



ECLEG FEB21 '17 at 10:20

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

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: February 16, 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 11 new claims brought against the County of Erie. The claims are as follows:

Claim Name

Mahany, Molly Ann v. Erie County DA's Office, et al.
Hardy, Debbie v. County of Erie, et al.
Dolac, Colleen Marie v. Erie County Sheriff's Office, et al.
Torres, Moses v. County of Erie, et al.
Akin, Shawn v. Erie County DA, et al.
Begum, Mamtaj, et al. v. County of Erie, et al.
Crespo, Danielle v. Central Police Services
Rasmus, Susan A. v. County of Erie, et al.
Donnelly, Emily v. County of Erie
Davis, Maurice v. County of Erie
Albanna, Mohamed v. County of Erie

MMP:dld
Attachments

Comm. 4D-7



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SECOND ASSISTANT COUNTY ATTORNEY

February 1, 2017

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

Dear Ms. McCarthy:

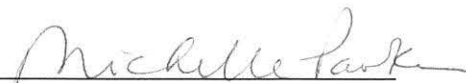
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Mahany, Molly Ann v. Erie County DA's Office and the Buffalo Police Department</i>
Document Received:	Summons and Complaint
Name of Claimant:	Molly Ann Mahany c/o Mr. Thomas Meyer 11919 County Road 36 Freedom, New York 14065
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

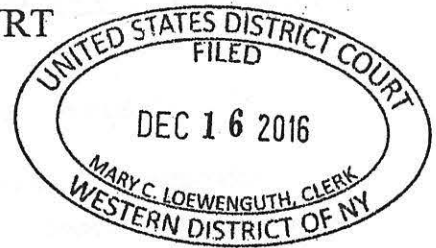
MMP:dld
Enc.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York



Molly Ann Mahany,

Plaintiff(s)

v.

1. The Police Department for the City of Buffalo,
State of New York; &
2. The District Attorney's Office for the County of
Erie, State of New York.

Defendant(s)

Civil Action No.

14 CV 693

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The City of Buffalo Police Department
Central Precinct
74 Franklin Street
Buffalo, New York 14202
Attn: Commissioner Daniel Derenda

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: Molly A. Mahany, Pro Se

C/O: Mr. Thomas Meyer
11919 County Road 36
Freedom, New York 14065

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

Date: NOV 10 2016

The signature is written in cursive and appears to read "Mary C. Loewenguth".

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 14-CV-683**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*This summons for (name of individual and title, if any) City of Buffalo Police Dept
was received by me on (date) 12/12/16☐ I personally served the summons on the individual at (place) _____

on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____, a person of suitable age and discretion who resides there, on (date) _____, and mailed a copy to the individual's last known address; or☒ I served the summons on (name of individual) COMMISSIONER
Receptionist, who is designated by law to accept service of process on behalf of (name of organization) _____City of Buffalo Police Dept on (date) 12/12/16; or☐ I returned the summons unexecuted because _____; or☐ Other (specify): _____My fees are \$ \$10.00 for travel and \$ \$40.00 for services, for a total of \$ \$50.00.

I declare under penalty of perjury that this information is true.

Date: 12/12/16Wayne M. Rutkowski
Server's signatureWAYNE M. RUTKOWSKI, PROCESS SERVER
Printed name and title4100 SE NECA, W.S., 142221
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

Molly Ann Mahany

Plaintiff(s)

v.

1. The Police Department for the City of Buffalo, State of New York; &
2. The District Attorney's Office for the County of Erie, State of New York.

Defendant(s)

14 CV 693

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Erie County District Attorney's Office
State of New York
25 Delaware Avenue
Buffalo, New York 14202
Attn: Mr. Frank A. Sedita III
District Attorney

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: Molly A. Mahany, Pro Se

C/O: Mr. Thomas Meyer
11919 County Road 36
Freedom, New York 14065

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. Hoewanguth

Signature of Clerk or Deputy Clerk

Date: NOV 10 2016

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 14-CV-1693**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Erie County District Attorney's Office
 was received by me on (date) 12/12/16

☒ I personally served the summons on the individual at (place) _____

on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Receptionist/ADA, who is
 designated by law to accept service of process on behalf of (name of organization) Erie County District Attorney

on (date) 12/12/16; or
☐ I returned the summons unexecuted because _____; or
☐ Other (specify): _____

My fees are \$ 8.10 for travel and \$ 40.00 for services, for a total of \$ 50.00.

I declare under penalty of perjury that this information is true.

Date: 12/12/16

Wayne M. Rutkowski
 Server's signature

WAYNE M. RUTKOWSKI
 Printed name and title

4100 SENECA ST, W.S., 14224
 Server's address

Additional information regarding attempted service, etc:

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

AMENDED COMPLAINT

14-CV-693

A. **Full Name of Plaintiff:** NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

Molly Ann Mahany

-vs-

B. **Full Name(s) of Defendant(s)** NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. City of Buffalo Police Department, State of New York; &
2. Erie County District Attorney's Office, State of New York.
3. _____
6. _____

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT*All of these sections MUST be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: This claim presents a Federal Question and arises under Federal Law, including 42 USC s 1983, et al.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: This claim arises in, and the Defendants are located in, the 17 Westernmost Counties of New York State.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Civil Rights Violations / Civil Liberties Claim

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Molly Ann Mahany

Present Address: 18 Treehaven Road, West Seneca, NY 14224

Name of Second Plaintiff: N/A

Present Address: N/A

DEFENDANT'S INFORMATION NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: City of Buffalo Police Department, State of New York

Official Position of Defendant (if relevant): N/A

Address of Defendant: City of Buffalo Police Department, Central Precinct, 74 Franklin Street, Buffalo, New York, 14202. Attn: Commissioner Daniel Derenda

Name of Second Defendant: Erie County District Attorney's Office, State of New York

Official Position of Defendant (if relevant): N/A

Address of Defendant: Erie County District Attorney's Office, 25 Delaware Avenue, Buffalo, NY, 14202. Attn: Mr. John Flynn, District Attorney, or Acting District Attorney

Name of Third Defendant: N/A

Official Position of Defendant (if relevant): N/A

Address of Defendant: N/A

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes No X

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket or Index Number: N/A

4. Name of Judge to whom case was assigned: N/A

5. The approximate date the action was filed: N/A

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. N/A

Disposition (check those statements which apply):

N/A Dismissed (check the statement which indicates why it was dismissed):

 By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

 By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

 By court due to your voluntary withdrawal of claim;

N/A Judgment upon motion or after trial entered for

 plaintiff

 defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) &/or around July 1, 2001, & subsequent thereto to present,

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) Defective Antonio Borelli, City of Buffalo, NY, Police Department, along with other officers &/or agents thereof, and Investigator Jack Vickered, Erie County, NY, District Attorney's Office, along with other officers &/or agents thereof as well, [cont'd]

did the following to me (*briefly state what each defendant named above did*): using the resources that their status as law enforcement officers, agents, &/or authorities availed them, created false ostensible "medical records" and other purported evidence, in alleged regards to myself, the contents of which are untrue, inflammatory, and discrediting, i.e. that years of acute physical & other acts of injurious violence, which were, in actual fact, long & regularly inflicted upon myself & my children, supposedly *never actually happened*, et al., then swore to their veracity & validity under oath and thereafter continued to widely disseminate such, to date, via the unauthorized use of law enforcement databases, wire fraud, mail fraud, word of mouth, etc., and which purportedly justified the ensuing & ongoing deprivation of essentially all of my constitutional protections & civil rights, primarily by those persons & The federal basis for this claim is: parties initially responsible for the creation of the fraudulent materials herein.
42 USC s 1983, et al.

State briefly exactly what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance; &
4. Award *Detinue*, or Ensure Return of Personal Property; & 5. Money Damages. All, Including Punitive, in the Amount Requested. (\$2,000,000.00)

B. SECOND CLAIM: On (*date of the incident*) &/or around July 1, 2001, as above, to present, defendant (*give the name and (if relevant) position held of each defendant involved in this incident*) agents, officers, employees, & others acting in the capacity of a representative of the City of Buffalo Police Department and the Erie County District Attorney's Office, including Detective Borelli & Investigator Vickered, also as above, did the following to me (*briefly state what each defendant named above did*): consistently & comprehensively continued to: 1. refuse to enforce active Orders of Protection & other Court Orders, thereby bestowing themselves with the ostensible authority to donate the sum total of my life's work, including all of my real property, my personal property, my business, my means of livelihood, my children, etc., to a 3rd party of solely their own choosing, which they did, rendering me destitute; & 2. deny &/or otherwise refuse to provide police protection & it's physical safeguards, even though long term victims of a violent sociopath; & 3. refuse to issue warrant cards for numerous, ongoing, utterly anphilative crimes; & 4. provide complete immunity from criminal prosecution to said sociopath; & 5. disseminate
The federal basis for this claim is: falsehoods, which they, themselves, created, to ensure continued deprivation of notice, counsel, property rights, judicial relief, etc., & thus avoid liability for so doing.

