



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Karen McCarthy, Clerk, Erie County Legislature
FROM: Michelle M. Parker, First Assistant County Attorney
DATE: January 18, 2017
RE: Transmittal of New Claims Against Erie County

Ms. McCarthy:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find six (6) new claims brought against the County of Erie. The claims are as follows:

Claim Name

- Whitfield, James, re: People v. Whitfield
- Schumaker, Dylan v. Erie County DA, et al.
- Imiolo, Adam, et al. by the PBA v. County of Erie, et al.
- Haskins, Tamesha v. County of Erie, et al.
- Lipman, Susan v. County of Erie, et al.
- Maund, Korie v. County of Erie

MMP:dld
Attachments



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 3, 2017

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>Whitfield, James, re People v. Whitfield</i>
Document Received:	Order to Show Cause
Name of Claimant:	James Whitfield ICN # unknown at this time Erie County Correctional Facility 11581 Walden Avenue Alden, New York
Claimant's attorney:	Michael R. Zosh, Esq. Nicholas, Perot, Smith, Bernhardt & Zosh 12364 Main Road Akron, New York 14001

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: ERIE COUNTY
ALDEN TOWN COURT

PEOPLE OF THE STATE OF NEW YORK

2016 DEC 29 AM 11:58

RECEIVED
ERIE COUNTY
SHERIFF'S OFFICE

ORDER TO SHOW CAUSE

CASE NO: CD# 16-074378

vs.

JAMES WHITFIELD

Defendant

Upon the Affirmation of MICHAEL R. ZOSH, ESQ., dated December 8, 2016 and upon affidavit of Defendant James Whitfield all papers, pleadings and proceedings hereto had herein.

Let the Erie County District Attorney's Office, Ryan Flaherty, ADA and the Erie County Sheriff's Department show cause before the Hon. Cummings, Town Justice, to be held at the Alden Town Court, Alden, New York on the 24th day of January 2017 at 9:30 ~~a.m.~~/p.m. or as soon thereafter as counsel can be heard, why an Order should not be made and entered granting the following relief:

1. An Order allowing Defendant to serve a Judicial Subpoena to obtain the following:
 - a) any and all video, audio and photographic evidence captured by the Erie County Sheriff's Department for:
 - a. 30 minutes prior to the alleged Obstructing of Governmental Administration alleged to have occurred at the Erie County Correctional Facility located at 11581 Walden Avenue, Town of Alden, on September 30, 2016 at about 9:30 am and up to and through the incident and beyond for 30 minutes. Time period requesting is 9:00 am – 10:00 am.
 - b. 30 minutes prior to the alleged Harassment alleged to have occurred at the Erie County Correctional Facility located at 11581 Walden Avenue, Town of Alden, on September 30, 2016 at about 9:30 am and up to and through the incident and beyond for 30 minutes. Time period requesting is 9:00 am – 10:00 am.
 - c. Any and all encounters with the Defendant to include the initial approach by Sgt. Christine Green, C.O. Christopher T. Coughlin, Deputy Sheriff Daniel Klemp, the alleged Obstruction of Governmental Administration and Harassment as alleged in the complaint and supporting depositions.
 - d. The rights warnings and Miranda warnings.

Comm. 2D-9


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- b) Any and all records, data bases, reports, electronic transmissions, copies of the investigative inventory sheet, and statements. Copies of all video or photographic footage taken of that Erie County Correctional Facility on September 30, 2016 at about 9:30 am and up to and through the incident and beyond for 30 minutes. Time period requesting is 9:00 am – 10:00 am.
- c) Any prior or pending disciplinary actions against Sgt. Christine Green, C.O. Christopher T. Coughlin, Deputy Sheriff Daniel Klemp
- d) Any prior complaints against Sgt. Christine Green, C.O. Christopher T. Coughlin, Deputy Sheriff Daniel Klemp by inmates or defendants for unprofessional conduct while on or off duty as a police officer.

2. For such other and further relief as the Court may deem just and proper; and it is further

ORDERED that service of a copy of this Order by personal delivery upon the Erie County District Attorney's Office and the Erie County Correctional Facility on or before the 24th day of JANUARY, 2017 shall be deemed proper and sufficient service.

