIE
CANAL HARBOR DEVELOPMENT CORPORATION; COMCAST SPECTACOR, L.P.;

SPECTRA VENUE MANAGEMENT, and GLOBAL SPECTRUM, INC., and in support of said claim state the following:

1. The Post Office address of the claimant is 1744 Welch Avenue, Niagara Falls, New York 14303.

2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of ALICIA ALLEN is for personal injuries, including without limitation, loss of income, medical expenses and for consequential damages generally.

4. The claim arose at Canalside located at 130 Main Street, in the City of Buffalo, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 29th day of July, 2016, the claimant, ALICIA ALLEN, while traversing at the aforesaid premises was caused to trip and fall on wires and/or a rug/carpet, resulting in serious injuries to the claimant.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of CITY OF BUFFALO NEW YORK, CITY OF BUFFALO DIVISION OF PARKS AND RECREATION; CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS; CITY OF BUFFALO DIVISION OF REAL ESTATE; ERIE COUNTY; ERIE CANAL HARBOR DEVELOPMENT CORPORATION; COMCAST SPECTACOR, L.P.; SPECTRA VENUE MANAGEMENT, and/or GLOBAL SPECTRUM, INC.

7. Upon information and belief, as a result of the aforesaid incident, the claimant, ALICIA ALLEN, sustained severe bodily injuries and was painfully and seriously injured;

was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, ALICIA ALLEN, sustained injuries in the nature of right foot and other various injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that CITY OF BUFFALO NEW YORK, CITY OF BUFFALO DIVISION OF PARKS AND RECREATION; CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS; CITY OF BUFFALO DIVISION OF REAL ESTATE; ERIE COUNTY; ERIE CANAL HARBOR DEVELOPMENT CORPORATION; COMCAST SPECTACOR, L.P.; SPECTRA VENUE MANAGEMENT, and GLOBAL SPECTRUM, INC., honor and pay the claim on behalf of ALICIA ALLEN.

DATED: Buffalo, New York
September 7, 2016



ALICIA ALLEN

LIPSITZ GREEN SCIME CAMBRIA LLP


By: 

THOMAS M. MERCURE, ESQ.

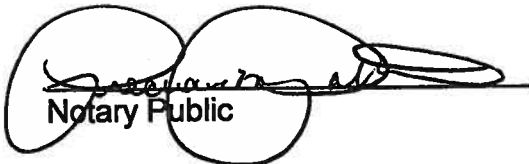
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: #61985.0001]

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

ALICIA ALLEN, being duly sworn, deposes and says that she is the claimant above named; she makes this claim on behalf of herself; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.


ALICIA ALLEN

Sworn to before me on this
13th day of Sept, 2016.


Notary Public

PRECIOUSS M PATTERSON
Notary Public - State of New York
No. 01PA6299710
Qualified in Erie County
My Commission Expires Mar. 24, 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. TOITH
SECOND ASSISTANT COUNTY ATTORNEY

September 27, 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 Gas Distribution Corporation v. County of Erie</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.

Comm. 20D-5
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mmf

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

Claimant,

NOTICE OF CLAIM

-vs-

Index No.

Erie County Highway Department
C/O 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:

RECEIVED
SEP 26 2016
ERIE COUNTY
DEPARTMENT OF LAW
Jmmf

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 Town of Eden, 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 24, 2016, at approximately 3:05 p.m., at or near 8566 E Eden Road, Town of Eden, 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 21, 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.

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

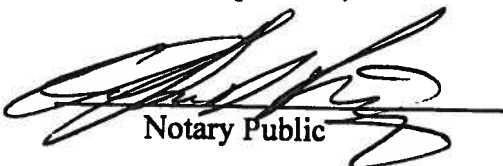
Defendant

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
21st 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



National Fuel

09/21/2016

INVOICE

PIPELINE DAMAGE

2016-45328-01

ERIE COUNTY HIGHWAY DEPARTMENT
C/O COUNTY OF ERIE, DEPT. OF LAW,
PROPERTY DAMAGE DEPT.
95 FRANKLIN ST, ROOM 1634
BUFFALO, NY 14202

Date of Loss : 8/24/2016 3:05:00 PM

Location : 8566 E EDEN RD

Pipe Size : 5/8 In.