State briefly exactly what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance; &
4. Award *Detinue*, or Return of Personal Property; & 5. Money Damages. All, Including Punitive, in the Amount Requested. (\$2,000,000.00)

If you have additional claims, use the above format to set them out on additional sheets of paper.

ADDENDUM5. STATEMENT OF CLAIM, CONT'D:C. THIRD CLAIM:

Commencing on &/or around July 1, 2001, and continuing to present, as above, defendants (*give the name and (if relevant) the position held of each defendant involved in this incident*), here agents, officers, employees, and others acting in the capacity of representatives of the City of Buffalo Police Department, NY, & the Erie County District Attorney's Office, NY, including Detective Borelli & Investigator Vickered, otherwise herein, did the following to me (*briefly state what each defendant named above did*): consistently & comprehensively continued to deprive me of &/or ensure my ongoing deprivation of the guarantees & protections afforded me by the First, Second, Fourth, Fifth, Sixth, & Fourteenth Amendments of the Federal Constitutional as well as those to which I am entitled under the Civil Rights provisions of the U.S. Code. That is, from July 2001 to present, I have almost always been denied notice of any such actions & proceedings to which I was/am a party, thereby annihilating my property rights as well as my pecuniary & penal interests, been denied my right to counsel, been denied necessary &/or appropriate medical treatment, been denied access to essentially every Court as well as any relief availed thereby, been denied access to various other government agencies & any prospective benefits therefrom, been denied warrant cards for numerous crimes committed against me, been denied any such police protection, law enforcement, &/or any other legal safeguards despite being the long term victim of a violent sociopath, thereby giving said sociopath complete immunity from numerous, ongoing, & irreparably injurious crimes committed against me, been denied any crime victim's advocacy, been denied most housing opportunities, which I would not even need if not for the Constitutional Deprivations and Civil Rights violations herein, been denied my right to legal Sole Custodianship of my children, and been denied my military health insurance, my livelihood, my privacy rights, my pension, enforcement of all such Orders of Protection & other Court Orders, access to most actually needed medical care, access to my own children, access to the entirety of what is solely my own personal & real property, etc.. In fact, due to the actions of the persons or parties herein, I have been denied access to the majority of my own mail for well over a decade.

The federal basis for this claim is: 42 U.S. Code § 1983, et al.

State briefly exactly what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance as to Real Properties; & 4. Award *Detinue*, or Ensure Return of Personal Property; & 5. Money Damages. All, Including Putative, in the Amount Requested.

(*\$8,000,000.00*)

ADDENDUM5. STATEMENT OF CLAIM, CONT'D:

D. FOURTH CLAIM: Commencing on &/or around July 1, 2001, and continuing to present, as above, defendants (*give the name and (if relevant) the position held of each defendant involved in this incident*), here agents, officers, employees, and others acting in the capacity of representatives of the City of Buffalo Police Department, NY, & the Erie County District Attorney's Office, NY, including Detective Borelli & Investigator Vickered, otherwise herein, did the following to me (briefly state what each defendant named above did): one day, here in &/or around July 1, 2001, or immediately before the full blown commencement of the Deprivation of Rights, pursuant to 42 U.S. Code § 1983, as well as the commission of other Civil Rights violations, under 18 U.S. Code Chapter 13, I had my health, my own business, which was then thriving, my professional license, my reputation, the imminent onset of the receipt of my monthly military pension, near perfect credit, ownership interests in real property, financial security, professional standing, a social support network, my retired military health insurance, very little indebtedness, my whole life insurance policy, reliable vehicles, a professional nanny, mortgage approval in solely my own name, sole access to and exclusive possession of a substantial amount of personal property, whose replacement value was estimated to be \$ 300,000.00, but much of which was irreplaceable and invaluable, four steady sources of income, or more lucrative work than I could possibly take on, and legal as well as actual Sole Custody of my four then remarkably happy, healthy, intact, enthusiastic, optimistic, and still somewhat unscathed children, all of whom were then enrolled in private schools, all of whom were then actively engaged in various sports, clubs, camps, hobbies and church, and all of whom then had absolutely unlimited personal, professional, academic, and athletic potential, i.e. "I don't know, Mommy, I'm torn between Harvard and Yale . . ." Mere weeks subsequent thereto, and continuing without abatement until present, by virtue of the ongoing acts, as well as the long term failures to act when legally obligated to actively so do, by the persons and parties herein, I had, and do now still continue to have, none of that noted immediately above. That is, I resultantly had, and do now still continue to have, *nothing*, despite my routine, ongoing, and long term requests for the law enforcement needed to prevent the losses, damages, injuries, &/or deprivations herein, which were most often met with threats to my person, by the persons or parties herein, threats of criminal charges against me, i.e. harassment, trespassing, obstruction of justice, etc., by the persons or parties herein, and threats of procuring other injurious Court Orders against me, or worse, my children, which Detective Borelli particularly seemed to enjoy making, for seeking the law enforcement and legal protections to which myself & my children have always been due. Moreover, these Deprivations of Rights and Civil Rights violations were very effectively enabled, expedited, and extended by the entering of such false & fraudulent information, in ostensible regards to myself, into law enforcement databases, as if it were truthful, valid, legitimate, & accurate, by the persons or parties herein.

The federal basis for this claim is: 42 U.S. Code § 1983, et al.

State briefly exactly what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance as to Real Properties; & 4. Award *Detinue*, or Ensure Return of Personal Property; & 5. Money Damages. All, Including Putative, in the Amount Requested.

(*\$2,000,000.00*)

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

1. Award All Necessary Immediate Relief; & 2. Make Whole / Restore Status Quo; &

3. Award Detinue &/or Secure Return of All Property, Real & Personal; & 4. Money Damages,

Including Puntative, in Amount Requested, \$2,000,000.00

Do you want a jury trial? Yes ☒ No ☐

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

Executed on December 5, 2016
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Molly Ann Mahony

Signature(s) of Plaintiff(s)



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 2, 2017

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

Dear Ms. McCarthy:

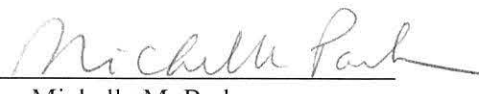
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Hardy, Debbie v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Debbie Hardy 169 Fillmore Street Rochester, New York 14611
Claimant's attorney:	Eric P. Smith, Esq. Nicholas, Perot, Smith, Welch & Smith, P.C. 219 First Street PO Box 720 Liverpool, New York 13088

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

SUPREME COURT
STATE OF NEW YORK COUNTY OF MONROE

DEBBIE HARDY
169 Fillmore St.
Rochester, NY 14611

Claimant,

v.