ENTERED: 12-27-16


Hon. Christopher Cummings, Town Justice



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

January 3, 2017

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: *Schumaker, Dylan v. Erie County
District Attorney, Joseph J. Terranova
and Timothy P. Murphy*

Document Received: Order to Show Cause


Name of Petitioner: Dylan Schumaker
#14-B-0189
Petitioner Pro Se
Clinton Correctional Facility Main
PO Box 2001
Dannemora, New York 12929

Claimant's attorney: Petitioner is proceeding *pro se*.

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. 2D-9
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- Copy -

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION OF
DYLAN SCHUMAKER, #14-B-0189

ORI# NY 014015J

Petitioner,

ORDER TO
SHOW CAUSE

-vs-

RETURN ON
PAPERS ONLY

**ERIE COUNTY DISTRICT ATTORNEY,
JOSEPH J. TERRANOVA, ESQ.,
TIMOTHY P. MURPHY, ESQ.**

Index No.
I-2016-000180

Respondents.

SUPREME COURT, ERIE COUNTY

HON. PAULA L. FEROLETO, JUSTICE PRESIDING

APPEARANCES:

Petitioner, Pro Se
DYLAN SCHUMAKER, #14-B-0189

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

Upon the reading of the petition for relief pursuant to Article 78 of the Civil Practice
Law and Rules, sworn to on November 26, 2016, with accompanying exhibits, and it appearing that
the above referenced petitioner, **DYLAN SCHUMAKER**, a sentenced inmate, having made
application pursuant to section 1101(f) of the CPLR, seeking poor person status and requesting a
reduced filing fee,

LET RESPONDENTS SHOW CAUSE at a Special Term of the Supreme Court to be held in and for the County of Erie on **JANUARY 31, 2017** before the **HON. M. WILLIAM BOLLER**, Acting Justice of the Supreme Court, in Part 13 at 25 Delaware Avenue, Buffalo, New York, **WHY** the relief requested in the Petition should not be granted.

IT IS ORDERED that the production of petitioner or appearance by or on behalf of the respondents on said return date is not required, and the matter shall be decided on all papers submitted to the Court prior to said return date; and it is further

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

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

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

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

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

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

ORDERED that service of a signed and executed copy of this Order to Show Cause, by ordinary First-Class Mail, upon the named respondents, Erie County District Attorney, Joseph J. Terranova, Esq., and Timothy P. Murphy, Esq., on or before **January 3, 2017** be deemed adequate. In addition, the petitioner, on or before said date, shall similarly serve the Erie County Attorney, 95 Franklin Street, Room 1634, Buffalo, New York 14202; and it is further

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

ORDERED that it is the petitioner's responsibility to:

(a) Serve a signed and executed copy of this Order to Show Cause, the petition and any supporting papers as authorized above or by personal service. The reduction of the filing fee herein does not authorize court personnel to provide photo-reproduction services, nor service of papers on

behalf of a *pro se* litigant, as these services are not statutorily authorized under a grant of poor person relief (CPLR 1102).

(b) Submit the original proof of service to the chambers of the

Hon. M. William Boller, 25 Delaware Avenue-Second Floor, Buffalo, New York 14202 at least eight (8) days prior to the return date; and it is further

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

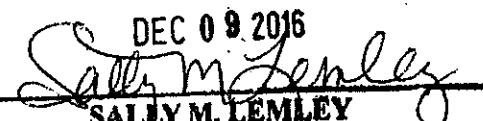
DATED: Buffalo, New York
December 9, 2016



HON. PAULA L. FEROLETO
Justice of the Supreme Court

GRANTED:

GRANTED

DEC 09 2016
BY 

SALLY M. LEMLEY
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

January 5, 2017

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: *Imiolo, Adam, Kuhlmeier, Scott and
McMahon, Patrick by the PBA v.
County of Erie and Sheriff Howard -
appointment to Detective position*

Document Received: Verified Petition


Name of Claimant: Erie County Sheriff's Police Benevolent
Association, Inc.
PO Box 932
Orchard Park, NY 14127

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. 2D-9
Page 11 of 29

**STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE**

In the Matter of the Application of

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

ADAM IMIOLO, and

SCOTT KUHLMEY, and

PATRICK McMAHON,

Petitioners,

For an Order and Judgment Pursuant to
Article 78 of the Civil Practice Law and Rules

-against-

COUNTY OF ERIE, and

**TIMOTHY B. HOWARD, as
SHERIFF of ERIE COUNTY,**

Respondents.