Facility : Service

Labor Employee #

60507
60826
60882
SUPEX
OVERH

Labor Amount

\$145.50
\$162.41
\$143.58
\$59.01
\$120.06

Material Description

MATERIAL-STOCK 5803942 ELL, 90, STAB STYLE, 5/8
MATERIAL-STOCK 5006171 PIPE, PLASTIC, HIGH DENSITY, 5/8
MATERIAL-STOCK 0107834 COUPLING, MECHANICAL, R.W. LYALL, 1/2"

Amount Billed

\$18.56
\$0.39
\$6.35

Equipment Description

011 DIR VEH & TOOLS

Amount Billed

\$109.28

General Description

Amount Billed

Minutes Blowing

30.0

CCF

2.51

\$1.35

Total Due =

\$766.49

Total Paid =

\$0.00

Balance Due =

\$766.49

PLEASE REFER TO FILE # : 70950071 ON ALL CORRESPONDENCE

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

CLAIM # : 2016-45328-01 NFG FILE # : 70950071

AMOUNT: \$766.49

REMIT PAYMENT
WITHIN 30 DAYS
TO:

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

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DAMAGE TO COMPANY PROPERTY REPORT

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

DAMAGE # 70-95007-1

LEAK # D109423

C.S.O. # 10008278

Time and Date of Damage: 15:05

8-24-16

☐ Camcorder ☒ Photographs ☐ Hit Kit Utilized
(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: 8566 E Eden Rd

Between Intersections of: Schintzius / Keller Rd

City / Town: Eden

County: Eric

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:

Eric County

Owner/Contact Name: Joe Grandon

Address:

50 West Ave

Address:

City / Town:

Hamburg

State: NY

Zip Code: 14075

Phone #:

649-4077

Equipment Operator's Name: Joe Grandon

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:

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:

081 86-040-042

Ticket Response Code:

03

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:

Marked Accurately

Investigated by:

B. Modrak

Employee #: 60507

Revised 07/29/2014

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SECTION C: REPAIR DATA - COMPLETE FOR BELOW GRADE DAMAGES WITH GAS BLOWING

What type of facility was affected?

(Select One)

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

Size: 0 E
(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: 4 (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: Erie county replacing culvert pipe in ditch. Hit svc. mark accurately.

A Completion report is required if the main size, material, or dimension changed. Use "78" number. Update SVL info for serv. change.

Repaired by: Addison Employee # 60882

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

Line Pressure (psig): 30 5
(lbs.) (oz.) 5" w.c. = 3 oz.
Time Leak Stopped: 15:35 7" w.c. = 4 oz.
Time Blowing (min.): 30 8.5" w.c. = 5 oz.
Time Blowing - Time Leak Stopped - Time of Damage: 5/8 10" w.c. = 6 oz.
Hole Size (in.): 5/8 5/8 12" w.c. = 7 oz.
(length) (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:

Supervisor Approval:

Employee #:

Date:

District Mgr. Approval:



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 27, 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>Dale, David v. County of Erie, Erie County Sheriff's Office, Deputy Biegasiewicz</i>
Document Received:	Notice of Claim
Name of Claimant:	David Dale 805 Fillmore Avenue Buffalo, New York 14212
Claimant's attorney:	Joseph DeMarie, Esq. DeMarie & Schoenborn, P.C. 500 Rand Building 14 Lafayette Square 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. 20D-5
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STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE CLAIM
OF DAVID DALE,

Claimant

Against

COUNTY OF ERIE,
THE ERIE COUNTY SHERIFF AND
DEPUTY SIMON BIEGASIEWICZ

Respondents.

TO: ERIE COUNTY ATTORNEY
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

ERIE COUNTY SHERIFF
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

DEPUTY SIMON BIEGASIEWICZ
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

NOTICE OF CLAIM

RECEIVED
SEP 13 2016
ERIE COUNTY
DEPARTMENT OF LAW
mmf

PLEASE TAKE NOTICE, that the undersigned claimant hereby makes a
claim against the COUNTY OF ERIE, THE ERIE SHERIFF, their employees and
DEPUTY SIMON BIEGASIEWICZ

1. Claimant resides at 805 Fillmore Avenue, Buffalo, New York 14212
2. Claimant's attorneys are:

DE MARIE & SCHOENBORN, P.C.
500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
Telephone: (716) 856-0024