NOTICE OF CLAIM

BATAVIA DOWNS
8315 Park Rd
Batavia, NY 14020

Defendant,

WESTERN REGIONAL OFF-TRACK
BETTING CORPORATION,
8315 Park Rd
Batavia, NY 14020

Defendant,

CATTARAUGUS COUNTY
303 Court Street
Little Valley, NY 14755

Defendant,

CAYUGA COUNTY
160 Genesee Street , 6th Floor
Auburn, NY 13021

Defendant,

CHAUTAUQUA COUNTY
3North Erie Street
Mayville, NY 14757

Defendant,

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

Defendant,

GENESEE COUNTY
7 Main Street
Batavia, NY 14020

Defendant,

LIVINGSTON COUNTY
6 Court Street, Room 302
Geneseo, NY 14454

Defendant,

MONROE COUNTY
39 West Main Street
Rochester, NY 14614

Defendant,

NIAGARA COUNTY
175 Hawley Street
Lockport, NY 14094

Defendant,

ORLEANS COUNTY
113 West Center Street
Medina, NY 14103

Defendant,

OSWEGO COUNTY
46 E. Bridge Street
Oswego, NY 13126

Defendant,

SCHUYLER COUNTY
105 9th Street, Unit 5
Watkins Glen, NY 14891

Defendant,

SENECA County
1 DiPronio Drive
Waterloo, NY 13165

Defendant,

STEUBEN COUNTY
3 East Pulteney Square
Bath, NY 14810

Defendant,

WAYNE COUNTY
26 Church Street
Lyons, NY 14489

Defendant,

WYOMING COUNTY
11 Exchange Street
Attica, NY 14011

Defendant,

CITY OF BUFFALO
100 City Hall
Buffalo, NY 14202

Defendant,

CITY OF ROCHESTER
30 Church Street
Rochester, NY 14614

Defendant,

TO: Richard Siebert, Chairman of Board of Directors, Western Regional Off- Track Betting Corp.
M. Mark Howden, County Attorney for Cattaraugus County
Frederick Westphal, County Attorney for Cayuga County
Stephen Abdella, County Attorney for Chautauqua County
Michael Siragusa, County Attorney for Erie County
Charles Zambito, County Attorney for Genesee County
David Morris, County Attorney for Livingston County
Michael Davis, County Attorney for Monroe County
Claude Joerg, County Attorney for Niagara County
David Schubel, County Attorney for Orleans County
Richard Mitchell, County Attorney for Oswego County
Steven Getman, County Attorney for Schuyler County
Frank Fisher, County Attorney for Seneca County
Alan Reed, County Attorney for Steuben County
Daniel Connors, County Attorney for Wayne County
James Wijcik, County Attorney for Wyoming County
Byron Brown, Mayor of the City of Buffalo
Lovely Warren, Mayor of the City of Rochester

Claimant, Debbie Hardy, by and through her attorneys, Nicholas, Perot, Smith, Welch & Smith, Eric P. Smith of Counsel, hereby presents her claim as follows, upon information and belief:

1. That the claimant's proper name is Debbie Hardy.
2. That the claimant resides at 169 Fillmore St. Rochester, NY 14611.
3. That the attorneys for the claimant herein are Nicholas, Perot, Smith, Welch & Smith, Eric P. Smith, of Counsel, 219 First Street, P.O. Box 720, Liverpool, New York 13088; (315) 453-9426.
4. That this claim is against BATAVIA DOWNS, their employees and/or representatives, WESTERN REGIONAL OFF- TRACK BETTING CORP., their employees and/or representatives, CATTARAUGUS COUNTY, their employees and/or representatives, CAYUGA COUNTY, their employees and/or representatives, CHAUTAUQUA COUNTY, their employees and/or representatives, ERIE COUNTY, their employees and/or representatives, GENESEE COUNTY, their employees and/or representatives, LIVINGSTON COUNTY, their employees and/or representatives, MONROE COUNTY,

their employees and/or representatives, NIAGARA COUNTY, their employees and/or representatives, ORLEANS COUNTY, their employees and/or representatives, OSWEGO COUNTY, their employees and/or representatives, SCHUYLER COUNTY, their employees and/or representatives, SENECA COUNTY, their employees and/or representatives, STEUBEN COUNTY, their employees and/or representatives, WAYNE COUNTY, their employees and/or representatives, WYOMING COUNTY, their employees and/or representatives, CITY OF BUFFALO, their employees and/or representatives, and CITY OF ROCHESTER, their employees and/or representatives, (hereinafter referred to as WESTERN REGIONAL OFF- TRACK BETTING CORP., et al.) for the serious permanent injuries sustained by DEBBIE HARDY while at the Batavia Downs Gaming Center located at, or near, 8315 Park Rd Batavia, New York.

5. The claim arose on or about September 26, 2016 at approximately 2:12 p.m. while claimant, DEBBIE HARDY, was walking in the aforementioned gaming center. Claimant DEBBIE HARDY was caused to trip and fall on or about the rug area near the entrance of the property owned by the Defendants herein at 8315 Park Rd Batavia, New York.

6. That upon information and belief, the aforementioned gaming center located at 8315 Park Rd Batavia, New York was under direct control and supervision of the Defendants, WESTERN REGIONAL OFF- TRACK BETTING CORP. et al., their employees and/or representatives.

7. That the aforesaid incident occurred as a result of the actions and/or omissions of the WESTERN REGIONAL OFF- TRACK BETTING CORP. et al., their employees and/or representatives who negligently, carelessly and recklessly failed to properly maintain the aforementioned area and keep the walkway free of debris, liquids and/ or hazards, by failing to make the aforesaid walkway safe for pedestrians who were invited to walk across the aforementioned property thus creating said dangerous conditions to exist and cause Claimant's injuries.

8. As of the this date, and as so far as can be presently determined the Claimant, DEBBIE HARDY, has sustained injuries and/or damages which include, but are not limited to, the following, upon information and belief:


- a. Injuries to her left leg;
- b. Injuries to her ankle;
- c. Injuries to her hands;
- c. Great bodily injury which required medical aid and attention, which were in fact rendered;
- d. Great bodily injuries resulting in pain and suffering, both mental and physical;
- e. Great bodily injuries which caused the Claimant to become

incapacitated from her usual duties and activities; including but not limited to work activities;

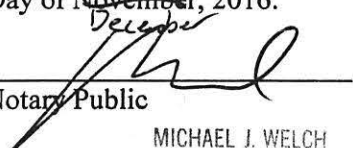
- f. Great bodily injuries resulting in possible future medical aid and attention, pain and suffering, expenses, incapacitation from his usual activities, including, but not limited to, that of income production.

PLEASE TAKE NOTICE, that in the event that these claims are not adjusted and settled, it is the intention of the Claimant, DEBBIE HARDY, to bring an action against the WESTERN REGIONAL OFF- TRACK BETTING CORP. et al., their employees and/or representatives.

Dated: 12/16/16
Liverpool, New York


Eric P. Smith, Esq.
Nicholas, Perot, Smith, Welch & Smith
Attorneys for Claimant
Office and Post Office Address
219 First Street
Post Office Box 720
Liverpool, New York 13088

Sworn to before me this 15th,
Day of November, 2016.


Notary Public

MICHAEL J. WELCH
Notary Public, State of New York
Qualified in Onondaga County
Commission Expires Mar. 4, 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 2, 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>Dolac, Colleen Marie v. Erie County Sheriff's Office and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Colleen Marie Dolac 44 Southwood Drive West Seneca, New York 14224
Claimant's attorney:	Claimant is currently proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____

Michelle M. Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

Notice of Claim to Erie County and Erie County Sheriff's Office

Colleen Marie Dolac

44 Southwood Dr.

West Seneca, NY 14224

RECEIVED
JAN 26 2017

1-26-17

ERIE COUNTY
DEPARTMENT OF LAW

NATURE OF CLAIM: Disability discrimination, Age discrimination and Retaliation both during employment and the reason for my termination.

FACTS: On or about April 15, 2015, my spouse was diagnosed with a life-threatening disability and I became his caregiver. On or about April 24, 2015, I informed my employer of my new status as a caregiver and asked for a reasonable accommodation in the form of intermittent leave.

Beginning on or about April 24, 2015 and continuing to date I have been subjected to a hostile work environment and unwarranted disciplinary actions from the Respondent's management because of my disability status and age. My supervisor has falsely accused me of failing to communicate when I am on leave and has placed me on a performance improvement plan. I have been left out of important supervisory meetings and others have been appointed to go in my place. My manager has also attempted to demote me and to cut my position from the annual budget without my knowledge. Interviews have been held for my position under the guise of possible "leadership changes."

I believe that I was subjected to this hostile, offensive and intimidating work environment because of my age and caregiver duties in willful violation of the Age Discrimination in Employment Act of 1967, as amended and Title 1 of the Americans with Disabilities Act of 1990, as amended.

I Complained to management about the treatment I was receiving because of my duties as my disabled spouse's caregiver. On or about early September 2016, I also requested a reasonable accommodation in the form of a leave of absence as directed by my physician due to my own disability and the disability of my spouse. On or about September 18, 2016, the Respondent retaliated by falsely accused me of being absent without leave. I was not properly compensated during this time. On or about October 31, 2016, while I was still on the leave of absence requested by my physician, I was terminated.

I believe that I was falsely accused of being absent without leave and then terminated n retaliation for requesting a leave of absence and complaining about age and disability discrimination in willful violation of the Age Discrimination in Employment Act of 1967, as amended and Title 1 of the Americas with Disabilities Act of 1990 as amended.

DAMAGES: I suffered damages that included lost wages, benefits and emotional distress.

