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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

MEMORANDUM

TO: Karen McCarthy, Clerk, Erie County Legislature
FROM: Michelle M. Parker, First Assistant County Attorney
DATE: April 1, 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 17 new claims brought against the County of Erie. The claims are as follows:

Claim Name

Erie County Sheriff's PBA v. Sheriff Howard, et al.
Teamsters Local 264 v. Sheriff Howard, et al.
Teamsters Local 264 v. Sheriff Howard, et al. – PERB Charge
Osvaldo Garcia v. County of Erie
Select Portfolio Servicing v. Erie County Clerk
Joseph Jarzembek v. County of Erie, et al.
JoAnn Tischler v. Erie Community College
David Jackson v. County of Erie, et al.
Annette Cole v. County of Erie (3rd Action)
Annette Cole v. County of Erie (4th Action)
Buffalo Urban League v. County of Erie, et al.
Karen Krzesinski v. Erie Community College
Ryan Thompson v. Erie County Sheriff's Office, et al.
Patrick & Donna Fino v. County of Erie
Kathleen Nagorski v. County of Erie, et al.
Albert Weathers v. County of Erie, et al.
Vincent Scozzafava v. County of Erie, et al.

Comm. 7D-5

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COUNTY OF ERIE

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FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 18, 2016

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

Dear Ms. McCarthy:

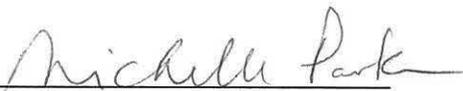
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Erie County Sheriff's PBA v. Sheriff Howard and COE</i>
Document Received:	Verified Petition
Name of Claimant:	Erie County Sheriff's Police Benevolent Association, Inc.
Claimant's attorney:	Paul D. Weiss, Esq. Bartlo, Hettler, Weiss & Tripi 22 Victoria Boulevard Kenmore, New York 14217-2314

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. 7D-5
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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of

**ERIE COUNTY SHERIFF'S POLICE
BENEVOLENT ASSOCIATION, INC.,**

VERIFIED PETITION

Petitioner,

For an Order and Pursuant to Article 75
of the Civil Practice Law and Rules
confirming the arbitration award of
a certain controversy

Index No. 801311/2016

-against-

Assigned Justice:

**TIMOTHY B. HOWARD, as SHERIFF OF
ERIE COUNTY, and**

Hon. E. Jeannette Ogden

COUNTY OF ERIE,

ORAL ARGUMENT REQUESTED

Respondents.

- ECS PBA Grievance 2015-04 Mounted Reserves (East Aurora Music Festival)
- ECS PBA Grievance 2015-05 Mounted Reserves (Allentown Art Festival)
- ECS PBA Grievance 2015-06 Mounted Reserves (Elma Relay for Life)
- ECS PBA Grievance 2015-07 Scientific Reserves (Elma Relay for Life)
- ECS PBA Grievance 2015-08 Mounted Reserves (Chestnut Ridge)
- ECS PBA Grievance 2015-09 Mounted Reserves (Marilla Civil War Reenactment)
- ECS PBA Grievance 2015-10 Mounted Reserves (University United Festival)
- ECS PBA Grievance 2015-12 Mounted Reserves (Chestnut Ridge)
- ECS PBA Grievance 2015-13 Mounted Reserves (Museum of Science)
- ECS PBA Grievance 2015-14 Mounted Reserves (Italian Festival)
- ECS PBA Grievance 2015-15 Mounted Reserves (Knox Farm)
- ECS PBA Grievance 2015-16 Mounted Reserves (East Amherst)

Petitioner, ERIE COUNTY SHERIFF'S POLICE BENEVOLENT ASSOCIATION,
INC., ("ECS PBA") by its attorneys, BARTLO, HETTLER, WEISS & TRIPI, PAUL D. WEISS,
ESQ. of Counsel, for its petition against the Respondents alleges as follows.

1. Pursuant to Section 204.1 of Chapter 392 of the Law of 1967 as amended (hereinafter the "Act"), Petitioner ECS PBA is the duly recognized sole and exclusive negotiating representative for an employee unit including all, but not limited to: full time employees in the criminal division, including: deputy sheriff-criminal, deputy sheriff-criminal (Spanish speaking); deputy sheriff-criminal (Seneca speaking); tactical flight officer; undercover narcotics deputy; detective deputy; detective deputy arson; technical sergeant; sergeant-criminal; senior tactical flight officer; training director; senior detective narcotics; coordinator-domestic violence; lieutenant-criminal; captain-criminal; deputy sheriffs assigned to the "Rath Patrol."
2. Respondent, Timothy B. Howard, in his capacity as the Sheriff of Erie County, is the chief elected law enforcement official in Erie County and is responsible for the enforcement of federal and state civil and criminal laws and county, town, and village ordinances through the provision of police and patrol services, crime investigation, crime prevention programs, and public safety and emergencies services.
3. Respondent, County of Erie, is a domestic municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by the Erie County Charter and New York state municipal home rule law.
4. ECS PBA and the Respondent County are parties to a collective bargaining agreement covering the terms and conditions of employment of unit members effective January 1, 2002 through December 31, 2016 (the "CBA"). A copy of the CBA is attached hereto as Exhibit A.

5. Petitioner makes the instant application to confirm the Consent Award executed by Arbitrator Dennis Campagna on January 29, 2016, in the matter of a series of grievance arbitrations between Petitioner and Respondents concerning Respondents' utilization of the Mounted Reserves in a manner inconsistent with the procedure required and as set forth in the CBA between the parties. A copy of the Consent Award is attached hereto as **Exhibit B**.
6. The CBA between the parties provides for the resolution of contractual disputes through a progressive grievance procedure which, should the parties fail to settle the grievance, culminates with an arbitration hearing by an impartial arbitrator appointed from a list of arbitrators agreed to by the parties.
- ~~7. Grievance 2015-04 Mounted Reserves (East Aurora Music Festival) was filed by~~
ECS PBA on June 12, 2015. A copy of the Grievance Form for grievance 2015-04 is attached hereto as **Exhibit C**.
8. Grievance 2015-04 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on June 6, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or patrol and/or do a demonstration and/or represent the Sheriff's Department at the Health Fair & Community Day at 1500 Broadway, Buffalo, New York, and the East Aurora, New York, Music Fest.

9. Grievance 2015-05 Mounted Reserves (Allentown Art Festival) was filed by ECS PBA on June 19, 2015. A copy of the Grievance Form for grievance 2015-05 is attached hereto as **Exhibit D**.
10. Grievance 2015-05 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on June 13 and 14, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or patrol and/or do a demonstration and/or represent the Sheriff's Department at the Allentown Art Festival in Buffalo, New York.
- ~~11. Grievance 2015-06 Mounted Reserves (Elma Relay for Life) was filed by ECS PBA on July 2, 2015. A copy of the Grievance Form for grievance 2015-06 is attached hereto as **Exhibit E**.~~
12. Grievance 2015-06 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on June 19, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or patrol and/or do a demonstration and/or represent the Sheriff's Department at the Relay for Life in Elma, New York.
13. Grievance 2015-07 Scientific Reserves (Elma Relay for Life) was filed by ECS PBA on July 2, 2015. A copy of the Grievance Form for grievance 2015-07 is attached hereto as **Exhibit F**.

14. Grievance 2015-07 alleges that the Respondents violated Article XXIV § 15 (b), Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Scientific Reserve Deputies on June 19, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to work at the Relay for Life in Elma, New York.
15. Grievance 2015-08 Mounted Reserves (Chestnut Ridge) was filed by ECS PBA on July 6, 2015. A copy of the Grievance Form for grievance 2015-08 is attached hereto as **Exhibit G**.
16. Grievance 2015-08 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on June 19, 21, 23, and 26, and July 2 and 5, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or patrol at the Chestnut Ridge Eternal Flame Patrol Detail.
17. Grievance 2015-09 Mounted Reserves (Marilla Civil War Reenactment) was filed by ECS PBA on July 8, 2015. A copy of the Grievance Form for grievance 2015-09 is attached hereto as **Exhibit H**.
18. Grievance 2015-09 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on June 27, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or do a demonstration

and/or represent the Sheriff's Department at the Marilla, New York, Civil War Reenactment.

19. Grievance 2015-10 Mounted Reserves (University United Festival) was filed by ECS PBA on July 8, 2015. A copy of the Grievance Form for grievance 2015-10 is attached hereto as **Exhibit I**.

20. Grievance 2015-10 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on June 28, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or do a demonstration and/or represent the Sheriff's Department at the University United Festival in Buffalo, New York.

21. Grievance 2015-12 Mounted Reserves (Chestnut Ridge) was filed by ECS PBA on July 10, 2015. A copy of the Grievance Form for grievance 2015-12 is attached hereto as **Exhibit J**.

22. Grievance 2015-12 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on July 8 and 9, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post at the Chestnut Ridge Eternal Flame Patrol Detail.

23. Grievance 2015-13 Mounted Reserves (Museum of Science) was filed by ECS PBA on July 20, 2015. A copy of the Grievance Form for grievance 2015-13 is attached hereto as **Exhibit K**.
24. Grievance 2015-13 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on July 15, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or do a demonstration and/or represent the Sheriff's Department at the Buffalo Museum of Science.
25. Grievance 2015-14 Mounted Reserves (Italian Festival) was filed by ECS PBA on ~~July 20, 2015. A copy of the Grievance Form for grievance 2015-14 is attached~~ hereto as **Exhibit L**.
26. Grievance 2015-14 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on July 16, 18, and 19, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or do a demonstration and/or represent the Sheriff's Department at the Italian Heritage Festival in Buffalo, New York.
27. Grievance 2015-15 Mounted Reserves (Knox Farm) was filed by ECS PBA on July 20, 2015. A copy of the Grievance Form for grievance 2015-15 is attached hereto as **Exhibit M**.

28. Grievance 2015-15 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on July 18, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or do a demonstration and/or represent the Sheriff's Department at the Knox State Farm in East Aurora, New York.
29. Grievance 2015-16 Mounted Reserves (East Amherst) was filed by ECS PBA on July 20, 2015. A copy of the Grievance Form for grievance 2015-16 is attached hereto as **Exhibit N**.
-
- ~~30. Grievance 2015-16 alleges that the Respondents violated Article XXIV § 17, Mounted Reserves, and any other applicable provisions of the CBA, Policies and Established practices of the Erie County Sheriff's Office by assigning the Mounted Reserve Deputies on July 18, 2015, without the consent of the ECS PBA and without first canvassing regular full-time personnel to man a post and/or do a demonstration and/or represent the Sheriff's Department at the East Amherst, New York, Fire Department Car Show.~~
31. Thereafter, the parties agreed to the designation of Dennis Campagna to serve as arbitrator for these grievances.
32. The parties submitted a proposed Consent Award to Arbitrator Campagna.
33. Arbitrator Campagna executed the Consent Award on January 29, 2016.
34. A copy of the aforementioned Consent Award was received by the Petitioner from Arbitrator Campagna on or about January 29, 2016, pursuant to CPLR §7507.

35. Respondents participated in negotiating the terms of the Consent Award and received Arbitrator Campagna's Consent Award on January 29, 2016.

36. Less than one (1) year has expired since the delivery of the Award by the Arbitrator to the parties, and the Award has not been vacated or modified upon any ground specified in CPLR §7511.

WHEREFORE, Petitioner requests that an order be made confirming the arbitration Consent Award executed by Arbitrator Campagna in this matter, and for other and further relief as the Court may deem just and proper, together with the costs and disbursements of this proceeding.