3. This claim is for damages arising from violation of constitutional rights and malicious prosecution.

4. The claim arose between March 5, 2015 and June 12, 2015.

5. Deputy Simon Biegasiewicz stopped the Claimant on March 5, 2015 in the Town of Elma and issued various traffic violations and thereafter following several appearances, and upon the Deputy's failure to appear, ^{on file supporting Deposition} the Court on proper motion on May 5, 2015, dismissed the traffic information. Notwithstanding the Court order, Deputy Biegasiewicz then reissued the charges with identical simplified information and on June 11, 2015, and a Justice of the Town of Elma having jurisdiction again dismissed the information for defects in service.

6. On June 11, 2016, while inside the Elma Town Courtroom, Deputy Biegasiewicz confronted the Claimant; thereafter Deputy Biegasiewicz left a phone message directing that the Claimant surrender himself for service of new information or be subject to warrant for arrest. One June 12, 2015 the claimant surrendered to receive the information and was arrested by Deputy Biegasiewicz and charged falsely with Obstruction of Governmental Justice in the second degree based upon the his appearance in Elma Town Court on June 11, 2015. On March 14, 2016, a Justice of the Elma Town Court having jurisdiction, granted an Order dismissing the Obstruction of Governmental Justice charge and the remaining traffic informations ^{have also been ad.} ~~are scheduled for dismissal on~~ September 22, 2016.

7. That as a result of the foregoing, Claimant has sustained damages consisting of loss of freedom, an arrest record, mental and emotional distress, damages in the form of attorney's fees and still continue and will continue to suffer from mental and emotional

stress.

8. These claims are presented for adjustment and payment in accordance with the statutes in such cases made and provided.

Dated: Buffalo, New York
September 1, 2016


DeMARIE & SCHOENBORN, P.C.

JOSEPH DeMARIE
500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
(716) 856-0024

INDIVIDUAL VERIFICATION

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

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



DAVID DALE

Sworn to before me this
7th Day of September, 2016.


My commission expires _____

SEAN D. SCHOENBORN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 3/18/2018



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 28, 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, John Keith and Pamela in re Foreclosure of tax, user fees and sewer liens re: 142 Oakgrove Avenue, Buffalo, New York</i>
Document Received:	Notice of Motion to Claim Surplus Monies
Name of Claimant:	John and Pamela Moore
Claimant's attorney:	Paulette Cooke Campbell, Esq. Western New York Law Center 237 Main Street, Suite 1130 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. 20D-5
Page 22 of 33

VIA US MAIL

September 15, 2016

Re: Surplus Monies Hearing Scheduled for 10/17/16 at 9:30 am
City of Buffalo v. John Keith Moore and Pamela Moore
Index No. 2012-000357

To Whom It May Concern:

Enclosed herewith is a Notice of Motion to Claim Surplus Monies filed on behalf of my clients, John Keith Moore and Pamela Moore, Defendants in the above-referenced action. I'm sending you notice of said motion because you may have been a party served in the original In-Rem foreclosure action. **If you can prove that you have a claim to the surplus monies, you are REQUIRED to attend this hearing.**

The Court Hearing date has been scheduled for **Monday, October 17th, 2016 at 9:30 am**. The Hearing will be held at the Erie County Court Building, 25 Delaware Avenue, Part 24, Buffalo, NY.

If you should have any questions or concerns, do not hesitate to have your Attorney contact me directly.

Sincerely,

Paulette Cooke Campbell

Paulette Cooke Campbell, Esq.
Staff Attorney

STATE OF NEW YORK
COUNTY COURT: COUNTY OF ERIE

-----X
IN THE MATTER OF FORECLOSURE OF TAX; USER
FEES AND SEWER LIENS, BY PROCEEDING IN REM
PURSUANT TO ARTICLE ELEVEN OF THE REAL
PROPERTY TAX LAW BY THE CITY OF BUFFALO
AND THE BUFFALO SEWER AUTHORITY,,
AFFECTING DISTRICT NOS. 1 THROUGH 14,
INCLUSIVE,

CITY OF BUFFALO, ET AL.,

Plaintiff(s),

vs.