Margaret A. Martin
1-26-17

MARGARET A. MARTIN
Lic. # 01MA6318702
Notary Public, State of New York
Qualified in Erie County
Commission Expires February 2, 2019

Colleen Marie Dolac

Colleen Marie Dolac

Comm. 4D-7

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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

February 6, 2017

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

Dear Ms. McCarthy:

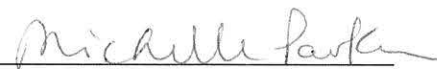
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Torres, Moses v. County of Erie and Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	Moses Torres 287 Prospect Avenue, Apt. 2 Buffalo, New York 14201
Claimant's attorney:	Joseph C. Todoro, Esq. Spadafora & Verrastro, LLP 2 Symphony Circle 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.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MOSES TORRES
287 Prospect Avenue, Apartment 2
Buffalo, New York 14201,

This paper received at the
Erie County Attorney's Office
from M. Torro on 17
the 28 day of July, 2017
at 2:30 a.m./p.m.
[Signature]
Assistant County Attorney

NOTICE OF CLAIM

Claimant,

-against-

COUNTY OF ERIE, and
ERIE COUNTY SHERIFF'S DEPARTMENT,

Defendants.

PLEASE TAKE NOTICE, that MOSES TORRES, Claimant, hereby make claims against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, and their agents, servants and/or employees, hereinafter referred to as "Respondents", for damages and personal injuries sustained. In support of said Notice of Claim, the Claimant states, upon information and belief, as follows:

- 1) **NAME AND ADDRESS OF CLAIMANT:** MOSES TORRES, 287 Prospect Avenue, Apartment 2, Buffalo, New York 14201.
- 2) **NAME AND ADDRESS OF CLAIMANT'S ATTORNEYS:** SPADAFORA & VERRASTRO, LLP, JOSEPH A. TODORO, 2 Symphony Circle, Buffalo, New York 14201; telephone number 716-854-1111.
- 3) **TIME OF CLAIM AND PLACE WHERE CLAIM AROSE:** On or about October 26, 2016 through December 9th, 2016, the Claimant, MOSES TORRES, was in the custody and imprisoned at the Erie County Holding Center located at 287 Prospect Avenue, Apartment 2, Buffalo, New York 14201.

4) **BASIS OF CLAIM:** This claim is based upon injuries suffered and/or sustained and/or aggravation of pre-existing conditions as a result of the negligence, carelessness, misfeasance, malfeasance, and/or intentional acts of the Respondents, COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, its agents, servants and/or employees.

MOSES TORRES suffered injuries, that include, without limitation thereto, physical and emotional and otherwise, as a result of the negligence and/or intentional conduct of the Respondents, their agents, servants and/or employees, resulting in intentional and/or negligent in the infliction of severe physical injuries and emotional distress upon the Claimant as the result of the refusal to provide medical treatment and/or the deprivation of medical treatment by the agents, servants and/or employees of the COUNTY OF ERIE and ERIE COUNTY SHERIFF'S OFFICE. Said injuries suffered at the time Claimant was arrested were exacerbated by Respondents, COUNTY OF ERIE and ERIE COUNTY SHERIFF'S OFFICE, as a result of their refusal to provide medical treatment and/or their deprivation of medical treatment to Claimant, MOSES TORRES.

In addition thereto, said claim is also based upon the negligent and/or careless hiring, supervising, training and employment of Police Officers, agents, servants and/or other employees of the Respondents. This claim is also based upon a violation of Civil Rights, both State and Federal, of the Claimant, MOSES TORRES.

5) **NATURE OF CLAIM:** Upon information and belief, the Respondents, together with its agents, servants and/or employees, including, without limitation, the Sheriff of the Erie County Sheriff's Department were aware of the vicious propensity of certain Prison Guards, Police Officers and/or Correctional Officers, however, they failed to make proper inquiry as to the same and/or reprimand said Officers and/or discipline said Officers and/or to remove said Officers from additional duties so as to resolve the dangerous situation which existed as of the date the Claimant was injured and/or failed to properly train, teach or supervise its representatives, servants, agents and/or employees so as to ensure the conditions, which then and there existed, and which allowed the neglect of Claimant, together with the violation of his State and Federal Civil Rights by said Police Officers, would have been eliminated so as not to exist as of the date and time wherein said injuries were sustained.

6) **INJURIES SUSTAINED:** That as a result of the actions of the Respondents, their agents, servants and/or employees, the Claimant, was arrested, hand cuffed, taken into custody while in a compromised physical condition because of being assaulted at the time of his arrest and subject to physical harm as a result of that arrest and withholding of immediate medical treatment and has sustained, without limitation thereto, numerous injuries, the majority, if not all, of which are and/or will be severe, painful and permanent in nature, including spinal and/or disc injury, facial scarring and/or bruising, neck injury, back injury, head injury, concussion, both knees injuries, left eye bruising and/or swelling, left eye blurred vision and/or loss of vision to the left eye, right eye bruising and/or swelling, right eye blurred vision and/or loss of vision to the right eye, post traumatic stress disorder, fractured orbital bone, bruised retina of the right eye, anxiety and depression and also including shock to the nerves and nervous system, circulatory system, traumatic injury to bones, nerves, tendons, vertebrae and disc's, muscular systems and skeletal systems, with resulting impairment and/or loss of use or normal function and loss of sleep; was otherwise rendered sick, sore, lame and/or disabled, and was or may be prevented from following his usual duties and activities for a period of time subsequent to this accident; has incurred, or may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has incurred, or may incur hospital expenses, medical expenses, physical therapy and/or rehabilitation expenses, and/or other similar types of expenses, as to past, present or future as would relate to the care, treatment and attempted cure of the injuries sustained and/or the residual effects thereof; has been caused to suffer emotional upset as a result of the pain and suffering associated with the injuries as to the past, present and upon information and belief into said future years; has or may suffer loss in excess of basic economic loss, together with any and all other special and general damages as they manifest themselves subsequent to the date of this Notice of Claim.

7) **DAMAGES:** The Claimant, MOSES TORRES, is presently undergoing medical care and treatment and has been or may be caused to expend money and incur expenses for the care and treatment of his injuries. The exact amount of medical expenses is unknown at this time as he is still undergoing treatment. The Claimant would make claim for or among the following damages:

- a) Pain and suffering and all physical injuries sustained.
- b) Emotional upset and/or injury.
- c) Loss of earnings.
- d) Impairment of earning capacity and/or future earnings.

e) All out of pocket expenses associated with medical, hospital, nursing, physical therapy and any and all other rehabilitative and/or therapy care and treatment rendered as to the cure and/or attempted cure of the injuries sustained by the Claimant, and/or the residual effects thereof, as to the past, present and/or into the future.

f) Any and all other special and general damages as they may manifest themselves subsequent to the date of this Notice.

g) As to all of the above, the same would relate to past to present damages and also, present to future damages.

8) Upon your failure to pay such claims within the statutory period provided, it is the intention of the Claimant to commence an action against the Respondents, COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, and/or such others as may be liable to recover damages sustained by Claimant as set forth above.

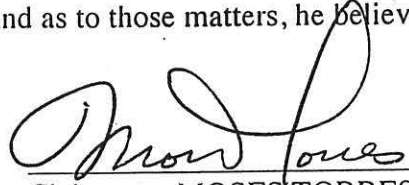
WHEREFORE, the Claimant, MOSES TORRES, respectfully requests that his Claim be adjusted and paid as provided by law.

DATED: January 22nd, 2017
Buffalo, New York


Claimant – MOSES TORRES

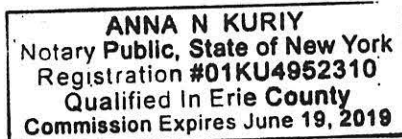
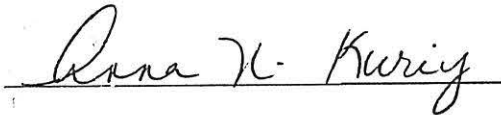
STATE OF NEW YORK)
COUNTY OF ERIE) SS.:

MOSES TORRES , being duly sworn, deposed and says: That he is the Claimant above-named in the within action; that he has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that same is true to his own knowledge except as to those matters therein stated to be alleged on information and belief, and as to those matters, he believes it to be true.



Claimant – MOSES TORRES

Sworn to before me this
22nd day of January, 2017.