NOTICE OF PETITION

Index No. 814461/2016

Assigned Justice:

Hon. James H. Dillon

ORAL ARGUMENT
REQUESTED

SIR(S), PLEASE TAKE NOTICE:

MOTION MADE BY:

Petitioners, ERIE COUNTY SHERIFF'S POLICE
BENEVOLENT ASSOCIATION, INC., ADAM
IMIOLO, SCOTT KUHLMEY, and PATRICK
McMAHON

**DATE, TIME & PLACE
OF MOTION:**

Feb. 1, 2017, at 9:30, Part 3 of the
New York State Supreme Court, Courthouse,
Erie County, Buffalo, New York.

NATURE OF PROCEEDING:

Article 78 upon Respondents' violation of Civil
Service Law § 58 (4) (c) (ii).

SUPPORTING PAPERS:

Verified Petition of Jason Weiss,
President of the Erie County Sheriff's
Police Benevolent Association, Inc., Adam Imiolo,
Scott Kuhlmeier, and Patrick McMahon, sworn to
December 21, 2016, and the affidavits of Scott
Kuhlmeier, sworn to December 13, 2016, Adam
Imiolo, sworn to December 21, 2016, and Patrick
McMahon, sworn to December 21, 2016.

RELIEF REQUESTED:

An order directing Respondents to effect the
permanent appointments of Deputy Adam Imiolo to
the position of Detective Deputy, at the appropriate
rate of pay, retroactive to October 30, 2012; Deputy
Scott Kuhlmeier to the position of Detective Deputy,
at the appropriate rate of pay, retroactive to July 13,
2015; and, Deputy Patrick McMahon to the position
of Detective Deputy, at the appropriate rate of pay,
retroactive to May 24, 2014; and, for such other and
further relief as the Court may deem just and
proper, together with costs and disbursement of this
proceeding and attorney's fees.

GROUND FOR RELIEF:

CPLR Article 78, Civil Service Law § 58 (4) (c)
(ii), and related case law.

RESPONDING PAPERS:

If any, are required to be served no later
than seven (7) days prior to the return
date of this petition, in accordance with
CPLR § 403(b).

Dated: Kenmore, New York
December 21, 2016

s/Paul D. Weiss
BARTLO, HETTLER, WEISS & TRIPI
Paul D. Weiss, Esq., Of Counsel
Attorneys for the Petitioners
22 Victoria Boulevard
Kenmore, New York 14217
(716) 873-8833

TO: Mark Poloncarz
County Executive
95 Franklin Street
Buffalo, New York 14202

Timothy B. Howard
Erie County Sheriff
10 Delaware Avenue
Buffalo, New York 14202

Michael A. Siragusa
Erie County Attorney
95 Franklin Street, 16th Floor
Buffalo, New York 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

January 10, 2017

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>Haskins, Tamesha v. City of Buffalo, Buffalo Municipal Housing Authority and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Tamesha Haskins 134 Isabelle Street, 3F Buffalo, New York 14207
Claimant's attorney:	Dale J. Bauman, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

Comm. 2D-9
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In the Matter of the Claim of

TAMESHA HASKINS,

Claimant,

- against -

CITY OF BUFFALO,
BUFFALO MUNICIPAL HOUSING
AUTHORITY
and
ERIE COUNTY

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Rocco Zandonato on
the 23 day of Dec, 2016
at 12:37 a.m./p.m.
J.M.C.
Assistant County Attorney

TO: CITY OF BUFFALO
65 Niagara Square
Buffalo, NY 14202

BUFFALO MUNICIPAL HOUSING AUTHORITY
300 Perry Street
Buffalo, NY 14204

ERIE COUNTY
95 Franklin Street, Suite 1634
Buffalo, NY 14202

PLEASE TAKE NOTICE, that TAMESHA HASKINS, has and hereby makes claim against CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY and ERIE COUNTY, and in support of said claim states the following:

1. The Post Office address of the claimant is 134 Isabelle Street, 3F, Buffalo, New York 14207.
2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of TAMESHA HASKINS is for personal injuries, including without limitation, loss of income and medical expenses.