Dated: Kenmore, New York
February 9, 2016

Respectfully submitted,

s/Paul D. Weiss
BARTLO, HETTLER, WEISS & TRIPI
Paul D. Weiss, Esq., of Counsel
Attorneys for the Petitioner,
Erie County Sheriff's Police Benevolent
Association, Inc.
22 Victoria Boulevard
Kenmore, New York 14217
(716) 873-8833

VERIFICATION

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

Jason Weiss, being duly sworn, deposes and says that he is the President of the Erie County Sheriff's Association, Inc., named in the within entitled action; that he has read the foregoing verified petition and knows the contents thereof; and that the same is true to his knowledge, except as to the matters herein stated to be alleged upon information and belief, and as to those matters he believes them to be true.



Jason Weiss

Sworn to before me this
9th day of February, 2016.



Notary Public

BEVERLY A.R. NATALE
No. 01NA6104361
Notary Public, State of New York
Qualified in Erie County
My Commission Expires January 20, 2020



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 19, 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>Teamsters Local 264, by Brian Dickman, President, v. Sheriff Howard and CSEA</i>
Document Received:	Order to Show Cause
Name of Claimant:	Teamsters Local 264 35 Tyrol Drive Cheektowaga, New York 14227
Claimant's attorney:	Robert J. Reden, Esq. Reden & Sugrue, LLP 135 Delaware Avenue, Suite 410 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. 7D-5
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This paper received at the Erie County Attorney's Office from Jessica Peraza on the 19th day of Feb, 2016 at 10 0 a.m.

Jessica Peraza
Assistant County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Erie at February 18, Part 32, in the City of Buffalo, State of New York, on the 18 day of Feb, 2016.

BRIAN DICKMAN, as President of
TEAMSTERS LOCAL 264,
35 Tyrol Drive
Cheektowaga, New York 14227

ORDER TO SHOW CAUSE
AND TEMPORARY RESTRAINING
ORDER

Petitioner-Plaintiff,

Index No. I

-vs-

801605/2016

Assigned Justice:
HON.

TIMOTHY HOWARD,
Sheriff of Erie County, and
COUNTY OF ERIE, Joint Employers
10 Delaware Avenue
Buffalo, NY 14202, and

CSEA, INC.,
143 Washington Avenue
Albany, NY 12210

Respondents-Defendants.

Upon reading and filing the accompanying Petition and Complaint on behalf of the petitioner-plaintiff, duly verified on the 16th day of February, 2016; and the affidavit of Brian Dickman sworn to the 16th day of February, 2016, together with attached exhibits, submitted therewith; and due deliberation having been had hereon;

LET the Respondents-Defendants above-named, or their attorneys, show

cause at a term of this Court, to be held at Part 32,

50 Delaware Ave, in the City of Buffalo, New York, on the 23 day of February 2016, at 10:30 o'clock in the Fore noon of that date, or as soon thereafter as counsel may be heard, why an Order and Judgment should not be entered as follows:

1. Declaring that the County of Erie and the Erie County Sheriff have entered into a binding contract with Teamsters Local 264 requiring they negotiate in good faith through to December 31, 2016 over return of transport duty positions to the Teamsters bargaining unit and over maintaining the contingent of 19 deputies at the Erie County Correctional Facility;
2. Declaring that any agreement during 2016 with any other union giving the same transport duty positions to that bargaining unit, and not permitting the 19 Teamsters-represented deputies to work at the Erie County Correctional Facility, would be in breach of the agreement with the Teamsters to negotiate over those issues; and
3. Enjoining and preventing defendants County of Erie and Erie County Sheriff from entering into an agreement during 2016 with any other union, including the CSEA, which agreement would give the same transport duty positions to that bargaining unit, and which would not permit the 19 Teamsters-represented

deputies to work at the Erie County Correctional Facility; and

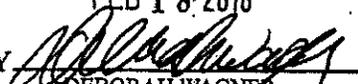
4. Ordering such other and further relief as the Court may deem just and proper, including the costs and disbursements of this action and reasonable attorneys' fees.

~~ORDERED, that sufficient reason appearing therefore, pending a hearing on this motion, on the authority of Civil Practice Law and Rules Section 6313, defendants County of Erie and Erie County Sheriff are restrained from entering into an agreement with any other union, including the CSEA, which agreement would give transport duty positions to that bargaining unit, and which would not permit at least 19 Teamsters-represented deputies to work at the Erie County Correctional Facility; and it is further~~

ORDERED, that no undertaking shall be required of the plaintiff at this time; and it is further

ORDERED, that service of a copy of this Order, the papers upon which it is granted, and of the underlying Complaint, shall be deemed good and sufficient service upon the Defendants if made by personal service upon the County of Erie, through its County Attorney, and upon the Erie County Sheriff, of one copy thereof, ^{on} by February 19, 2016; and if made by mailing, using overnight mail service, upon defendant CSEA of one copy thereof, ^{on} February 19, 2016.

ENTERED **GRANTED**

BY 
DEBORAH WAGNER
COURT CLERK

FEB 18 2016


Justice
DIANE Y. DEVLIN, J.S.C.



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

February 22, 2016

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

Dear Ms. McCarthy:

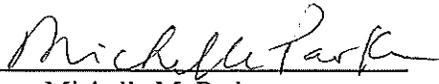
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Teamsters Local 264, by Brian Dickman, President, v. Sheriff Howard - PERB action</i>
Document Received:	PERB Charge
Name of Claimant:	Teamsters Local 264 35 Tyrol Drive Cheektowaga, New York 14227
Claimant's attorney:	Robert J. Reden, Esq. Reden & Sugrue, LLP 135 Delaware Avenue, Suite 410 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. 7D-5
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INSTRUCTIONS: File an original and four (4) copies of this charge with the Director of Public Employment Practices and Representation, New York State Public Employment Relations Board, PO BOX 2074, ESP AGENCY BLDG 2, FLS 18 & 20, ALBANY, NY 12220-0074. If more space is required for any item, attach additional sheets, numbering item accordingly.

DO NOT WRITE IN THESE SPACES
This paper received at the
Erie County Attorney's Office
Case No. from Jessica Perera on
the 19 day of February, 2016
at 12:05 a.m./p.m.
Date Received: [Signature]
Assistant County Attorney

1. CHARGING PARTY

- a. Name (If employee organization, give full name, including affiliation and local name and number):
TEAMSTERS LOCAL 264, IBT
- b. Address (No. & Street, City and Zip Code, County): Telephone No.:
35 Tyrol Drive, Cheektowaga, NY 14227 (716) 668-8007
- c. Name and title of the representative filing charge:
Robert J. Reden, Attorney
- d. Name, address and telephone number of attorney or other representative, if any, to whom correspondence is to be directed:
Reden & Suqrue, LLP, Robert J. Reden, of Counsel
135 Delaware Avenue, Suite 410, Buffalo, NY 14202, 716-856-0277

2. PUBLIC EMPLOYER AND/OR EMPLOYEE ORGANIZATION AGAINST WHOM CHARGE IS BROUGHT

- a. Name and Address (No. & Street, City and Zip Code, County):
COUNTY OF ERIE and the SHERIFF OF ERIE COUNTY, joint employers,
c/o Division of Labor Relations, 95 Franklin Avenue, Suite 1675, Buffalo, NY
14202
- b. Telephone Number: (716) 858-6873

3. Is the charging party filing a separate application for injunctive relief pursuant to §204.15 of the Board's Rules of Procedure?

YES XX NO _____

4. VIOLATIONS ALLEGED

Pursuant to Article 14 of the Civil Service Law, as amended (Public Employees' Fair Employment Act), the charging party hereby alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in an improper practice within the meaning of the following subsections of Section 209-a of said Act (check the subsection(s) allegedly violated):

If by a public employer If by an employee organization

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> 209-a.1(a) | <input type="checkbox"/> 209-a.2(a) |
| <input checked="" type="checkbox"/> 209-a.1(b) | <input type="checkbox"/> 209-a.2(b) |
| <input type="checkbox"/> 209-a.1© | <input type="checkbox"/> 209-a.2©* |
| <input checked="" type="checkbox"/> 209-a.1(d) | |
| <input type="checkbox"/> 209-a.1(e) | |
| <input type="checkbox"/> 209-a.1(f) | |
| <input type="checkbox"/> 209-a.1(g) | |

* If the charge alleges a violation of Section 209-a.2© of the Act based on an employee organization's processing of or failure to process a claim that a public employer has breached its agreement with such employee organization, identify the public employer:

a. Name and Address (No. & Street, City and Zip Code, County):

b. Telephone Number:

If the charge alleges that a charter school, charter school board of directors, chief administrative officer and/or their agents has (have) committed an improper practice under the Charter School Act of 1998, check the applicable subsection(s):

Education Law () 2854.3(c-2)

Education Law () 2855.1(d)*

*The charge must allege a practice and pattern of egregious acts and/or conduct by the charter school and/or its agents.

5. Specify in detail the alleged violation(s). Include names, dates, times, places and particular actions constituting each violation. Use additional sheet(s), if necessary. Failure to supply sufficient factual detail may result in a delay in processing or dismissal of the charge.

See attached Details of Charge, Alleged on Information and Belief

6. If the charge alleges a violation of Section 209-a.1(d) or 209-a.2(b) of the Act, has the charging party notified the Board in writing of the existence of an impasse pursuant to Section 205.1 of the Board's Rules of Procedure?

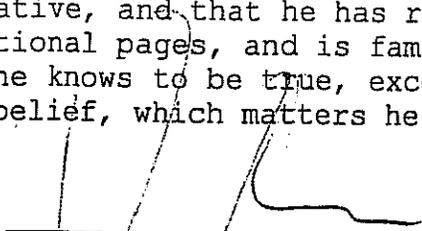
YES _____ NO X

7. The charging party available immediately to participate in a pre-hearing conference and a formal hearing.

YES X NO _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss.

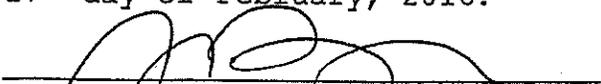
Robert J. Reden, being duly sworn, deposes and says, that he is the charging party above named, or its representative, and that he has read the above charge consisting of this and two additional pages, and is familiar with the facts alleged therein, which facts he knows to be true, except as to those matters alleged on information and belief, which matters he believes to be true.



(Signature)
Attorney at Law

(Title)

Subscribed and sworn to before me this
17th day of February, 2016.



Notary Public, State of New York

Jessica Michelle Peraza
Notary Public, State of New York
Qualified in Erie County
Commission Expires: July 6, 2019

Attachment to ¶5, Details of Charge, Alleged on Information and Belief

- a. The County of Erie and the Sheriff of Erie County (hereinafter, jointly, "Joint Employers") are joint employers and public employers as defined in Section 201 (6) (a) of the Public Employees' Fair Employment Act, Article 14 of the Civil Service Law of the State of New York (hereinafter "Act").
- b. Teamsters Local 264, I.B.T. (hereinafter "Teamsters Local 264" or "Union") is an employee organization as defined in Section 201 (5) of the Act.
- c. The Joint Employers and Teamsters Local 264 are parties to a collective bargaining agreement (hereinafter "cba") which expires by its terms on December 31, 2016.
- d. Teamsters Local 264 is the sole and exclusive negotiating agent of the bargaining unit comprising all positions referenced in Schedule "A" of the cba, including the positions of Deputy Sheriff Officer, Sergeant, and Lieutenant, and several clerical and medical titles. Most of the incumbents work in the Erie County Holding Center in downtown Buffalo, New York; 19 Deputy Sheriff Officers are assigned to the Erie County Correctional Facility in Alden, New York.
- e. The parties entered into an Agreement in early 2015 wherein the Union agreed to give up bidding in the Booking Area, in exchange for: (1) the Joint Employers agreeing to negotiate the return of transportation duties back to the bargaining unit, and to negotiate through to December 31, 2016; (2) the Joint Employers agreeing not to decrease the number of deputies assigned to the Correctional Facility (which numbered 19) during negotiations over transportation duties, through to December 31, 2016; and (3) following agreement on transportation duties the Joint Employers agreeing to negotiate maintaining the current contingent of deputies at the Correctional Facility.
- f. The parties engaged in bargaining over the return of transportation duties to the bargaining unit. They also bargained certain other changes the Sheriff wanted in the parties' cba before it expired, regarding the use of per-diem deputies and other matters. The Union would not agree to the Joint Employer's last proposal.
- g. On or about November 25, 2015 the Joint Employers ceased bargaining with the Union and, to retaliate against the Union for not agreeing to alter cba provisions during its term, on information and belief they began bargaining the assignment of transportation duties to another unit, represented by the CSEA.

h. On information and belief the CSEA and the Joint Employers have reached a tentative agreement that provides, amongst other things: (1) CSEA being assigned transportation duties (the duties over which the Joint Employers agreed to bargain with the Union through to December 31, 2016); and (2) staffing the Correctional Facility only with CSEA-represented employees effective January 1, 2017 (including the 19 positions over which the Joint Employers agreed to bargain with Teamsters Local 264). On information and belief the CSEA and the Joint Employers are set to sign off on the agreement in short order.