TO: COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY SHERIFF's OFFICE
10 Delaware Avenue
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

February 9, 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>Akin, Shawn E. v. Erie County District Attorney and Erie County Clerk - pro se inmate</i>
Document Received:	Order to Show Cause
Name of Claimant:	Shawn E. Akin #06-B-0898 Five Points Correctional Facility State Route 96 PO Box 119 Romulus, New York 14541
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. 4D-7
Page 28 of 65

AT a Special Term of Supreme Court
held in and for the County of Erie and
the State of New York in the City of
Buffalo, on the 22nd day of November 2016.

PRESENT: **HON. PAULA L. FEROLETO**
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

PEOPLE OF THE STATE OF NEW YORK
ex rel. **SHAWN E. AKIN, #06-B-0898**

ORI# NY 014015J

Petitioner,

ORDER

-vs-

MICHAEL J. FLAHERTY, Acting District Attorney,
DONNA A. MILLING, Assistant District Attorney,
MATTHEW B. POWERS, Assistant District Attorney,
CHRISTOPHER L. JACOBS, Erie County Clerk

Index No.
I-2016-000173

Respondents.

Upon reading and filing the annexed petition for a writ of *habeas corpus*, together with supporting documents and verified on the 27th day of October 2016, which petition seeks the petitioner's release on the ground that his detention is illegal, and it appearing that the allegations in the petition, if taken as true, would not entitle the petitioner to release as a matter of law (CPLR Section 7003 (a); see *People ex rel Douglas v. Vincent*, 50 NY2d 901, 903), and it further appearing that petitioner should pursue any remedy he might have by way of a petition pursuant to Article 78 of the Civil Practice Law and Rules, it is

ORDERED that the said petition for a writ of habeas corpus be and is hereby denied; and it is further

ORDERED that the petition be and is hereby converted to a petition for relief pursuant to Article 78 of the CPLR; and it is further

ORDERED that the respondents named above Show Cause at a Special Term of this Court on **JANUARY 11, 2017** before the **HON. JOHN L. MICHALSKI**, Supreme Court Justice, in Part 18 at 25 Delaware Avenue, Buffalo, New York, why judgment should not be made granting the relief demanded in the petition and why such other and further relief as may seem just and proper to the court should not be allowed; and it is further

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 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 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, the petition and any supporting papers, by ordinary First-Class Mail, upon the named respondents, Michael J. Flaherty, Donna A. Milling, Matthew B. Powers and Christopher J. Jacobs, on or before **December 14, 2016** 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 Michalski, 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).

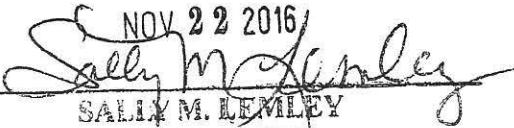
(b) Submit the original proof of service to the chambers of the Hon. John L. Michalski, 25 Delaware Avenue-Third Floor, Buffalo, New York 14202 at least eight (8) days prior to the return date; and it is further

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 Michalski not less than three (3) days prior to said return date.

DATED: Buffalo, New York
November 22, 2016


HON. PAULA E. FEROLETO
Justice of the Supreme Court

GRANTED:

GRANTED
NOV 22 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

February 13, 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>Begum, Mamtaj, et al. v. COE, ECMCHN and ECMCC</i>
Document Received:	Notice of Claim
Name of Claimants:	Mamtaj Begum and Kamar Uddin 628 East Delavan Avenue Buffalo, New York 14211
Claimants' attorney:	Jacob A. Piorkowski, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

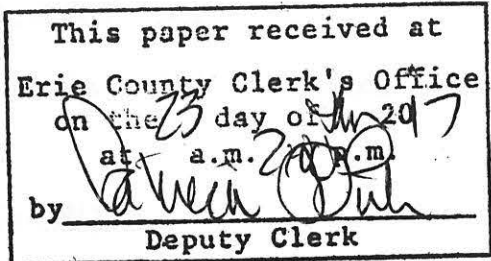
By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK

MAMTAJ BEGUM
628 East Delavan Avenue
Buffalo, NY 14211

KAMAR UDDIN, Individually and as Husband
628 East Delavan Avenue
Buffalo, NY 14211



Claimants

NOTICE OF CLAIM

vs.

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY MEDICAL CENTER
HEALTHCARE NETWORK
462 Grider Street
Buffalo, New York 14215

ERIE COUNTY MEDICAL CENTER
CORPORATION
462 Grider Street
Buffalo, New York 14215

Respondents.

TO: COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY MEDICAL CENTER
HEALTHCARE NETWORK
462 Grider Street
Buffalo, New York 14215

ERIE COUNTY MEDICAL CENTER
CORPORATION
462 Grider Street
Buffalo, New York 14215

SHAW SHAW, PC
ATTORNEYS AND COUNSELORS AT LAW

RECEIVED
JUL 24 2017

ERIE COUNTY
DEPARTMENT OF LAW

PLEASE TAKE NOTE that Claimants hereby claim damages against respondents in accordance with the requirements of the Court of Claims Act and states as follows:

1. **CLAIMANT'S NAME AND ADDRESS**

MAMTAJ BEGUM
628 East Delavan Avenue
Buffalo, NY 14211

KAMAR UDDIN
628 East Delavan Avenue
Buffalo, NY 14211

2. **NAME AND ADDRESS OF CLAIMANT'S ATTORNEYS**

SHAW & SHAW, P.C.
Jacob A. Piorkowski, Esq., of counsel
4819 South Park Avenue
Hamburg, New York 14075

3. **NATURE OF CLAIM**

The claim is one founded in negligence and resultant personal injuries.

4. This is a claim for money damages for personal injuries sustained by the claimant against the respondent when claimant MAMTAJ BEGUM was caused to fall on property and premises and, more specifically, the property located at the Erie County Medical Center, 338-462 Grider Street, Buffalo, Erie County, New York on December 15, 2016 at approximately 5:30 a.m. under the possession, control and ownership of the respondents, individually and/or jointly and severally and/or in concert with others.

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was December 15, 2016 at approximately 5:30 a.m. as further set forth herein.

6. The incident occurred on the property commonly known as the Erie County Medical Center, 338-462 Grider Street, Buffalo, Erie County, New York under the possession, control and ownership of the respondents, individually, and/or jointly and severally and/or in concert with others.

7. That the cause of action which forms the substance of this claim arose in the following manner:

On or about December 15, 2016 at approximately 5:30 a.m., the claimants were invitees to respondents' premises located at 338-462 Grider Street, Buffalo, Erie County, New York, when she was caused to slip and fall on ice adjacent to the ramp located at the front side of said building at said location, causing claimant MAMTAJ BEGUM to fall to the ground.

8. That the aforesaid incident and the injuries and damages resulting therefrom occurred by reason of the fault, neglect, and carelessness of the respondents, individually and/or jointly and severally and/or in concert with others, its agents, servants and/or employees and that said respondents failed to properly, adequately, and safely maintain the aforesaid premises; failed to properly and adequately supervise and control the area where claimant fell on the date of the incident; carelessly and negligently designed the area on said premises where the incident occurred; failed to take the necessary steps to clear the area of ice; and to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident; and in that the respondents, their agents, servants and/or employees was otherwise careless and negligent.

9. By reason of the aforesaid, the claimant MAMTAJ BEGUM sustained severe, painful and permanent injuries in and about her body including, but not limited to, a fractured lumbar spine; and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend large sums of money for hospital care, surgical care, physicians' services, nursing care, X-rays and medical supplies, for which the exact amount of such expenses cannot be determined at the present time. The claimant MAMTAJ BEGUM has sustained, without limitation thereto, serious physical injury, including numerous injuries, the majority, if not all, of which were severe, painful and permanent in nature, including upon information and belief, shock to the nerves and nervous system, circulatory system, traumatic injury to bones, nerves, tendons, muscular systems and skeletal systems, including the back, neck and spine, with resulting impairment and/or loss of use or normal function; was otherwise rendered sick, sore, lame and disabled, was hospitalized and was prevented from following her usual duties and activities for a period of time subsequent to this accident; has incurred, or may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has incurred, or may incur hospital expenses, medical expenses, physical therapy and/or rehabilitation expenses, and/or other similar types of expenses, as to past, present or future as would relate to the care, treatment and attempted cure of the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that she was so able to participate in and enjoy prior to the happening of this accident and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries

as to the past, present and upon information and belief into said future years; has or may suffer loss in excess of basic economic loss, together with any and all other special and general damages as they manifest themselves subsequent to the date of this Claim.