4. The claim arose at Shaffer Village Community located at 134 Isabelle Street, in the City of Buffalo, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 18th day of November, 2016, at approximately 1:00 p.m., the claimant, TAMESHA HASKINS, while lawfully and properly traversing at the aforesaid premises, was caused flee falling debris from a construction project on the roof of the above referenced location, further causing her to strike her head on the entryway door and/or door frame at that location.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY and ERIE COUNTY, and more particularly, among other things, in failing and omitting to reasonably anticipate that persons traversing the area could sustain physical injury, and further and without limitation in violating the Labor Law of the State of New York, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY and ERIE COUNTY.

7. Upon information and belief, as a result of the aforesaid incident, the claimant, TAMESHA HASKINS, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, TAMESHA HASKINS, sustained

injuries in the nature of a laceration to her forehead. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY and ERIE COUNTY honor and pay the claim on behalf of TAMESHA HASKINS.

DATED: Buffalo, New York
December 8, 2016



TAMESHA HASKINS

LIPSITZ GREEN SCIME CAMBRIA LLP


By: 

DALE J. BAUMAN, ESQ.

Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: # 62387.0001]

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

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


TAMESHA HASKINS

Sworn to before me on this
11th day of December, 2016.


Notary Public

DENESE DAHLKE
NOTARY PUBLIC STATE OF NEW YORK
ERIE
LIC. #01DA6347339
COMM. EXP. AUG. 29, 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

January 10, 2017

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>Lipman, Susan v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Susan Lipman 590 Higbie Lane West Islip, New York 11795
Claimant's attorney:	Patrick A. Little, Esq. Cellino & Barnes, P.C. 16 West Main Street, 6th Floor Rochester, New York 14614

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

MMP:dld
Enc.

This paper received at
Erie County Clerk's Office
on the 9th day of Jun 2017
at 2:35 pm
by [Signature]
Deputy Clerk

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

SUSAN LIPMAN,

Claimant,

VERIFIED NOTICE OF CLAIM

v.

CITY OF BUFFALO and
ERIE COUNTY ,

Respondents.

**TO: CITY OF BUFFALO
65 Niagara Square
Buffalo, New York 14202**

**ERIE COUNTY
95 Franklin Street, Room 1254
Buffalo, New York 14202**

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, City of Buffalo and Erie County, 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 there of, the claimant states:

1. This Notice of Claim is made pursuant to the requirements of applicable statutes including §§50(i) and 50(e) of the General Municipal Law of the State of New York and such other laws and statutes as are in the case made and provided.

2. The name and address of the Claimant is: Susan Lipman, 590 Higbie Lane, West Islip, New York 11795.

3. The claimant is represented by Cellino & Barnes, P.C., Patrick A. Little, Esq., 16 West Main Street, 6th Floor, Rochester, New York, 14614; telephone (585) 295-9354.

4. The incident in which personal injuries were sustained by the Claimant occurred on or about October 29, 2016 at approximately 8:45 a.m. On said date and time, the Claimant, Susan Lipman, was walking from Hyatt to the Buffalo Niagara Convention Center, in the City of Buffalo when she fell on what appeared to be a high-gloss floor and suffered a fractured leg which required surgery.


5. By virtue of the negligence of the employees, agents or servants of the City of Buffalo and Erie County, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

6. Upon information and belief, as a result of the negligence herein alleged, the claimant will be obligated to pay further medical expenses including drugs, medicines and prosthetic devices, and will suffer future lost wages, the amount of which cannot be reasonably calculated at this time.

7. The incident was caused solely by the wrongful, careless and negligent acts and omissions of the City of Buffalo and Erie County, their agents, servants or employees, who, acting in the course and scope of their employment, acted in a negligent manner as set forth here in.

PLEASE TAKE FURTHER NOTICE that the Claimant presents these claims for adjustment and payment and notifies you that unless these claims are adjusted and paid within the time provided by law from the date of presentation to you, the Claimant intends to commence an action on these claims against the City of Buffalo and Erie County.