I. The Joint Employers failed to bargain in good faith over transportation duties and over the contractual contingent of deputies at the Correctional Facility. Moreover, their tentative agreement with the CSEA would deprive Teamsters Local 264 of the ability to negotiate in good faith over either issue with the Joint Employers.

j. By reason of the foregoing, the Employer violated Sections 209-a.1 (a), (b), and (d) of the Act.



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

February 25, 2016

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

Dear Ms. McCarthy:

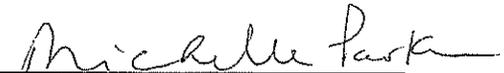
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Garcia, Osvaldo v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Osvaldo Garcia 244 Massachusetts Avenue, 2nd Floor Buffalo, New York 14213
Claimant's attorney:	John T. Ryan, Esq. Campbell & Associates 8274 North Main Street Eden, New York 14057

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. 7D-5
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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

OSVALDO GARCIA,

NOTICE OF CLAIM

Claimant,

-vs-

TOWN OF TONAWANDA,

Respondent.

TO: TOWN OF TONAWANDA
c/o JOHN J. FLYNN
TOWN ATTORNEY
2919 DELAWARE AVE. RM. 2
KENMORE, NY 14217

PLEASE TAKE NOTICE that OSVALDO GARCIA has a claim against TOWN OF TONAWANDA, for personal injuries, medical expenses and damages generally sustained by him, and in support thereof, the Claimant states:

FIRST: The name and post office address of Claimant is OSVALDO GARCIA, 244 Massachusetts Avenue, 2nd Floor, Buffalo, NY 14213.

SECOND: The name and address of Claimant's attorney is R. Colin Campbell, Esq., CAMPBELL & ASSOCIATES, 8274 North Main Street, Eden, New York 14057.

THIRD: The claim of OSVALDO GARCIA is for personal injuries sustained by him through the negligence of TOWN OF TONAWANDA, its agents, servants or employees.

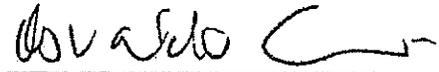
FOURTH: The time when the claim arose, and the time when the injuries were sustained was approximately 5:00 P.M. on November 12, 2015. The place where the claim arose

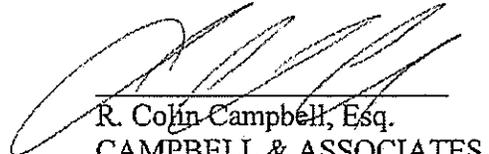
and Claimant was injured was at or near 2296 Kenmore Avenue, Town of Tonawanda, State of New York on the sidewalk abutting said address. Claimant was injured, and sustained damages, as a result of a "No Standing Any Time" sign pole that was present in the subject sidewalk due to the improper design, construction, repair, maintenance, upkeep, and/or supervision by the TOWN OF TONAWANDA, its employees, servants and/or agents. The incident and subsequent injuries were caused solely as a result of the negligence, carelessness and recklessness of TOWN OF TONAWANDA, its employees, servants and/or agents, with no culpable conduct on the part of the Claimant contributing thereto.

FIFTH: Claimant, solely as a result of the negligence, carelessness and recklessness of TOWN OF TONAWANDA, its employees, agents and servants, sustained serious and severe personal injuries, the full extent and severity of which cannot be ascertained at this early date, but which are, upon information and belief, permanent in nature. The claimant's injuries known at this juncture include multiple fractures in his leg. Claimant, OSVALDO GARCIA, also sustained costs associated with the above medical care and treatment. The injuries aforementioned are permanent, the full nature and extent of which are unknown at this time.

The undersigned presents this claim and demand for adjustment and payment, and notifies you that unless adjusted and paid within thirty (30) days from the date of its presentation, it is the intention of the Claimant to commence an action thereon.

Dated: Eden, New York
February 8, 2015


OSVALDO GARCIA


R. Colin Campbell, Esq.
CAMPBELL & ASSOCIATES
Attorneys for Claimant
8274 North Main Street
Eden, New York 14057
(716) 992-9300

VERIFICATION

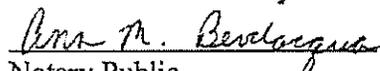
STATE OF NEW YORK)

COUNTY OF ERIE) ss:

OSVALDO GARCIA, being duly sworn, deposes and says that he is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his 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.


OSVALDO GARCIA

Sworn to before me on
February 8, 2016.


Notary Public

ANN M. BEVILACQUA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 2019



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

February 25, 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>Select Portfolio Servicing v. Erie County Clerk</i>
Document Received:	Verified Petition
Name of Claimant:	Select Portfolio Servicing, Inc.
Claimant's attorney:	Morgan R. McCord, Esq. Eckert Seamans Cherin & Mellott, LLC 10 Bank Street, Suite 700 White Plains, New York 10606

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

Comm. 7D-5
Page 26 of 86

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

SELECT PORTFOLIO SERVICING, INC.,

Petitioner,

Index No.

-against-

Date Filed:

NOTICE OF PETITION

ERIE COUNTY CLERK OF THE COURTS,

Respondent.

TO THE ABOVE-NAMED RESPONDENT:

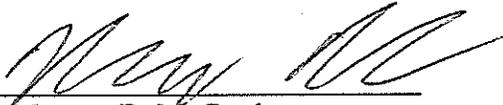
PLEASE TAKE NOTICE, that upon the annexed petition of Select Portfolio Servicing, Inc., verified on the 10th day of September, 2015, an application will be made to a Term, Part ____, Room ____ of this court to be held at the Supreme Court of the State of New York, County of Erie, which is located at 25 Delaware Avenue, Buffalo, NY on the __ day of _____, 2015 at __:___ a.m., or as soon thereafter as counsel can be heard, which seeks:

- a) Pursuant to, Real Property Actions and Proceedings Law Section 1921, directing the Erie County Clerk to mark the mortgage encumbering the premises located at 522 E. Amherst Street, Buffalo, NY 14215 discharged of record; and
- b) For such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR § 2214(b) demand is hereby made for the service of an answer and supporting affidavits, if any, at least seven (7) days before the aforesaid hearing, since this notice is served at least twelve days before such time.

Petitioner designates Erie County as place of trial. The basis of venue is the county in which the mortgaged premises is situated.

Dated: September 22, 2015
White Plains, NY

By: 
Morgan R. McCord

Eckert Seamans Cherin & Mellott, LLC
10 Bank Street – Suite 700
White Plains, NY 10606
Tel.: 914-949-2909
Fax: 914-949-5424

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

SELECT PORTFOLIO SERVICING, INC.,

Petitioner,

-against-

ERIE COUNTY CLERK OF THE COURTS,

Respondent.

Index No.:

NOTICE OF PETITION TO DISCHARGE SATISFIED MORTGAGE

ECKERT SEAMANS CHERIN & MELLOTT, LLC

Attorneys for Petitioner

SELECT PORTFOLIO SERVICING, INC.

10 Bank Street, Suite 700

White Plains, New York 10606

(914) 949-2909

Fax (914) 949-5424



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

February 25, 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>Jarzembek, Joseph T. v. County of Erie and Buffalo Niagara Convention Center</i>
Document Received:	Notice of Claim
Name of Claimant:	Joseph T. Jarzembek
Claimant's attorney:	Joseph T. Jarzembek, Esq., Pro Se 135 Montrose Avenue Buffalo, New York 14214

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. 7D-5
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STATE OF NEW YORK

COUNTY OF ERIE

JOSEPH T. JARZEMBEK

Claimant

Vs

COUNTY OF ERIE, BUFFALO NIAGARA CONVENTION CENTER, JOHN DOE I,

And JOHN DOE II

This paper received at the
Erie County Attorney's Office

from L. ROSADO on

the 24th day of Feb, 2016

at 9:53 a.m./p.m.

Leslie Ortiz - Legg
Assistant County Attorney

NOTICE OF CLAIM

Please take note that the undersigned, JOSEPH T. JARZEMBEK, intends to file a claim against the COUNTY OF ERIE, BUFFALO NIAGARA CONVENTION CENTER, AND JOHN DOE I and John Doe II.

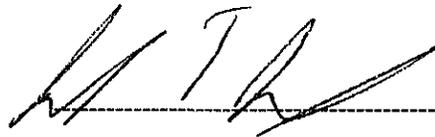
1. The post office address of the claimant herein is : 135 Montrose Avenue Buffalo, New York 14214
2. Petitioner is representing himself at this stage.
3. The time when and the place where such claim arose and the nature of the same are as follows:
4. On or about November 28, 2015 at 153 Franklin Street Buffalo, New York the site of the Greater Buffalo Niagara Convention Center on the upper floor at approximately 1100 PM. . Claimant while attending the Worlds Largest Disco event slipped and fell on a wet and slippery substance sustaining injuries including but not limited to a broken wrist, an injured right hand and an injured left knee.
5. Defendants and their agents were negligent in housekeeping activities failing to properly maintain and clean the upper floor area where numerous individuals were dancing.
6. Defendants and their agents were negligent in failing to properly maintain the concrete surface floor which was slippery and sticky as the result of the spilling of both alcoholic and non alcoholic beverages. Defendants had actual and constructive notice that there were spills on the upper floor throughout the evening from 930 PM and failed to adequately clean and mop the floor.. Defendants had inadequate number of staff employees to maintain and keep the surface area dry and free of liquid substances and debris. Defendants did not properly and regularly maintain the facility throughout the evening.
7. Defendants and their agents made the floor worse by negligently mopping the floor.

Defendants and their agents were also negligent in that they only had partially carpeted portions of the upstairs floor . Defendants knew or should have known that individuals were dancing on the concrete as well as carpeted floor. The lack of a carpeted floor throughout the upper level created an even more dangerous condition for individuals by creating a more sticky floor which was also less absorbing to individuals that might fall . The security personnel created and exacerbated the situation encouraging individuals to dance in the non carpeted and slippery portion of the floor . Defendants failed to put up notices warning individuals of a wet floor.

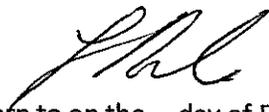
Defendants were negligent in providing adequate security for the safety of the patrons. Security officers upon information and belief were or should have been aware of the condition of the floor and failed to take precautions for the patron's safety and security failed to inform housekeeping and maintenance personal of that condition .

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: 2-22-16



Joseph T. Jarzembek



Sworn to on the day of February, 2016

LOUIS ROSADO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires Aug. 27, 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

February 26, 2016

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

Dear Ms. McCarthy:

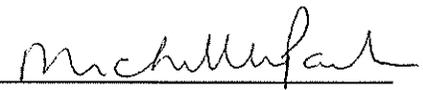
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Tischler, JoAnn v. Erie Community College</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	JoAnn Tischler 29 Columbus Avenue Buffalo, New York 14220
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

Comm. 7D-5
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NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

JOANN TISCHLER,

Complainant,

v.