10. The claim of KAMAR UDDIN is for the loss of services, society and companionship of his wife, claimant MAMTAG BEGUM as a result of the negligence, carelessness and/or reckless disregard for the safety of the claimant MAMTAG BEGUM herein, resulting in, among other things, the acts and/or omissions of the respondents, as well as their agents, servants and/or employees herein.

Claimant KAMAR UDDIN also makes claim for any and all medical expenses incurred as to the care, treatment and attempted cure of the injuries sustained and/or the residual effects of the same by claimant MAMTAG BEGUM as to the past, present and/or future.

WHEREFORE, the claimants claim damages against respondents in an amount to be determined.

DATED: January 18, 2017
Hamburg, New York

SHAW & SHAW, P.C.



Jacob A. Piorkowski
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Telecopier

VERIFICATION

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

Kamar Uddin, being duly sworn, deposes and says that he is a claimant in the within action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.



Kamar Uddin

Sworn to before me this
18 day of January 2017



Notary Public

JACOB A. PIORKOWSKI
Notary Public, State of New York
No. 02P16246952, Qualified in Erie County
My Commission expires: September 24, 2019

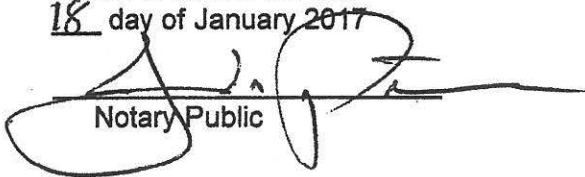
VERIFICATION

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

Mamtaj Begum, being duly sworn, deposes and says that she is a claimant in the within action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

Mamtaj Begum
Mamtaj Begum

Sworn to before me this
18 day of January 2017


Notary Public

JACOB A. PIORKOWSKI
Notary Public, State of New York
No. 02P16246952, Qualified in Erie County
My Commission expires: September 24, 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 15, 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>Crespo, Danielle v. Central Police Service -- alleged pregnancy discrimination</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Danielle N. Crespo 131 Paramount Parkway Buffalo, New York 14223
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.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

DANIELLE N. CRESPO,

Complainant,

v.

ERIE COUNTY, CENTRAL POLICE SERVICES LAW
ENFORCEMENT TRAINING ACADEMY, LISA
SEARS,

Respondents.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10186139

Federal Charge No. 16GB701395

I, Danielle N. Crespo, residing at 131 Paramount Pkwy., Buffalo, NY, 14223, charge the above named respondents, whose address is 45 Elm Street, Buffalo, NY, 14203 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of sex, disability, familial status.

Date most recent or continuing discrimination took place is 1/20/2017.

See Attached

New York State Division of Human Rights Complaint Form

CONTACT INFORMATION

My contact information:

Name: Danielle N Crespo
Address: 131 Paramount Pkwy Apt or Floor #: —
City: Tonawanda State: NY Zip: 14223

RECEIVED
JAN 30 2017
NEW YORK STATE DIVISION OF HUMAN RIGHTS
ALBANY OFFICE

REGULATED AREAS

I believe I was discriminated against in the area of:

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

I am filing a complaint against:

Company or Other Name: Eric County Central Police Services
Address: 45 Elm St
City: Buffalo State: NY Zip: 14203
Telephone Number: 716 858 6365
(area code)

Individual people who discriminated against me:

Name: <u>Lisa Sears</u>	Name: <u>Jay Best</u>
Title: <u>Deputy Director of Law Enforcement Communication</u>	Title: <u>Senior Police Complaint Writer</u>

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 01 20 2017
month day year

BASIS OF DISCRIMINATION

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



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

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and Domestic Violence Victim Status is a basis only in Employment complaints). These exceptions are listed next to the types of discrimination below.

I believe I was discriminated against because of my:

<input type="checkbox"/> Age <i>(Does not apply to Public Accommodations)</i> Date of Birth:	<input type="checkbox"/> Genetic Predisposition <i>(Employment only)</i> Please specify:
<input type="checkbox"/> Arrest Record <i>(Only for Employment, Licensing, and Credit)</i> Please specify:	<input type="checkbox"/> Marital Status Please specify:
<input type="checkbox"/> Conviction Record <i>(Employment and Credit only)</i> Please specify:	<input type="checkbox"/> Military Status: Please specify:
<input type="checkbox"/> Creed / Religion Please specify:	<input type="checkbox"/> National Origin Please specify:
<input type="checkbox"/> Disability Please specify:	<input type="checkbox"/> Race/Color or Ethnicity Please specify:
<input type="checkbox"/> Pregnancy-Related Condition: Please specify:	<input checked="" type="checkbox"/> Sex Please specify: <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male <input checked="" type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Domestic Violence Victim Status: <i>(Employment only)</i> Please specify:	<input type="checkbox"/> Sexual Orientation Please specify:
<input type="checkbox"/> Familial Status <i>(Does not apply to Public Accommodations or Education)</i> Please specify:	<input type="checkbox"/> Retaliation <i>(if you filed a discrimination case before, or helped someone else with a discrimination case, or reported discrimination due to race, sex, or any other category listed above)</i> Please specify:



Before you turn to the next page, please check this list to make sure that you provided information **only** for the type of discrimination that relates to your complaint.

EMPLOYMENT OR INTERNSHIP DISCRIMINATION

Please answer the questions on this page only if you were discriminated against in the area of employment or internship. If not, turn to the next page.

How many employees does this company have?

- a) 1-3 b) 4-14 c) 15 or more d) 20 or more ~~e) Don't know~~

Are you currently working for the company?

☐ Yes

Date of hire: ()
Month day year

What is your job title? _____

☐ No

Last day of work: ()
Month day year

What was your job title? Public Safety
Dispatcher I

☐ I was not hired by the company

Date of application: ()
Month day year

ACTS OF DISCRIMINATION

What did the person/company you are complaining against do? Please check all that apply.

☐ Refused to hire me

☒ Fired me / laid me off

☐ Did not call me back after a lay-off

☐ Demoted me

☐ Suspended me

☐ Sexually harassed me

☒ Harassed or intimidated me (other than sexual harassment)

☐ Denied me training

☐ Denied me a promotion or pay raise

☐ Denied me leave time or other benefits

☐ Paid me a lower salary than other workers in my same title

☐ Gave me different or worse job duties than other workers in my same title

☐ Denied me an accommodation for my disability

☐ Denied me an accommodation for my religious practices

☐ Gave me a disciplinary notice or negative performance evaluation

☐ Other: _____

On December 13, 2016, I was pulled into Lisa Sears' office and informed there were rumors in the office that I was pregnant. When approached about my pregnancy I was only 6-7 week along so I had not told anyone I was expecting. She proceeded to asked if I would be working after the baby was born, to which I replied "yes".

After being approached about my pregnancy, there were several instances where Lisa attempted to bait me in to quitting or stating I did not like my job. She made comments about me looking miserable and like I did not want to be at work. She repeatedly asked if I was sure I wanted to be there and if I was happy with my job choice. I told her everything was going well and I was happy with the position.

There was an instance on January 4th, 2017, where Lisa stated, I know you're not coming back to work, once you have your baby. I replied to her that we had already spoken previously and I had every intention of returning to work.

The work environment has been hostile since I began work 9/19/16. In previous conversations Lisa has tried to impose a threatening demeanor towards me by stating she has made new employees cry and had even told me she heard rumors that I was scared of her. Due to these conversations I became intimidated by her because she was my superior and I felt my job was in jeopardy based on her threatening behavior.

On Friday, 1/20/17 around 11:45 am, I was called in to Lisa Sears' office by Jay Best, whom remained present for this meeting. Upon entering I was asked on my thoughts on an off site training I was sent to the previous week. I told Lisa that I thought it was good and had no issues. Afterwards, Lisa immediately changed the conversation and stated she felt I was miserable there and wasn't fitting in. Then she pulled out a highlighted document which pertained to logging into the phone system and stated I was continuously late. It was never made clear that there was a mandate for me to log into the phone system at an exact time while in training. I told her if this was brought to my attention I could have fixed the issue but I didn't know I was doing anything wrong. Jay Best who was present and was my supervising trainer did not contest Lisa Sears' claims nor did he state that was part of my duties during training. She pulled out a document that was given to me when I interviewed for the position and stated, you signed off on it, and then went on to add that she thought it was best for us to separate and that she wanted to collect my parking pass and ID card. She immediately had an employee walk me out of the building.