JOHN KEITH MOORE and PAMELA MOORE,

Defendant(s).
-----X

**NOTICE OF MOTION
TO CLAIM SURPLUS
MONIES**

Index No. I 2012-000357
In Rem No. 46
Serial No. 1138

Property Address:
142 Oakgrove Avenue
Buffalo, NY 14214

MOTION BY:

DEFENDANTS

DATE, TIME, and PLACE:

COUNTY COURT OF ERIE COUNTY

Date & Time: October 17, 2016 at 9:30 am

PAID
CHECK CASH

SEP 13 2016

ERIE COUNTY
CLERK'S OFFICE

Erie County Court, Part 24
Erie County Court Building
25 Delaware Avenue
Buffalo, NY 14202

HON. David Foley

SUPPORTING PAPERS:

Affirmation of the Western New York Law Center,
Inc. by Paulette C. Campbell, Esq., Attorneys for
Defendants, dated the 12th day of September 2016
with attached exhibits.


RELIEF SOUGHT:

An order awarding Defendants John Keith Moore
and Pamela Moore the surplus monies resulting
from the foreclosure sale of the home formerly
owned at 142 Oakgrove Avenue, Buffalo, NY
14214, which funds resulted from the In Rem Tax
Foreclosure sale of the property on or about October

28, 2015 and are on deposit with the Erie County
Comptroller's Office.

TAKE FURTHER NOTICE that demand is made that answering papers be served at least seven
(7) days prior to the return date.

DATED: September 12, 2016
Buffalo, New York


Paulette Cooke Campbell, Esq.
Western New York Law Center, Inc.
Attorneys for Defendants
237 Main Street, Suite 1130
Buffalo, NY 14203
(716)855-0203 ext. 113

TO: Ilo N. Noble, Esq.
Corporation Counsel for the City of Buffalo
65 Niagara Square
Buffalo, NY 14202

Erie County Treasurer
95 Franklin Street, 11th Floor
Buffalo, NY 14202

NYS Dept. of Taxation & Finance
Child Support Enforcement Section
P.O. Box 5350
Albany, NY 12205

NYS Dept. of Taxation & Finance
Attn: Office of Counsel
Building 9
W A Harriman Campus
Albany, NY 12227

Erie County Dept. of Social Services
Attn: Bonnie McLaughlin, Esq.
95 Franklin Street
Buffalo, NY 14202

**Erie County Probation Department
One Niagara Plaza
Buffalo, NY 14202**

**Asset Acceptance LLC
P.O. Box 2036
Warren, MI 48090**

**United States of America
138 Delaware Avenue
Buffalo, NY 14202**

**Chief Clerk of the City Court of Buffalo
50 Delaware Avenue
Buffalo, NY 14202**

**Susan Smith
255 Seton Road
Cheektowaga, NY 14225**

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:

Party 1:
MOORE PAMELA

Party 2:
ERIE COUNTY PROBATION DEPARTMENT

Recording Fees:

Fee 1 \$0.00

Book Type: Q Book: 258 Page: 5372

Page Count: 3

Doc Type: JUDGMENT ROLL

Rec Date: 03/28/2013

Rec Time: 09:21:58 AM

Control #: 2013072137

UserID: kls

Trans #: 13050298

Document Sequence Number

CR2006127279

Consideration Amount: 1310.00

BASIC MT \$0.00

SONYMA MT \$0.00

ADDL MT/NFTA \$0.00

SP MT/M-RAIL \$0.00

NY STATE TT \$0.00

ROAD FUND TT \$0.00

Total: \$0.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

COURT DOCUMENT SCANNED TO CREATE ELECTRONIC RECORD

Christopher L. Jacobs
County Clerk

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

Erie County Probation Department
One Niagara Plaza, Buffalo, NY 14202 X

Plaintiff

vs.