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

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10179947

Federal Charge No. 16GB601594

I, JoAnn Tischler, residing at 29 Columbus Ave., Buffalo, NY, 14220, 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 age.

Date most recent or continuing discrimination took place is 5/25/2015.

The allegations are:

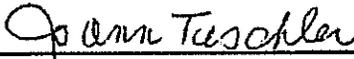
1. I am 58 years old (DOB: 09/17/1957). Because of this, I have been subject to unlawful discriminatory actions.
2. I was hired by the above named respondent in 2004 and last held the job title of Senior Technical Assistant assigned to 121 Ellicott Street Buffalo New York.
3. Beginning approximately in January 2015 and continuing for the duration of my employment, my supervisor Joshua Czerwiec subjected me to differential treatment due to my age. I had worked three nights per week and Saturdays from 8:00 AM to 3:00 PM since approximately 2006. In or around January 2015, Mr. Czerwiec insisted that I change my schedule and work the day shift one day per week, telling me it was for training purposes. Although he told me the change was for training purposes, no training was ever provided to me.
4. During almost every day shift that I worked, Mr. Czerwiec singled me out for criticism although I was not doing anything differently than the younger technicians. He would call me into the hall and yell at me, sometimes in the presence of students and other employees, although I was not doing anything wrong. He also repeatedly reprimanded me for using one of the Ipads available, although I was not aware of any rule prohibiting use of the Ipads.

5. On 05/25/2015, I left my employment (constructive discharge) because I could no longer tolerate the harassment to which I was subjected by Mr. Czerwiec due to my age. I am aware that Mr. Czerwiec has also been harassing another older employee at the north campus whose name is Joe.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of age, 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 Age Discrimination in Employment Act (ADEA) as amended (covers ages 40 years of age or older in 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.



JoAnn Tischler

STATE OF NEW YORK)
COUNTY OF) SS:

JoAnn Tischler, 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.



JoAnn Tischler

Subscribed and sworn to
before me this 18 day
of February, 2016



Signature of Notary Public

BEVERLY A. FRESCHOLTZ
Notary Public, State of New York
No. 01FR6187237
Qualified in Erie County
My Commission Expires 12/31/2018



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

February 26, 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>Jackson, David v. County of Erie and Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	David P. Jackson 10B1843 Elmira Correctional Facility PO Box 500 Elmira, New York 14902-0500
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.

Comm. 7D-5
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STATE OF NEW YORK
SUPREME COURT

David P. Jackson,
Claimant,

v.

NOTICE OF INTENTION
TO FILE A CLAIM

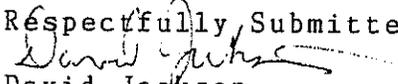
County of Erie,
Erie County Sheriffs Department,
Defendant(s).

PLEASE TAKE NOTICE, that the undersigned David P. Jackson, intends to file a claim against the County of Erie and the Erie County Sheriffs Department.

The above-entitled action is for personal injuries that was caused to claimant, while claimant was in the care, custody and control of the Erie County Sheriffs Department.

The County of Erie and the Erie County Sheriffs Department is being held liable for claimant injuries, for failure to protect claimant from being physically assaulted by another inmate while claimant was in the care, custody and control of the Erie County Sheriffs Department that is govern by the County Of Erie.

Dated: February 9, 2016

Respectfully Submitted,

David Jackson
Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202

COMMISSIONER OF DEEDS
and For the City of Buffalo, Erie County, NY
In Commission Expires Dec 31, 2016

Sworn to Before me on this
10th day of February, 2016


Notary Public

STATE OF NEW YORK
SUPREME COURT

David P. Jackson,
Claimant,

v.

**AFFIDAVIT IN SUPPORT
OF MOTION FOR NOTICE
OF INTENTION**

County of Erie,
Erie County Sheriff's Department
Defendant(s).

State of New York)
County of Erie) ss.:
City of Buffalo)

1. I, David P. Jackson, being duly sworn, deposes and says:
2. I make this affidavit in support of my motion for notice of intention.
3. The post office address of the claimant is: Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202.
4. This claim arises from claimant being physically assaulted by another inmate while he was in the care, custody and control of the Erie County Sheriff's Department, thus causing serious injuries to claimant.
5. The place where this act took place is at the Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202.
6. This claim accrued on the 23rd day of January, 2016 at approx. 5:30 p.m. and again at 6:30 p.m. of that evening.
7. Claimant sustained the following injuries: Laceration to forehead which required eight (8) stitches, right eye completely closed shut and severely swollen, and right side of face :

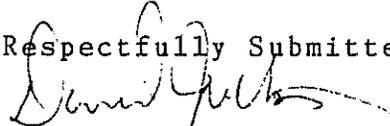
severely swollen and bruised.

8. The Notice of Intention was served and filed within 30 days of accrual.

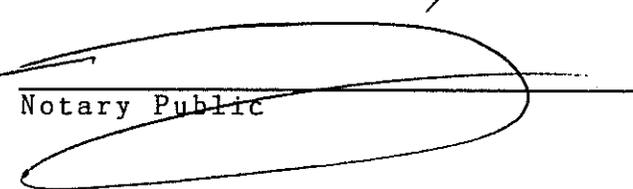
9. By the foregoing, Claimant is seeking monetary damages in the amount of \$250,000.00, and claimant demands judgment against the defendant(s) for said amount.

Dated: February 9, 2016

Respectfully Submitted,


David Jackson #15789
Pro Se Claimant
Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202

Sworn to Before me on this
16th day of February, 2016


Notary Public

COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2016

STATE OF NEW YORK
SUPREME COURT

David P. Jackson,
Claimant,

v.

VERIFICATION

County of Erie,
Erie County Sheriff's Department,
Defendant(s).

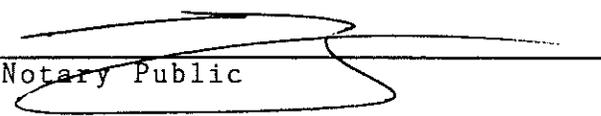
State of New York)
County of Erie)ss.:
City of Buffalo)

I, David Jackson, being duly sworn deposes and says that deponent is the claimant in the within action, that deponent has read the foregoing Notice of Intention and affidavit in support of the Notice of Intention and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters therein state to be alleged upon information and belief and that as to those matters, deponent believes it to be true.

Respectfully Submitted,


David Jackson#15789
Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202

Sworn to Before me this 16th day
of November, 2016.


Notary Public

NOTARY PUBLIC OF DEEDS
and Public Officer of Buffalo, Erie County, NY
My Comm. Exp. 12-31-2016

Comm. 7D-5
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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

March 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>Cole, Annette v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Annette Cole 201 Madison Street Buffalo, New York 14206
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.

Comm. 7D-5
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NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

ANNETTE COLE,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL
SERVICES,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10180190

Federal Charge No. 16GB601774

I, Annette Cole, residing at 201 Madison St., Buffalo, NY, 14206, charge the above named respondent, whose address is 95 Franklin Street, Buffalo, NY, 14202-3959 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 2/11/2016.

See attached complaint.



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

March 10, 2016

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

Dear Ms. McCarthy:

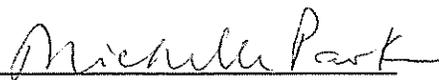
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Cole, Annette v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Annette Cole 201 Madison Street Buffalo, New York 14206
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 7D-5
Page 43 of 86

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

ANNETTE COLE,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL
SERVICES,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10180260

Federal Charge No. 16GB601828

I, Annette Cole, residing at 201 Madison St., Buffalo, NY, 14206, charge the above named respondent, whose address is 95 Franklin Street, Buffalo, NY, 14202-3959 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of disability, race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 2/24/2016.

See Attached Complaint



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 11, 2016

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

Dear Ms. McCarthy:

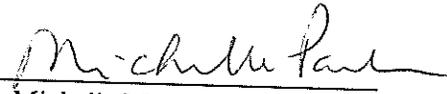
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Buffalo Urban League v. County of Erie, Stefan Mychajliw, Individually and as Comptroller</i>
Document Received:	Notice of Claim
Name of Claimant:	Buffalo Urban League
Claimant's attorney:	Kenneth W. Africano, Esq. Harter, Secrest & Emery Twelve Fountain Plaza, Suite 400 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.

STATE OF NEW YORK

SUPREME COURT

COUNTY OF ERIE

BUFFALO URBAN LEAGUE,

PETITIONER/PLAINTIFF,

v.

COUNTY OF ERIE AND
STEFAN I. MYCHAJLIW, INDIVIDUALLY AND AS ERIE COUNTY
COMPTROLLER

RESPONDENTS/DEFENDANTS.

NOTICE OF CLAIM

INDEX NUMBER:

TO: Erie County Comptroller
Attention: Stefan I. Mychajliw
95 Franklin Street
Room 1100
Buffalo, New York 14202

Stefan I. Mychajliw, Individually
95 Franklin Street
Room 1100
Buffalo, New York 14202

County of Erie
Erie County Attorney
95 Franklin Street
Room 1634
Buffalo, New York 14202

RECEIVED
MAR 10 2016
ERIE COUNTY
DEPARTMENT OF LAW

PLEASE TAKE NOTICE that the Claimant named herein, Buffalo Urban League ("Claimant" or "BUL"), hereby provides its Notice of Claim in accordance with New York County Law § 52 and/or General Municipal Law § 50-e, and hereby states as follows:

1. On December 9, 2015, Respondent Erie County Comptroller Stefan I. Mychajliw issued a Contract Compliance Review of Contract PS3591 between the Erie County Department of Social Services ("DSS") and the Buffalo Urban League for the period January 1, 2014 to December 31, 2014 (the "Report"). On or about December 9, 2015, the Comptroller forwarded the Report to the Legislature and also issued a press release regarding the alleged Report

findings. The press release together with the Report and other statements are posted on the Comptroller's website.

2. The Report states that it was conducted in accordance with Generally Accepted Government Auditing Standards ("GAGAS"). To this end, Section 1802(g) of the Erie County Charter provides that the Comptroller is to "conduct management and performance audits of County administration units and county funded programs in conformity with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants and the Comptroller General of the United States"

3. The Comptroller and the auditors involved in preparation of the Report did not comply with GAGAS or with general standards of accounting professionalism. They improperly applied methods of sampling and extrapolation without rational basis. The Report is blatantly biased and addresses issues outside the Comptroller's expertise. It also ignores the facts and meritorious explanations provided by the Buffalo Urban League during the auditing process.

4. The Report contains numerous findings and statements that are arbitrary and capricious, constitute an abuse of discretion, are not supported by substantial evidence, are not founded upon any rational basis, and, in many instances, are simply overtly false, including without limitation the following:

The Report: In the Executive Summary, the Report states that the Buffalo Urban League overbilled DSS by \$39,897.66.

The Truth: This is simply inaccurate. It relies upon an improperly applied method of sampling and extrapolation, incorrect numbers and concludes without evidence that the supervisory hours did not reflect work performed.

The Report: With regard to billing on August 29, 2014, the Report states that “supervisors billed the County for 130, 170 and 180 hours of quality assurance review for that one day.”

The Truth: This statement is false and the auditors knew that this supervisory billing was “entered” on one day for work done during the preceding 30-day period. August 29, 2014 was the date the time was entered and not the day that the work was done.

The Report: The Report’s critics the Buffalo Urban League for using the ACCESS programs in addition to the CONNECTIONS software.

The Truth: The auditors misinterpreted the contract between the Buffalo Urban League and DSS and ignored the fact that the CONNECTIONS software lacked adequate billing functionality.

The Report: The Report claims that the 6.5% increase in Buffalo Urban League compensation in July of 2014 was not justified.