During my employment I was never reprimanded or written-up. On average, I was usually 5-7 minutes early to work which my "swipes" from my employee ID card can substantiate. The CPS building is monitored via security cameras 24/7 and can also validate I was on premise. In addition, any daily observation reports during my training were not conducted on a daily basis and when Lisa went over some with me she never stated any issues in regards to my termination. In early-mid December after she found out I was pregnant, my daily observation reports were not completed in the fashion they had been done previously.

DESCRIPTION OF DISCRIMINATION - for all complaints (Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. PLEASE TYPE OR PRINT CLEARLY.

Please see attached page.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. **PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.**

NOTARIZATION OF THE COMPLAINT

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

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

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

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

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

Danielle Crespo
Sign your full legal name

Christy L Hall
No. 01HA6308479
Notary Public, State of New York
Qualified in Erie County
My commission expires JULY 28, 2018

Subscribed and sworn before me
This 30th day of January, 2017
Christy L. Hall
Signature of Notary Public

County:
Erie

Commission expires:
July 28th, 2018

Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.



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 15, 2017

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

Dear Ms. McCarthy:

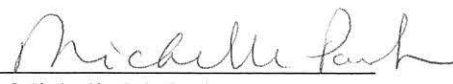
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Rasmus, Susan A. v. County of Erie and City of Buffalo</i>
Document Received:	Notice of Claim
Name of Claimant:	Susan A. Razmus 424 Skillen Street, Apt. #13 Buffalo, New York 14207
Claimant's attorney:	Michael J. Manusia, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

IN THE MATTER OF THE CLAIM OF:

SUSAN A. RAZMUS,
424 Skillen Street, #13
Buffalo, NY 14207

-against-

ERIE COUNTY
92 Franklin Street,
Buffalo, New York 14202

CITY OF BUFFALO
65 Niagara Sq.
1100 City Hall
Buffalo, NY 14202

Respondents.

This paper received at the
Erie County Attorney's Office -
from Marquee Husing on
the 13th day of Feb, 2017
at 12:22 a.m./p.m.
L. Huting - Hegg
Assistant County Attorney

NOTICE OF CLAIM

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

1. That the undersigned Claimant, **SUSAN A. RAZMUS**, residing at 424 Skillen Street, Apartment#13, Buffalo, NY 14207, by and through her attorneys, **WILLIAM MATTAR, P.C** 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against **ERIE COUNTY** and the **CITY OF BUFFALO**, for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by her.

2. That the said injuries were sustained by **SUSAN A. RAZMUS** on November 23, 2016 at approximately **8:10 p.m.** at or near the intersection of Grant Street and Amherst, Street in the City of Buffalo, in Erie County, in the State of New York. On that date and at that approximate time, Ms. Razmus, a pedestrian, was struck by a car as she walked across the street in the crosswalk, the Traffic Control Signal at that intersection was maintained in an unsafe condition- TO WIT: the crosswalk signal was broken. Police Accident Report attached and incorporated herein as

EXHIBIT A

3. That based on information and belief, the unsafe condition of the Traffic Control Signal was a contributing factor this the resulting collision and Ms. Razmus' injuries.

4. That based on information or belief that Defendant's knew or should have known of such unsafe condition.

5. Upon information and belief, the traffic control signal at the intersection of Grant Street and Amherst Street, City of Buffalo, Erie County, NY is controlled, operated, owned and maintained by Erie County, New York.

6. Upon information and belief, the traffic control signal at the intersection of Grant Street and Amherst Street, City of Buffalo, Erie County, NY is controlled, operated, owned and maintained by the City of Buffalo.

7. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of the lawful traveling public, including Claimant, SUSAN A. RAZMUS, by ERIE COUNTY and the CITY OF BUFFALO, their servants, agents or employees in failing to provide a safe roadway, highway and/or travel way; in failing to correct a known safety risk at the general location of the accident herein mentioned; in failing to adequately warn of the intersection; in failing to maintain, sign, and/or place proper traffic control devices on said roadway and intersection in a reasonably safe manner for users thereof; in failing to maintain trees, bushes and other vegetation in the area of the intersection, which caused a visual obstruction; in failing to monitor and control the speed of vehicles traveling on and in the roads involved herein; along with other acts of negligence, carelessness and recklessness.

8. That the aforesaid ERIE COUNTY and the CITY OF BUFFALO by and through their agents, servants, and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity, or caused the same. Agents, servants and employees of the Respondents knew or in the exercise of reasonable care, should have known of the potential danger of vehicles traveling through the above-referenced intersection, but failed to take any corrective

measures. Upon information and belief, agents, servants and employees of the Respondents herein knew of the injuries Ms. Razmus sustained. Upon information and belief, agents, servants and employees of the Respondents herein were present at the intersection on the date of the accident, administered first aid and handled Ms. Razmus' removal from the scene to the hospital.


9. That, upon information and belief, as a result of the foregoing, the Claimant, SUSAN A. RAZMUS, sustained very serious injuries, including, but not limited to, a severe head injury, a neck/back injury, and a large laceration to her head that required staples to close. Some of these injuries will be of a permanent or indefinite duration, and Claimant, SUSAN A. RAZMUS, was and will in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

10. Claimant seeks damages for personal injury, past, present and future pain and suffering, past, present and future mental and emotional distress, past and future medical costs, lost wages, change of lifestyle and a loss of enjoyment of life and every other item of like general damages as may properly be proven at a trial of this action.

11. That the said injuries were occasioned as a result of the negligence of Jazmyn D. Tyree, the driver of the striking vehicle along with Respondents ERIE COUNTY and the CITY OF BUFFALO, by and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, SUSAN A. RAZMUS requests that her claim be allowed and paid by the Respondents, and each of them.

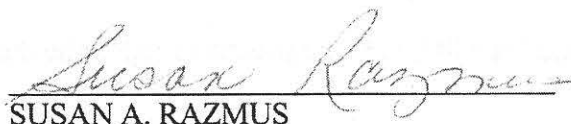
DATED: Williamsville, New York
 February 10, 2017



Michael J. Manusia, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

SUSAN A. RAZMUS, being duly sworn, deposes and says that she is the Claimant in this action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of deponent, except as to matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.


SUSAN A. RAZMUS

Sworn to before me this
10th day of February, 2017



Notary Public

MICHAEL J. MANUSIA
NOTARY PUBLIC-STATE OF NEW YORK
No. 02MA6287017
Qualified in Wyoming County
My Commission Expires 8-5-17

EXHIBIT A

Page 1 of 1 Pages

Local Codes

No-318-0783

2303

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT

MV-104A (6/04)