PAMELA MOORE
142 Oakgrove X
Buffalo, NY 14214

Defendant

AFFIDAVIT

Pin # 127279

CR 2006-127279

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

PAMELA MOORE, being duly sworn, deposes and says that:

1. Your deponent is the Defendant and Judgment Debtor herein.
2. I owe the County of Erie the amount of \$1310.00.
3. I authorize the entry of judgment against me in that amount.
4. I am a resident of Erie County, in the State of New York.
5. This judgment may be entered in Erie County.
6. This confession of judgment is for a debt now due or to become due.
7. This confession of judgment is for a debt justly due, and which arises from my conviction on the charge(s) of PL 158.05 A M 5 WELFARE FRAUD-5TH DEGREE, on 09/27/2006, in front of Judge/Justice Sheila A. DiTullio.
8. As a result of this conviction, I was sentenced to 3 years of Probation on 09/27/2006.
9. A condition of my probation is that I submit to drug testing.
10. I owe this money for the following reasons:
 - a. Pursuant to Erie County Local Law No 2 of 1992, as amended by Local Law No 7 of 2005, I owe the County of Erie an administrative fee of thirty-five dollars (\$35) for every month that I am on Probation Supervision.
 - b. Pursuant to Erie County Local Law No 2 of 1992, as amended by Erie County Local Law No 7 of 2005, I owe the County of Erie a drug testing fee of fifty dollar (\$50) since I am required to submit to drug testing as a condition of my sentence of Probation.
11. Should I serve my full term of Probation, I will owe the County of Erie an administrative fee of \$1260.00 for my Probation Supervision.
12. I will owe the County of Erie a drug testing fee of fifty dollars (\$50.00).
13. The amount of this judgment does not exceed the amount I owe or will owe the County of Erie, on account of the above Probation fees.

Sworn to before me this
24th day of February, 2011

Dawn M. Di Fonzo
Commissioner of Deeds

Pamela Moore
PAMELA MOORE

DAWN M. DIFONZO
COMMISSIONER OF DEEDS
IN & FOR THE CITY OF BUFFALO, ERIE CO.
MY COMMISSION EXPIRES DEC. 31, 2011

Judgement Signed and Filed this 28th Day of March 2013
[Signature] COUNTY CLERK



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 29, 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>Ashby, Randolph Curtis, II, v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Randolph Curtis Ashby, II 12 N. Shore Drive Alden, New York 14004
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: *Michelle M. Parker*
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

RANDOLPH CURTIS ASHBY, II,

Complainant,

v.

ERIE COUNTY, DIVISION OF INFORMATION AND
SUPPORT SERVICES,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10183920

Federal Charge No. 16GB604405

I, Randolph Curtis Ashby, II, residing at 12 N. Shore Dr., Alden, NY, 14004, charge the above named respondent, whose address is 95 Franklin St., 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 disability.

Date most recent or continuing discrimination took place is 9/26/2016.

The allegations are:

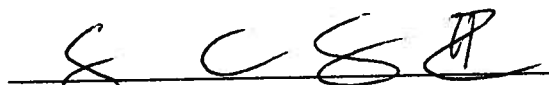
1. I have disabilities within the meaning of the New York State Human Rights Law, including Bi-polar disorder, schizo-affective disorder. Because of this, I have been subject to unlawful discriminatory actions.
2. In September 2012, I was hired by respondent and last held the job title of Systems Support Specialist. Respondent was aware of my disability because I had requested additional training as an accommodation of my disability (bi-polar disorder) in 2014 which was denied.
3. On or about 01/20/2016, co-worker Art Rush pulled on a knife on me. I reported this incident to my supervisor, Junior Application Support Specialist Bill Roza but respondent took no corrective action and Mr. Rush was not disciplined, suspended or terminated. Mr. Rush does not have a disability, to my knowledge.
4. On or about 01/23/2016, someone commented on my social media site about Mr. Rush having pulled a knife on me, saying that I "should have had a gun". I replied that if I had had a gun, I might have shot Mr. Rush.
5. When I reported to work on 01/25/2016, respondent denied me entry telling me I had been banned from the building due to the comment I had made on social media. I have not been allowed to return to work to date, 09/26/2016. As a result of Mr. Rush's action, I experienced

insomnia and my disabilities were exacerbated. I believe respondent has subjected me to disparate treatment and discharge due to my disability.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of disability, 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 the Americans with Disabilities Act (ADA) (covers disability 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.



Randolph Curtis Ashby, II

STATE OF NEW YORK)
COUNTY OF) SS:

Randolph Curtis Ashby, II, 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.


Randolph Curtis Ashby, II

Subscribed and sworn to
before me this 26 day
of September, 2016


Signature of Notary Public

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