The Truth: The increase in case load was substantially more than 6.5% and DSS supported the increase to address a case back load. In fact, from the beginning of January to the end of July 2014, the Buffalo Urban League’s preventative services caseload increased from 56 families to 77 families, a 37.5% increase. By the end of December 2014, the Buffalo Urban League was serving 92 families, a 64% increase from January 2014. This rapid, substantial growth would justify additional compensation many times the 6.5% increase the Legislature appropriated.

The Report: The conclusory statement by the Comptroller that Buffalo Urban League retaliated against whistleblowers by either “firing them or forcing them” to actively or constructively resign.

The Truth: The auditors lacked the expertise to make such a finding and failed to make the necessary investigations. They failed to review employment files or obtain management input and they also ignored the fact that two cases brought by the whistleblowers were dismissed. Two of Claimant’s former employees did, in fact, file complaints, one with the New York State Division of Human Rights and the other with the U.S. Department of Labor Occupational, Safety and Health Administration, alleging discrimination in one case and retaliatory discharge in the other. These agencies, however, dismissed both cases.

The Report: The auditors refused to make the Buffalo Urban League’s responses to the various allegations part of the official record, instead providing incomplete and biased summaries of the Buffalo Urban League’s positions.

The Truth: While accountants are supposed to ethically approach an audit and engage in their review with a fair and unbiased approach, the review was actually performed with anti-Buffalo Urban League bias and the facts presented by the Buffalo Urban League were ignored.

5. Buffalo Urban League puts Respondents on notice that it intends to file an Article 78 proceeding in accordance with New York State Civil Practice Laws and Rules § 7803, *et al.* and will seek the following relief:

- a. A declaration that the Report was not conducted in accordance with applicable standards including, without limitation, GAGAS and other standards of accounting professionalism;
- b. A declaration that the statements in the Report are, in whole or in part, arbitrary and capricious, not supported by substantial evidence, not founded upon any rational basis, and, in many instances, simply overtly false;
- c. an order striking the Report from the public record and the Comptroller's website, and retracting its submission to the Erie County Legislature;
- d. a declaration that the statements posted on the Comptroller's website, including the press release, are in whole or in part, arbitrary and capricious, not supported by substantial evidence and, in many instances, simply overtly false;
- e. an order directing the Comptroller to remove the press release and other statements regarding the Buffalo Urban League from the Comptroller's website; and
- f. directing that the Comptroller make and post corrective statements on the website and issue corrective statements to the Erie County Legislature regarding the Buffalo Urban League; and
- g. such other and further relief as the Court deems necessary and appropriate.

6. While it is the goal of the Buffalo Urban League to use an Article 78 proceeding to strike the Report and improper statements regarding the Report from the official record, the Buffalo Urban League also deems it appropriate to preserve its rights to bring an action for defamation against Respondents as may become necessary. Accordingly, this Notice of Claim also provides notice regarding Claimant's claim for defamation against each of the Respondents based upon the false and defamatory statements contained in the Report (as outlined in paragraph

5 above), the press release, the Comptroller's other website statements, as well as statements made to the media by the Comptroller regarding Claimant. The Comptroller and the Comptroller's office made the false statements with knowledge that the statements were false or with reckless disregard for the truth of those statements. The defamatory statements include, without limitation, the following:

Comptroller Statement: "One of the most outrageous instances was the county being billed for 480 hours worked by only three individuals in one, eight-hour work day. On invoices submitted to the County, the Buffalo Urban League claimed the three employees worked 180 hours, 170 hours, and 130 hours respectively, for a single eight-hour workday. To claim that three employees worked a total of 480 hours in one day and go forward with billing the taxpayers for those hours is outrageous. At best, this shows utter incompetence. At its worst it is blatant fraud."

The Truth. The Comptroller made these statements despite knowing that the supervisors entered time on one day for work done over the preceding 30 days. The Buffalo Urban League, recognizing that the time should have been entered on a daily bases, repaid these amounts. There was no evidence of overbilling or fraud.

Comptroller Statement: "The contract clearly requires that the Urban League document their case progress in the secure New York State Computer System called 'Connections,' a single computer system. The contract requires that this be the 'sole' program where secure case files are kept. During the review, auditors noticed that a second, home-made, system was being used to maintain and work on case files. The Urban League contended that the second system was necessary because the NYS 'Connections' system did not have a billing module. The secondary system had no security measures to protect client confidentiality. New York State's Office of Child and Family Services acknowledged to our office that they were unaware of the secondary system, that it concerns them, and they would work with the Urban League on 'corrective measures.' Conveniently, the hours in their home-made system matched what taxpayers were billed for, and the hours they reported to the state did not. They used two sets of books that did not match . . . At issue here is not a simple contract violation; it is the complete failure to secure the confidential details of children and families in their care."

The Truth. There is no requirement that the Buffalo Urban League only use CONNECTIONS. Since that program lacks adequate billing functionality, the Buffalo Urban League also uses ACCESS. There is no secret secondary system. All confidentiality is maintained and the auditors could only find a \$241.90 discrepancy on a \$1,065,000 annual contract.

Comptroller Statement: Buffalo Urban League was stonewalling investigators and engaged in “retaliatory action” against alleged whistleblowers who were “fired or forced to actively or constructively resign.”

The Truth. The auditors caused delay and demanded excessive documentation, which needed to be redacted. There was no retaliation against alleged whistleblowers. The auditors lack the expertise to make such a finding and the auditors ignored the fact that two claims filed by two of the alleged whistleblowers were dismissed. The auditors also failed to review employment files or conduct necessary investigations to support such a prejudicial conclusory finding.

7. In the event that the Buffalo Urban League advances a defamation claim, it will seek damages and will seek an injunction requiring the Comptroller to issue statements of retraction to assist the Buffalo Urban League to recover from the tarnishment to its reputation that has been caused by these false and defamatory statements.

8. Claimants’ claims against the Respondents accrued on December 9, 2015, when the Report was issued, and shortly thereafter when Respondents continued to make their defamatory statements.

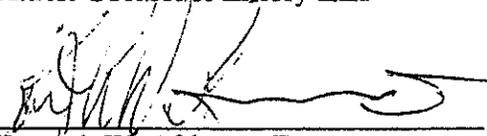
CONCLUSION

The above constitutes notice of Claimants’ claims against the Respondents to the extent a court deems that its claims are subject to New York County Law § 52 and/or General Municipal Law § 50-e. However, this notice should not be interpreted as an admission on the part of Claimant that such statutes apply under the circumstances. Nor, by way of this notice, does Claimant waive any right to argue against the requirement of a notice of claim. Additionally, Claimant incorporates herein by reference its positions taken and claims advanced in its November 23, 2015 and January 4, 2016 written submissions to the Comptroller and Erie County Legislature, respectively.

Dated: March 7, 2016

Harter Secrest & Emery LLP

By:


Kenneth W. Africano, Esq.

Attorneys for Claimant

Twelve Fountain Plaza, Suite 400

Buffalo, NY 14202-2293

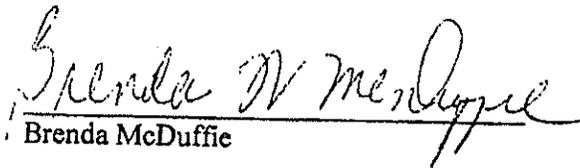
Telephone: 716.853.1616

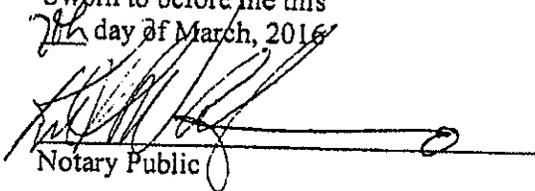
Email: kafricano@hselaw.com

VERIFICATION

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

Brenda McDuffie, being duly sworn, deposes and says that she is President and CEO of Claimant Buffalo Urban League in the above-captioned action, that she has read the foregoing Notice of Claim and knows the contents thereof, and that the same is true to her own knowledge, except as to the matters herein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.


Brenda McDuffie

Sworn to before me this
27th day of March, 2016

Notary Public

KENNETH W. AFRICANO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires September 19, 2019



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

March 23, 2016

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

Dear Ms. McCarthy:

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

File Name:	<i>Krzesinski, Karen v. ECC</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Karen Krzesinski 11 Hunter Lane Williamsville, New York 14221
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

Comm. 7D-5
Page 55 of 86

RECEIVED

New York State Division of Human Rights
Complaint Form

MAR 09 2016
NYS/DHR BUFFALO
REGIONAL OFFICE

CONTACT INFORMATION

My contact information:

Name: Varen Krzesinski

Address: 11 blunter lane Apt or Floor #: _____

City: Williamsville State: NY Zip: 14221

REGULATED AREAS

I believe I was discriminated against in the area of:

- Employment
- Education
- Volunteer firefighting
- Apprenticeship Training
- Boycotting/Blacklisting
- Credit
- Public Accommodations
(Restaurants, stores, hotels, movie theaters amusement parks, etc.)
- Housing
- Labor Union, Employment Agencies
- Commercial Space
- Internship

I am filing a complaint against:

Company or Other Name: Eric Community College

Address: 121 Ellicott Street

City: Buffalo State: NY Zip: 14203

Telephone Number: 716 851 1200
(area code)

Individual people who discriminated against me:

Name: Denise Raymond

Name: Crystal Messina

Title: Director

Title: Coordinator

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 2 month 29 day 2016 year

Discrimination and Harassment by Erie Community College and Denise Raymond and Crystal Messina

I have been at the college for almost 20 years. Last year I was unexpectedly transferred into the One Stop at ECC. For what reason that is to be determined. Once in here the harassment started. This office has a horrible reputation from its director as to targeting and harassing the employees. On day one I expressed a concern with not being able to take care of my sick child with the late hours that if as in past practice in the office if we could all take turns because there are NO customers in the office past 3:00pm usually (I have video proof.) She denied and lied and told me that the 2 other women cannot work late because of what they do. Past practice in the office they all have worked nights and rotated the schedule. I asked to flex for my child who is in and out of hospital with her FMLA for her so not to lose salary to take care of her. For all the time at the college I have worked 8:00am to 4:00pm or 9:00am to 5:00pm the latest and would never had taken a position which cause me to work late since I am the sole caregiver and supporter of my young children. Denise and Crystal Denied and no just cause but to cause the most damage to me and my family. With her denying me the ability to flex I used up all the time I had accrued in 20 years. Now when I take off to take care of my sick child I lose pay. This also does not make sense in that I do not see customers and only send out indeed website jobs off a list. I have repeatedly reported this to the VP Rick Washousky and union Pres and HR. I was told by the VP that this is too negative for him and he did not want this negativity in his life and he would not get involved. I was also scheduled by Denise Raymond to do a recruitment event and went to. A week later she sent to me and HR that she gave me 2 verbal and written warnings to get me fired. She did neither and was a complete lie. I had the documentation that she knew where I was but this has left me with constant stress and anxiety. It is traumatizing to work in such a toxic hostile work environment that has cause me so much distress that now have FMLA for me also. Everyday Denise and Crystal in the office change my work duties then say I am not doing enough or not right and they lie about what I am supposed to do or change the rules each week to cause the most damage. They send and critique everything I do even to not liking the amount of lights I have on in the office or the door is not open or closed enough. And yesterday the College pen that I have used and many others at the college for years and Denise (the supervisor) would not sign my leave if I used. I have proof from others in the college that they use all colors and pens. I have also been told we cannot talk to people in the hallway. I have something for almost every day since being in this office. The stress of having a target on my back in this office has caused me to have extreme chest pain, blurriness and headaches and loss of concentration from being in here. There has been about one person a year in here that has quit, gone on stress leave, or fired and or transferred out. One person had a heart attack. There are 3 supervisors and 4 employees and no work. I am scared for my life and family being in this office and pray each day someone will stop these people from hurting me and so many.