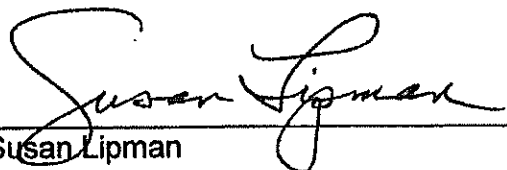
DATED: December 22, 2016

By: 
Patrick A. Little, Esq.
Attorneys for Plaintiff
16 W. Main Street, 6th Floor
Rochester, New York 14614
(585) 295-9354

VERIFICATION

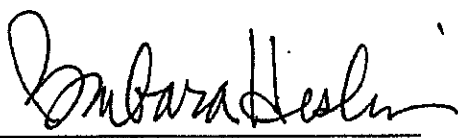
STATE OF NEW YORK)
COUNTY OF SUFFOLK)SS:

I, **SUSAN LIPMAN** being duly sworn, deposed and says the ^{she is} ~~he~~ is the Claimant in the within action; I have read the foregoing Verified Notice of Claim and know the contents thereof, that the same is true to the knowledge of the deponent, except as to matters there in stated to be alleged on information and belief, and as to those matters, I believe to be true.



Susan Lipman

Sworn to before me on this 30TH
day of DECEMBER, 2016.



Notary Public
Barbara Heslin
Notary Public, State of New York
No. 01HE6288884
Qualified in Suffolk County
Term Expires 09/09/2017



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 12, 2017

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>Maund, Korie v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Korie Maund 25 Wendel Tonawanda, New York 14150
Claimant's attorney:	Steven M. Cohen, Esq. Hogan Willig 2410 North Forest Road Getzville, New York 14068

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.

In the Matter of the Claim of

NOTICE OF CLAIM

KORIE MAUND,

Claimant,

-against-

COUNTY OF ERIE,

Respondent.

**TO: COUNTY OF ERIE
Office of County Attorney
95 Franklin Street, Suite 1634
Buffalo, New York 14202**

PLEASE TAKE NOTICE, the Claimant herein hereby submits a Notice of Claim and demand against the COUNTY OF ERIE:

1. **The names and post-office addresses of the Claimants and their attorneys are:**

CLAIMANT

Korie Maund
25 Wendel
Tonawanda, New York 14150

ATTORNEY

Steven M. Cohen, Esq.
HOGAN WILLIG, PLLC
2410 North Forest Road, Suite 301
Amherst, New York 14068

2. **The nature of the claim:**

This is an action to recover money damages for damage caused in whole or in part by acts or omissions of the **COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES**, by the intentional, negligent, reckless or unlawful conduct of the **COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES**, its agents, servants and/or employees in the negligent infliction of emotional distress and intentional infliction of emotional distress upon the Claimant, abuse of process against the Claimant; the deprivation of the Claimant's rights and privileges under the First, Fourth and Fourteenth Amendments to the United States Constitution; deprivation of the Claimant's right to parental and familial association, and the negligence of the **COUNTY OF ERIE and ERIE COUNTY**

1

HOGAN WILLIG
Attorneys at Law

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DEPARTMENT OF SOCIAL SERVICES in the hiring, training, operation, management and supervision of the employees, agents and/or servants involved all to the detriment of **CLAIMANT**.

3. **The date, time when, the place where and the manner in which the claim arose is as follows:**

The conduct has been ongoing and continuous from approximately August 18, 2015 to the current day of the date of these presents, to wit, December 15, 2016. The place where the claim arose is COUNTY OF ERIE. The manner in which the claim arose is the false filing and prosecution and/or investigation of three Neglect Petitions.

RESPONDENTS have been put on notice by **CLAIMANTS** of all of the above, in good faith and with the hope and intention of fair resolution, but continued failures to remedy the situation compelled the Claimant to file this Notice of Claim.

4. **The items of damages or injuries claimed are:**

The Claimant suffered, including, but not limited to, mental and emotional injuries and pain and suffering, causing the Claimant to incur and continue to incur legal fees; loss of parental and familial association; harm to reputation; as well as other damages. Said claim and demand is hereby presented for adjustment and payment.

Dated: December 15, 2016
Amherst, New York



Steven M. Cohen, Esq.
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VERIFICATION

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

KORIE MAUND, being duly sworn, deposes and says that they she is the claimant in the foregoing claim, that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief as to those matters, he believes them to be true.


KORIE MAUND

Sworn to before me this
16th day of December 2016


NOTARY PUBLIC

Denis Scinta
Notary Public, State of New York
Qaulified in Erie County
My Commission Expires 1/31/18