NOV 13/16
K

Jan 21, 2016
K

12/29/16
K

Ange



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

March 23, 2016

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

Dear Ms. McCarthy:

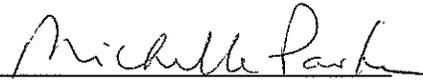
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Thompson, Ryan v. ECSO and NYS Parole</i>
Document Received:	Writ of Habeas Corpus
Name of Claimant:	Ryan Thompson
Claimant's attorney:	Michael J. Stachowski, Esq. Michael J. Stachowski, P.C. 2025 Clinton Street Buffalo, New York 14206

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. 7D-5
Page 59 of 86



MICHAEL J. STACHOWSKI, P.C.
Attorneys and Counselors at Law
2025 Clinton Street
Buffalo, New York 14206
(716) 824-5353 * FAX (716) 824-6674

Michael J. Stachowski
Michael B. Jones (1961-2012)

Sharon L. Williams

March 21, 2016

Timothy Howard
Sheriff of Erie County
10 Delaware Avenue
Buffalo, NY 14202

Re: People of the State of NY ex rel. Ryan Thompson
Index No. I-2016-000036

Dear Sheriff Howard:

Enclosed please find a copy of a Writ of Habeas Corpus and a petition returnable on April 8, 2016 at 9:30 a.m. before the Hon. Russell Buscaglia, 25 Delaware Avenue, Buffalo, NY 14202. If you have any questions, feel free to contact my office.

Very truly yours,

Michael J. Stachowski
Michael J. Stachowski

MJS:slw
Enc.:

2016 MAR 23 PM 1:14

FILE

ERIE COUNTY
SHERIFF
2016 MAR 23 FILED

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

PEOPLE OF THE STATE OF NEW YORK
ex rel. RYAN THOMPSON, #110143
#11-B-3895

ORI# NY 014015J

Petitioner,

WRIT OF
HABEAS CORPUS

-vs-

TINA M. STANFORD, CHAIRWOMAN,
NYS BOARD OF PAROLE,
TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF,

Index No
I-2016-000036

Respondents.

THE PEOPLE OF THE STATE OF NEW YORK
UPON RELATION OF RYAN THOMPSON, #110143, #11-B-3895
GREETINGS.

TO: Thomas Diina, Superintendent
Erie County Correctional Facility
Buffalo, New York 14202

WE COMMAND YOU that you have and produce the body of
RYAN THOMPSON, by you imprisoned and detained as it is said, together with the time and
cause of said imprisonment and detention, by whatever name the said **RYAN THOMPSON** is
called or charged, before the **HON. RUSSELL P. BUSCAGLIA**, Acting Justice of the
Supreme Court, in Part 14 at 25 Delaware Avenue, Buffalo, New York on **APRIL 8, 2016** at
9:30 A.M. OR ANY ADJOURNED DATE, to do and receive what shall then and there be

considered, concerning the said **RYAN THOMPSON**, and you then and there have this writ;
and it is further

ORDERED that the petitioner's application for reduced filing fee pursuant to
CPLR 1101(f) is granted since the petitioner has insufficient means to pay the full filing fee; and
it is further

ORDERED that the petitioner must pay a reduced filing fee of fifteen dollars
(\$15.00). This fee shall be assessed against the petitioner as an outstanding obligation and
collected by the Erie County Correctional Facility; and it is further

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

ORDERED that in the event the petitioner should receive an unfavorable
decision after the hearing, said petitioner is hereby granted poor person relief pursuant to Article
11 of the Civil Practice Law and Rules for the limited purpose of filing a Notice of Appeal in
the Erie County Clerk's Office without paying the fee required by CPLR 8022(a); and it is
further

ORDERED that attorney Michael Stachowski, Esq., 2025 Clinton Street,
Buffalo, New York, is assigned to represent the petitioner in this matter; and it is further

ORDERED that it is the responsibility of counsel for the petitioner, Michael
Stachowski to serve a signed and executed copy of the writ, the petition and any supporting

papers, by ordinary First-Class Mail or by personal service, upon the respondents, Tina M. Stanford, Chairwoman, NYS Board of Parole and Timothy B. Howard, Sheriff of Erie County on or before **April 1, 2016**. In addition, counsel for the petitioner, on or before said date, shall similarly serve the Attorney General at the Buffalo Regional Office, Main Place Towers, 350 Main Street, Suite 300, Buffalo, New York 14202 and the Erie County Attorney, 95 Franklin Street, Room 1634, Buffalo, New York 14202; and it is further

ORDERED that it is also the responsibility of counsel for the petitioner to forward the original proof of service of the writ upon the respondents as well as the Attorney General and the Erie County Attorney to the chambers of Acting Justice Buscaglia, 25 Delaware Avenue-Fifth Floor, Buffalo, New York 14202 at least eight (8) days prior to the return date.

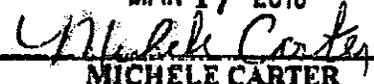
WITNESS, the **HON. PAULA L. FEROLETO**, Justice of the Supreme Court, this 17th day of March 2016.



HON. PAULA L. FEROLETO
Justice of the Supreme Court

GRANTED:

GRANTED

MAR 17 2016
BY 

MICHELE CARTER
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

March 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>Fino, Patrick and Donna v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Patrick and Donna Fino 155 Velore Avenue Orchard Park, New York 14127
Claimant's attorney:	Philip J. O'Shea, Jr. Esq. Smith, Miner, O'Shea & Smith, LLP 69 Delaware Avenue, Suite 1212 Buffalo, New York 14202-3891

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. 7D-5
Page 64 of 86

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

PATRICK R. FINO & DONNA M. FINO,
His Wife,

Claimants,

NOTICE OF CLAIM

vs.

COUNTY OF ERIE,

Defendant.

This paper received at the
Erie County Attorney's Office
from Collette Sorg on
the 24 day of March, 2016
at 3:37 a.m./p.m.,
Kenneth D. Kirby
Assistant County Attorney

**TO: COUNTY OF ERIE
HONORABLE MICHAEL A. SIRAGUSA, ESQ.
Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202**

S I R :

PLEASE TAKE NOTICE that the undersigned, PATRICK R. FINO & DONNA M. FINO, his wife, Claimants, hereby make claim against the COUNTY OF ERIE and submit the following in compliance with §50-e of the General Municipal Law:

1. The Claimants herein are PATRICK R. FINO & DONNA M. FINO, his wife. Claimants reside at 155 Velore Avenue, Town of Orchard Park, New York, 14127.
2. The attorneys for the Claimants are SMITH, MINER, O'SHEA & SMITH, LLP, whose post office address is 69 Delaware Avenue, Suite 1212, Buffalo, New York, 14202-3891.
3. The Claimant, PATRICK R. FINO, makes claim for money damages for personal injuries, including injury to his back, neck, enlargement of left psoas muscle with hematoma, weakness, dehydration, possible internal injury, sharp pains in his lower back, thighs,

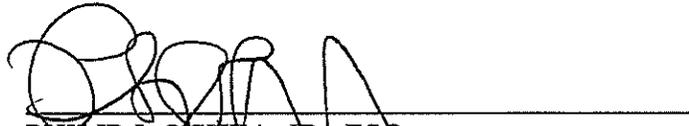
calves, legs, arms and neck. The Claimant also seeks compensation for his pain and suffering, permanency of injury, loss of income, disability, and loss of enjoyment of life.

4. The claim arises out of an incident which occurred on January 1, 2016, at approximately 6:00 a.m., at or near the intersection of South Park Avenue and Miller Avenue in the Village of Blasdell, County of Erie and State of New York.

5. That it will be claimed that the Claimant, PATRICK R. FINO, suffered the aforementioned and related injuries on January 1, 2016, and upon information and belief said injuries were caused or contributed to by the negligence of the COUNTY OF ERIE, its agents, servants and/or employees in failing to properly perform one or more of the following: warn, barricade, maintain, repair, pave, repave, inspect, snow-plow, salt, de-ice the aforementioned portion of South Park Avenue at or near its intersection with Miller Avenue in the Village of Blasdell, New York. Further, that the Defendant, COUNTY OF ERIE, failed to take such steps with respect to the aforementioned South Park Avenue so that at approximately 6:00 a.m. on January 1, 2016 a manhole cover, inscribed, *Verizon*, was missing from the opening of a manhole located at or about the intersection of Miller Avenue, and that as a result thereof, the vehicle owned and operated by the Claimant, PATRICK R. FINO, contacted the open manhole with the right/passenger side tires of his vehicle, resulting in the aforementioned injuries. That upon information and belief the aforementioned manhole cover was not properly "seated" or placed on the manhole and thereby became dislodged prior to this accident. (See Police Accident Report and Google Maps aerial photo of the accident site, annexed hereto as *Exhibit A*).

6. That the Claimant, DONNA M. FINO, as spouse of PATRICK R. FINO, claims her applicable damages for the loss of the services, society and companionship of her husband, PATRICK R. FINO, as allowed by law.

DATED: Buffalo, New York
March 23, 2016



PHILIP J. O'SHEA, JR., ESQ.
SMITH, MINER, O'SHEA & SMITH, LLP
Attorneys for Claimants
69 Delaware Avenue, Suite 1212
Buffalo, New York 14202
Tel. (716) 855-3611

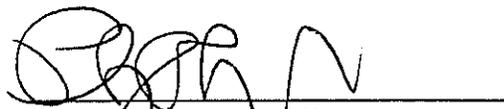

PATRICK R. FINO
DONNA M. FINO

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

PATRICK R. FINO, being duly sworn, deposes and says that he is one of the Claimants referred to above; that he has read the foregoing and the statements contained therein are true except as to such statements that are based upon information and belief, which statements he believes to be true.


PATRICK R. FINO

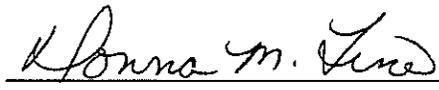
Sworn to, before me, this 23rd
day of March, 2016


Notary Public

PHILIP J. O'SHEA, JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 20 19

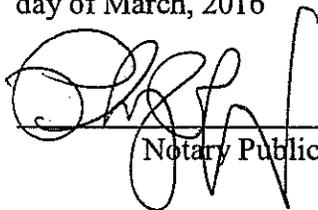
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

DONNA M. FINO, being duly sworn, deposes and says that she is one of the Claimants referred to above; that she has read the foregoing and the statements contained therein are true except as to such statements that are based upon information and belief, which statements she believes to be true.



DONNA M. FINO

Sworn to, before me, this 23rd
day of March, 2016



Notary Public

PHILIP J. O'SHEA, JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2019

EXHIBIT A

Comm. 7D-5
Page 69 of 86

Local Codes
16-00007
R0BL3655V2FV

New York State Department of Motor Vehicle POLICE ACCIDENT REPORT

MV-104A (6/04)

AMENDED REPORT

1	Accident Date	Month: 1, Day: 1, Year: 2016	Day of Week: Friday	Military Time: 06:09	No. of Vehicles: 1	No. Injured: 0	No. Killed: 0	Not Investigated at Scene: <input type="checkbox"/>	Left Scene: <input checked="" type="checkbox"/>	Police Photos: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---------------	------------------------------	---------------------	----------------------	--------------------	----------------	---------------	---	---	--

2	VEHICLE 1 - Driver	License ID Number: 536447558	State of Lic. NY	Driver Name - exactly as printed on license: FINO, PATRICK R	Address (Include Number and Street): 155 VELORE AVE	City or Town: ORCHARD PARK	State: NY	Zip Code: 14127	Date of Birth: 12/27/1957	Sex: M	Unlicensed: <input type="checkbox"/>	No. of Occupants: 01	Public Property Damaged: <input type="checkbox"/>
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9	1	1	1	1	1	1	1	1	1	1	1	1	1
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Accident Description/Officer's notes
While headed north on South Park Ave. both passenger side tires of vehicle #1 sank into an open manhole flattening the rear tire causing damage to the rim. This occurred in front of 3812 South Park. It is unknown at this time if there is any further damage.

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17	18	19	20
A	1	1	4	1	58	M	-	-	-	-	-	FINO, PATRICK R	
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E													
F													
Officer's Rank and Signature	PATROL			<i>[Signature]</i>			Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat Sector	Reviewing Officer	Date/Time Reviewed	
Print Name in Full	G DOOMAN						0007	01429			GRAMAG	2/2/2016 11:54	

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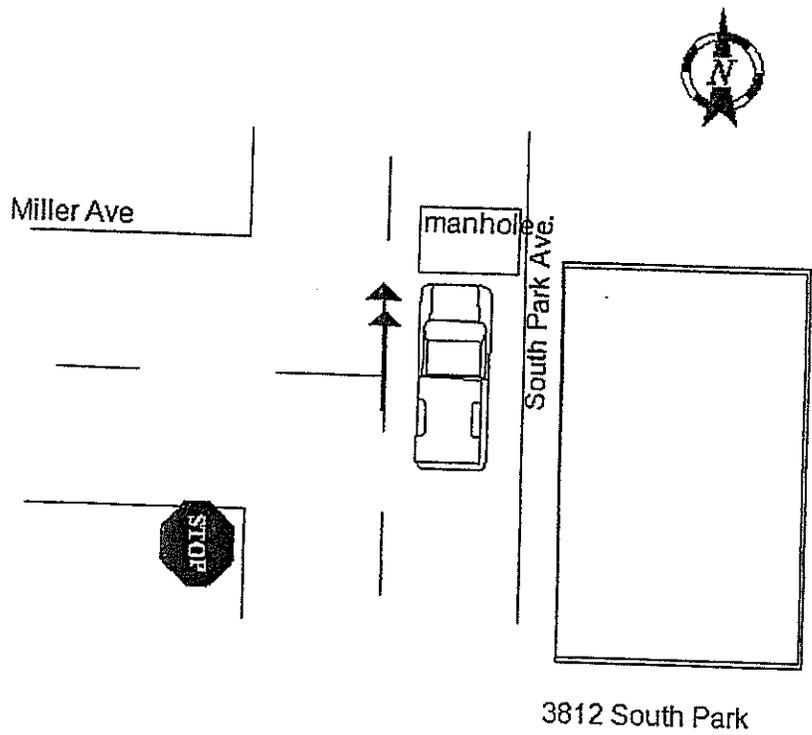
POLICE ACCIDENT REPORT

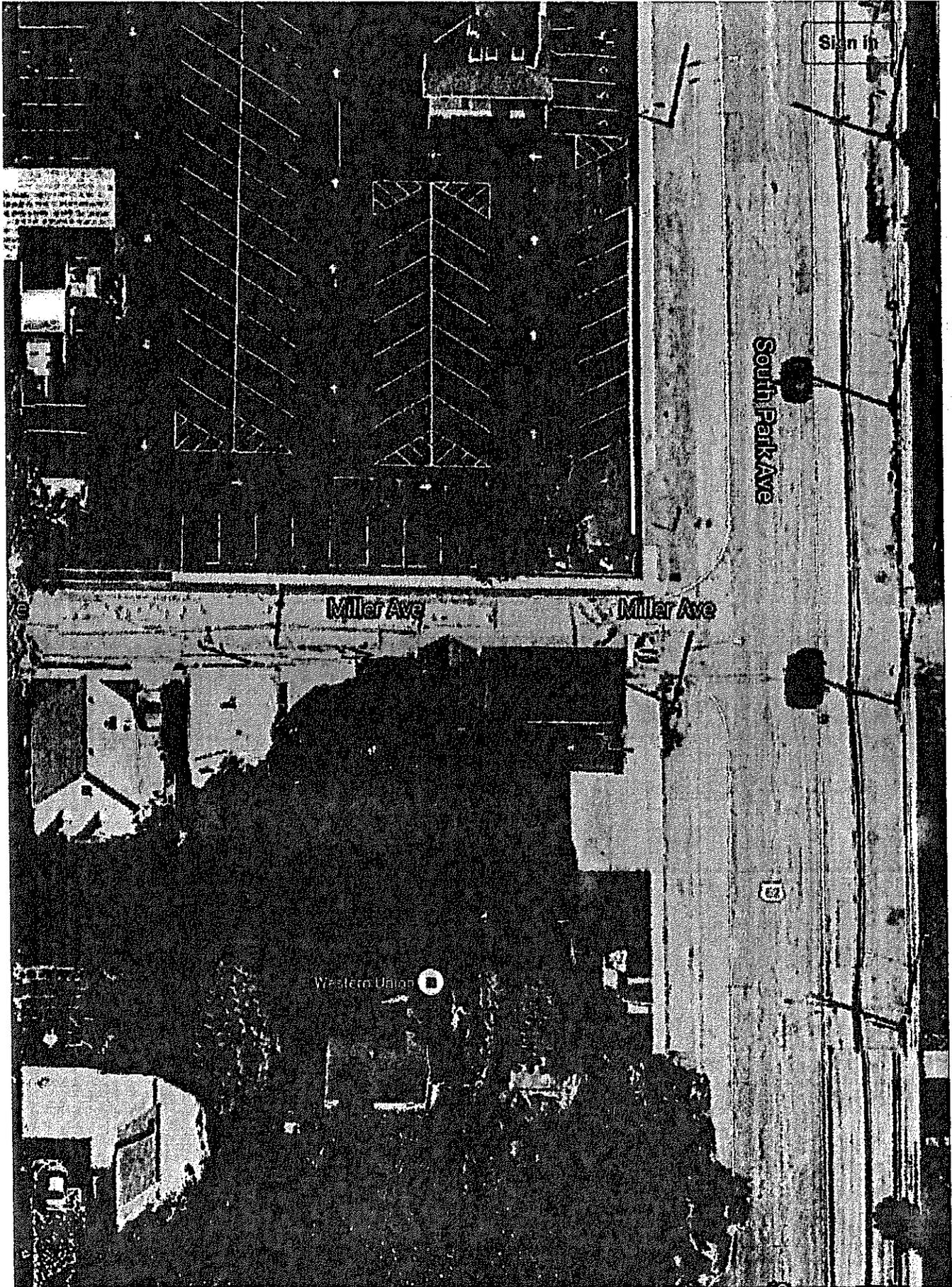
MV-104A (6/04)

Local Codes
16-000007
R0BL3655V2FV

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								
1	1	2016	Friday	06:09	1	0	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
								Accident Reconstructed	<input type="checkbox"/>	

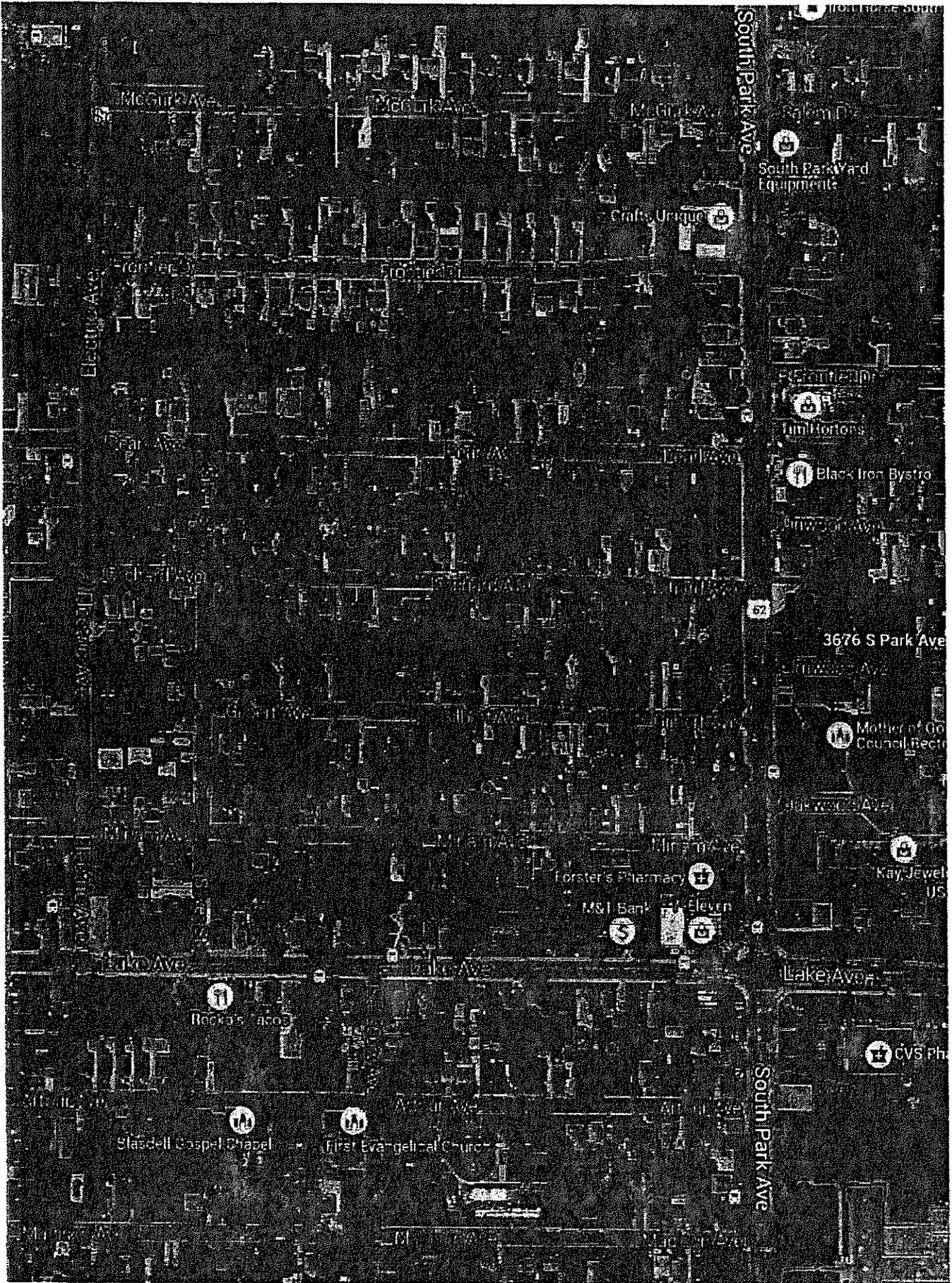




Comm. 7D-5

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Comm. 7D-5

Page 74 of 86



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

March 28, 2016

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

Dear Ms. McCarthy:

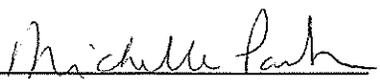
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Nagorski, Kathleen v. County of Erie and City of Buffalo</i>
Document Received:	Notice of Claim
Name of Claimant:	Kathleen A. Nagorski 60 Parkwood Avenue Kenmore, New York 14217
Claimant's attorney:	Cheryl M. Reed, Esq. William K. Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

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. 7D-5
Page 75 of 86

IN THE MATTER OF THE CLAIM OF:

KATHLEEN A. NAGORSKI
60 Parkwood Avenue
Kenmore, NY 14217

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
65 Niagara Square
11th Floor
Buffalo, NY 14202

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

Respondents.

PLEASE TAKE NOTICE that **KATHLEEN A. NAGORSKI**, 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 **KATHLEEN NAGORSKI**, the Claimant resides at 60 Parkwood Avenue, Kenmore, New York 14217. The attorneys for the Claimant are William K. Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986.
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, KATHLEEN A. NAGORSKI, as a result of the negligence of the City of Buffalo and the County of Erie in the design, control, and maintenance and safety of the intersection of Carlton Street near Ellicott Street, Buffalo, NY.

3. The incident which forms the basis of the claim herein occurred at approximately 03:58 p.m. on January 6, 2016 in the City of Buffalo, County of Erie and the State of New York. On that date and at that time, the Claimant KATHLEEN A. NAGORSKI was a pedestrian crossing Carlton Street when a vehicle that was traveling Southbound on Ellicott Street, in the City of Buffalo and County of Erie struck pedestrian Kathleen A. Nagorski, resulting in her suffering serious bodily injury as defined by NYS Ins. Law §5102(d). *See Police Accident Report Exhibit A.*

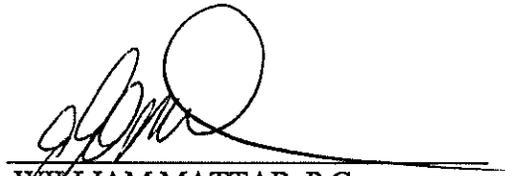
4. That as a result of the foregoing, the Claimant KATHLEEN A. NAGORSKI sustained very serious and substantial injuries, including a fracture of the left tibial plateau and blood clots, and other injuries which necessitated emergency medical attention and surgical repair. These injuries may be of a permanent or indefinite duration, and the Claimant KATHLEEN A, NAGORSKI, has been and may be forced to expend sums of money for hospitals, doctors, and other medically related expenses. 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 crosswalks, streets, and intersection.

WHEREFORE, the Claimant KATHLEEN A. NAGORSKI 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
February 16, 2016



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

STATE OF MASSECHUSETTS)
COUNTY OF Hampden) ss:

KATHLEEN A. NAGORSKI, being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Intent to File a 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.

Kathleen A. Nagorski
KATHLEEN A. NAGORSKI

Sworn to before me this
29th day of February, 2016

Roseann L. Partridge
Notary Public



Page 1 of 1 Pages
 Local Codes
 16-05100533
 37

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
 MV-104A (8/04)
 DMV COPY

B-037

19
62

1 Accident Date: Month 1, Day 6, Year 2016. Day of Week: Wednesday. Military Time: 1558. No. of Vehicles: 1. No. Injured: 1. No. Killed: 0. Not Investigated at Scene: . Left Scene: . Police Photos: Yes No. Accident Reconstructed: .

2 VEHICLE 1: Driver License ID Number 785 894 570, State of Lic. NY. Driver Name - exactly as printed on license: Odrobina, Mindy Maise. Address (include Number & Street): 94 Madeline Ln, City or Town: Depew, State: NY, Zip Code: 14043. VEHICLE 2: Driver License ID Number 231 614 4989, State of Lic. NY. Driver Name - exactly as printed on license: Nagorski, Kathleen A. Address (include Number & Street): 100 Parkwood Ave, City or Town: Kenmore, State: NY, Zip Code: 14217.

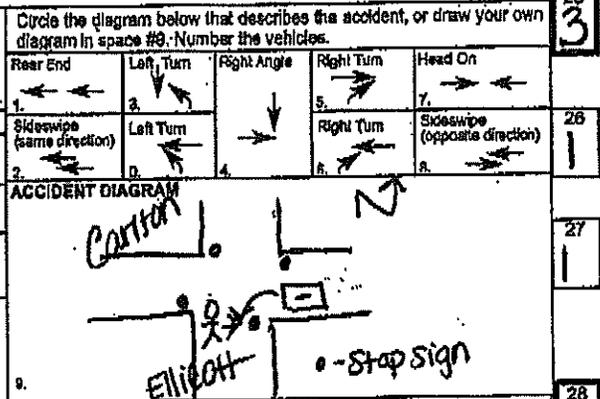
3 Date of Birth: Month 9, Day 19, Year 99. Sex: F. Unlicensed: . No. of Occupants: 1. Public Property Damaged: . Name - exactly as printed on registration: Same. Date of Birth: Month 11, Day 6, Year 58. Sex: F. Unlicensed: . No. of Occupants: 1. Public Property Damaged: .

4 City or Town: Depew, State: NY, Zip Code: 14043. City or Town: Kenmore, State: NY, Zip Code: 14217.

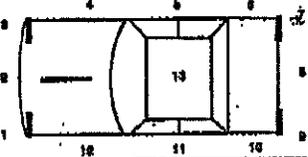
5 Plate Number: GLE5945, State of Reg. NY, Vehicle Year & Make: 06 Pontiac, Vehicle Type: 4D, Ins. Code: 219. Ticket/Arrest Number(s): ---. Violation Section(s): ---.

6 Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit. VEHICLE 1 DAMAGE CODES: Box 1 - Point of Impact: 1, Box 2 - Most Damage: 2. Enter up to three more Damage Codes: 3, 4, 5.

7 Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit. VEHICLE 2 DAMAGE CODES: Box 1 - Point of Impact: 2, Box 2 - Most Damage: 1. Enter up to three more Damage Codes: 3, 4, 5.



VEHICLE DAMAGE CODING:
 1-13. SEE DIAGRAM ON RIGHT.
 14. UNDERCARRIAGE 17. DEMOLISHED
 15. TRAILER 18. NO DAMAGE
 16. OVERTURNED 19. OTHER



Cost of repairs to any one vehicle will be more than \$1000. Unknown/Unable to Determine Yes No

Reference Marker: ---. Coordinates (if available): Latitude/Northing: ---, Longitude/Easting: ---. Place Where Accident Occurred: County Erie, City/Village/Town of Buffalo. Road on which accident occurred: Carlton St. at 1) intersecting street: Ellicott St. or 2) Feet --- Miles --- of ---.

Accident Description/Officer's Notes: Veh 1 was at a four way stop on Carlton St facing westbound making a left turn southbound onto Ellicott St. Pedestrian was crossing Ellicott St eastbound. Veh 1 did strike pedestrian in crosswalk. Boswell Park Public Safety located at Wale Elm St. does have video footage.

	B	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	21	F	-	13	6	-	-	-	-	Odrobina, Mindy M	-
B	P	8	1	-	57	F	11	12	10	1004902	1404	1404	Nagorski, Kathleen A	-	
C															
D															
E															
F															

Officer's Rank and Signature: NO Nicole Santiago. Print Name in Full: Nicole Santiago. Badg/ID No: 17054. NCIC No: 01461. Precinct/Post Troop/Zone: B. Station/Beat Sector: 3. Reviewing Officer: R3. Date/Time Reviewed: Contm. 7D-5. Page 80 of 86.

30
USE COVER SHEET
N



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

March 29, 2016

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

Dear Ms. McCarthy:

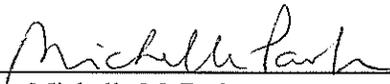
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Weathers, Albert v. County of Erie, Sheriff Howard, Chief Rodriguez, Officers Klein & Wilson and Sgt. Lysarz</i>
Document Received:	Summons and Complaint
Name of Claimant:	Albert Weathers 2104 Bailey Avenue Buffalo, New York 14215
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 7D-5
Page 81 of 86

UNITED STATES DISTRICT COURT

for the

Western District of New York

ALBERT WEATHERS

Plaintiff(s)

v.

TIMOTHY HOWARD, et al.,

Defendant(s)

Civil Action No. 1:11-CV-923A

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) County of Erie
Dept. of Law
95 Franklin St. Room 1634
Buffalo, NY 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Albert Weathers
2104 Bailey Avenue
Buffalo, NY 14215

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

CLERK OF COURT

Mary C. Hoewengeth

Signature of Clerk or Deputy Clerk

Date: 3/23/16

UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK

WESTERN

ALBERT WEATHERS)
Plaintiff(s))

COUNTY OF ERIE INDEV-OFFIC. CAP.)
vs.)

TIMOTHY HOWARD INDEV-OFFIC. CAP.)
CHIEF RODRIGUEZ INDEV-OFFIC. CAP.)
OFFICER KLEIN INDEV-OFFIC. CAP.)
OFFICER WILSON Defendant(s))
SGT. LYSARZ INDEV-OFFIC. CAP.)
INDEV-OFFIC. CAP.)

AMENDED
INMATE
CIVIL RIGHTS
COMPLAINT PURSUANT
42 U.S.C. § 1983

Case No. 11 CV 0923A

Plaintiff(s) demand(s) a trial by: JURY COURT (Select only one)

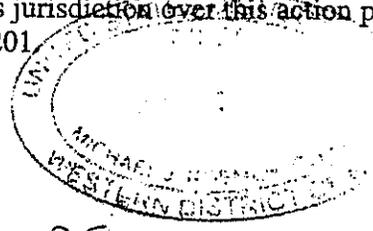
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2016 MAR 24 AM 10:47
US MARSHALS SERVICE
WESTERN NEW YORK

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

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

PARTIES



2. Plaintiff: ALBERT WEATHERS

Address: Upstate Correctional Facility, P.O. Box 2001, Malone, NY 12953.

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: TIMOTHY HOWARD INDEV-OFFIC. CAP.
Official Position: SHERIFF OF ERIE COUNTY
Address: 40 DELAWARE AVE
BUFFALO N.Y 14202



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

March 30, 2016

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

Dear Ms. McCarthy:

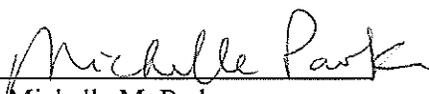
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Scozzafava, Vincent v. County of Erie, City of Buffalo and Buffalo Niagara Convention Center Management Corporation</i>
Document Received:	Notice of Claim
Name of Claimant:	Vincent Scozzafava 1322 Wurlitzer Court North Tonawanda, New York 14120
Claimant's attorney:	Mark R. Multerer, Esq. 227 Niagara Street Buffalo, New York 14201

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. 7D-5
Page 84 of 86

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

VINCENT SCOZZAFAVA,

Claimant,

v.

NOTICE OF CLAIM

COUNTY OF ERIE,
CITY OF BUFFALO, and
BUFFALO NIAGARA CONVENTION
CENTER MANAGEMENT CORPORATION,

Respondents.

PLEASE TAKE NOTICE that the above named Claimant, VINCENT SCOZZAFAVA, claims and demands from the respondents, County of Erie, City of Buffalo, and Buffalo Niagara Convention Center Management Corporation, recompense for personal injuries and damages sustained by Claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, Claimant states:

1. Claimant's current address is 1322 Wurlitzer Court, North Tonawanda, New York 14120.
2. The Claimant is represented by the Mark R. Multerer, Attorney at Law, 227 Niagara Street, Buffalo, New York 14201, telephone number (716) 842-2558.
3. This is a claim for personal injuries sustained by the Claimant as a result of the negligence of the Respondents.
4. It is Claimant's contention that the Respondents did negligently and carelessly create and allow a dangerous condition, to wit: an accumulation of snow and ice, to exist on a

section of stairs leading to and from the Buffalo Niagara Convention Center, on the Court Street section of said Convention Center, in Buffalo, Erie County, New York, which condition did give rise to the incident by which the Claimant, VINCENT SCOZZAFAVA, sustained serious personal injuries, to wit: injuries to his lumbar spine.

5. The incident in which personal injuries were sustained by the Claimant, VINCENT SCOZZAFAVA, occurred on or about February 11, 2016 at approximately 9:50 a.m., as a result of a dangerous condition on the stairway/stairs hereinbefore described and identified, when Claimant was caused to slip, lose his balance and fall.

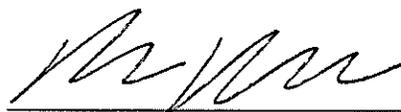
6. Upon information and belief, the Respondents County of Erie, City of Buffalo and Buffalo Niagara Convention Center Management Corporation were the owners of said stairs/stairway and were responsible for its design, construction, condition and maintenance.

7. By virtue of the negligence of the employees, agents, or servants of respondents, Claimant, VINCENT SCOZZAFAVA, will be obligated to spend monies for further medical expenses, the amount of which cannot be reasonably calculated or estimated at this time as well as lost wages.

PLEASE TAKE NOTICE that Claimant herein demands payment of her claim as set forth herein.

DATED: March 23, 2016
Buffalo, New York

By:



Mark R. Multerer
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