DMV COPY

AMENDED REPORT

D-2303

1	Accident Date Month <u>11</u> Day <u>23</u> Year <u>2016</u>	Day of Week <u>WEDNES</u>	Military Time <u>2010 hrs.</u>	No. of Vehicles <u>1</u>	No. Injured <u>1</u>	No. Killed <u>-</u>	Not Investigated at Scene <input checked="" type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/>	
2	VEHICLE 1				VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN					
3	VEHICLE 1 - Driver License ID Number <u>694 293 735</u>				VEHICLE 2 - Driver License ID Number <u>468 199 617</u>				State of Lic. <u>N.Y.</u>	
4	Driver Name - exactly as printed on license <u>Tyree, Jazmya, D.</u>				Driver Name - exactly as printed on license <u>Rozner, Leon, A.</u>				Apt. No. <u>-</u>	
5	Address (Include Number & Street) <u>1863 Egan Rd.</u>				Address (Include Number & Street) <u>424 Skillen St.</u>				Apt. No. <u>-</u>	
6	City or Town <u>Buffalo</u> State <u>N.Y.</u> Zip Code <u>14226</u>				City or Town <u>Buffalo</u> State <u>N.Y.</u> Zip Code <u>14216</u>				Apt. No. <u>-</u>	
7	Date of Birth <u>03/27/1994</u> Sex <u>F</u> Unlicensed <input type="checkbox"/> No. of Occupants <u>3</u> Public Property Damaged <input type="checkbox"/>				Date of Birth <u>01/19/1952</u> Sex <u>F</u> Unlicensed <input type="checkbox"/> No. of Occupants <u>-</u> Public Property Damaged <input type="checkbox"/>				Apt. No. <u>-</u>	
8	Name - exactly as printed on registration <u>AS Above</u>				Name - exactly as printed on registration <u>AS Above</u>				Apt. No. <u>-</u>	
9	Address (Include Number & Street) <u>AS Above</u>				Address (Include Number & Street) <u>AS Above</u>				Apt. No. <u>-</u>	
10	City or Town <u>Buffalo</u> State <u>N.Y.</u> Zip Code <u>14226</u>				City or Town <u>Buffalo</u> State <u>N.Y.</u> Zip Code <u>14216</u>				Apt. No. <u>-</u>	
11	Plate Number <u>ACB-4407</u>	State of Reg. <u>N.Y.</u>	Vehicle Year & Make <u>2007 STRV</u>	Vehicle Type <u>4dr.</u>	Ins. Code <u>693</u>	Plate Number <u>-</u>	State of Reg. <u>-</u>	Vehicle Year & Make <u>-</u>	Vehicle Type <u>-</u>	Ins. Code <u>-</u>
12	Ticket/Arrest Number(s) <u>-</u>					Ticket/Arrest Number(s) <u>-</u>				
13	Violation Section(s) <u>-</u>					Violation Section(s) <u>-</u>				
14	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.					Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.				
15	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes					VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes				
16	Vehicle 1 To <u>0</u> From <u>0</u>					Vehicle 2 To <u>0</u> From <u>0</u>				
17	VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER					ACIDENT DIAGRAM 43				
18	Reference Marker					Coordinates (if available) Latitude/Northing: Longitude/Easting:				
19	Place Where Accident Occurred: County <u>Erie</u> City <input type="checkbox"/> Village <input type="checkbox"/> Town of <u>Buffalo</u> Road on which accident occurred <u>Grand St.</u> at 1) intersecting street <u>Amherst St.</u> or 2) <u>N 14th St</u> of <u>W 14th St</u> (Milepost, Nearest Intersecting Route Number or Street Name)					Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to Determine <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
20	Accident Description/Officer's Notes <u>Driver of veh #1 states she was making a left turn while having left green turn arrow when she struck pedestrian. Driver of veh #1 states pedestrian was not walking crosswalk. Pedestrian states she was crossing Grand St. heavily EB in crosswalk when veh #1 made left turn and struck her. Motorist witness states that veh #1 did make a left turn from Amherst onto Grand when she struck pedestrian. Crosswalk signal not working.</u>									
21	Names of all involved									
22	Date of Death Only									
23	Officer's Rank and Signature <u>P.O. W. Moretti</u>									
24	Print Name in Full <u>William J. Moretti</u>									
25	Badge/ID No. <u>3542</u>									
26	NCIC No. <u>0101</u>									
27	Precinct/Post <u>5</u>									
28	Station/Beat <u>2</u>									
29	Reviewing Officer <u>Lt. G. Roth</u>									
30	Date/Time Reviewed <u>11/24/16 04:55</u>									



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 15, 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>Donnelly, Emily v. County of Erie - Buffalo Niagara Convention Center</i>
Document Received:	Notice of Claim
Name of Claimant:	Emily Donnelly 43 Aspinwood Place Buffalo, New York 14223
Claimant's attorney:	Kevin T. Stocker, Esq. 2645 Sheridan Drive Tonawanda, New York 14150

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.

LAW OFFICE OF
KEVIN T. STOCKER, ESQ. PC
2645 Sheridan Drive
Tonawanda, New York 14150
Telephone: (716) 832-3006 / Fax: (716) 832-3660
Email: kstockeresq@yahoo.com

December 8, 2016

CERTIFIED MAIL

Michael Siragusa, Esq., Erie County Attorney
Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, New York 14202

Re: Notice of Claim for Emily J. Donnelly
Date of Accident: 11/26/2016

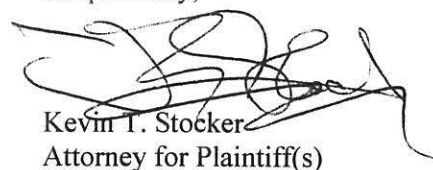
Dear Mr. Siragusa:

The following Notice of Claim is being submitted on behalf of Emily J. Donnelly for the personal injuries she suffered as a result of a slip and fall at the Buffalo Niagara Convention Center located at Convention Center Plaza, 153 Franklin Street in the City of Buffalo. The Notice of Claim is set forth as follows:

1. **Name and Address of Claimant:** Emily Donnelly ("Claimant"), 43 Aspinwood Place, Buffalo, NY 14223 (TTON).
2. **Nature of Claims:** Negligence; Premises Liability.
3. **Time, Place & Manner:** Claimant suffered personal injuries as a result of a fall at the Buffalo Niagara Convention Center located Convention Center Plaza, 153 Franklin Street, Buffalo, New York 14202 on November 26, 2016 at approximately 11:20 p.m. while attending an event, "World's Largest Disco" party. The slip and fall was caused by water and other liquids, broken glass, and debris being allowed to collect on the bare, hard flooring of the event's floor. Said conditions were allowed to exist and not be remedied for several hours prior to her fall.
4. **Items of Damage or Injuries Claimed:** Personal injuries consisting of multiple stitches on her chin, chipped teeth, and concussion/brain injury as a result of a fall (Pictures attached).

RECEIVED
FEB 13 2017
ERIE COUNTY
DEPARTMENT OF LAW

Respectfully,


Kevin T. Stocker
Attorney for Plaintiff(s)

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

EMILY J. DONNELLY, being duly sworn, depose and say: that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

Emily Donnelly
EMILY J. DONNELLY

Sworn to before me this 30th
day of January, 2017.

[Signature]
Notary Public
Kevin J. Foster
com. exp. 2/4/19
Quest Erie Co., NY



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 15, 2017

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

Dear Ms. McCarthy:

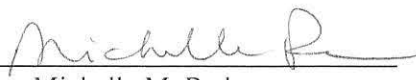
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Davis, Maurice v. County of Erie - premises liability at 1237 Main Street</i>
Document Received:	Notice of Claim
Name of Claimant:	Maurice Davis 27 Greeley Street, Upper Buffalo, New York 14207
Claimant's attorney:	Peter M. Kooshoian, Esq. Rosenthal, Kooshoian & Lennon, LLP 300 Main Street Buffalo, New York 14202-4003

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

MAURICE DAVIS
27 Greeley Street, Upper Apt.
Buffalo, New York 14207,

Claimant,

NOTICE OF CLAIM

v.

COUNTY OF ERIE, NEW YORK
95 Franklin Street, Room 1634
Buffalo, New York 14202,

Respondent.

TO: COUNTY OF ERIE, NEW YORK

PLEASE TAKE NOTICE, that MAURICE DAVIS, the Claimant, does hereby make the following claim for damages against the COUNTY OF ERIE, NEW YORK, through their agents, servants and/or employees and in support thereof states:

1. The Claimant, MAURICE DAVIS' post office address is 27 Greeley Street, Upper Apt., Buffalo, New York 14207.
2. The name and post office address of Claimant's attorney is Rosenthal, Kooshoian & Lennon, LLP, Peter M. Kooshoian, Esq. of counsel, 300 Main Street, Buffalo, New York 14202; telephone number: (716) 854-1300.
3. This claim is for negligence on the part of the COUNTY OF ERIE, NEW YORK.
4. This claim arose on or about the 24th day of December, 2016, at approximately 8:30 a.m., on the sidewalk in front of 1237 Main Street in the City of Buffalo, County of Erie and State of New York.
5. On the aforementioned date and time and at the aforementioned place, MAURICE DAVIS was walking on the sidewalk when he was caused to fall due to broken concrete resulting in serious personal injuries and conscious pain and suffering.
6. Upon information and belief, the COUNTY OF ERIE, NEW YORK through their agents, servants,

Rosenthal, Kooshoian & Lennon, LLP

ATTORNEYS AND COUNSELORS AT LAW / 300 MAIN STREET / BUFFALO, NEW YORK 14202 / (716) 854-1300

Comm. 4D-7

Page 59 of 65

employees, contractors and/or maintenance personnel were responsible for properly maintaining, constructing and/or repairing the area where the Claimant's injuries occurred.

7. That the COUNTY OF ERIE, NEW YORK through their agents, servants, departments and/or employees by their acts and/or omissions in the construction, care and/or maintenance of the sidewalk in front of 1237 Main Street negligently, carelessly and/or recklessly created a dangerous condition and/or permitted a dangerous condition to exist.

8. As a result of the negligence, carelessness and/or recklessness of the COUNTY OF ERIE, NEW YORK, its agents, servants, departments and/or employees, the Claimant, MAURICE DAVIS, has sustained personal injuries, conscious pain and suffering, loss of enjoyment of life, incurred medical and hospital expenses, loss of income and continues to sustain further damages into the future.

9. The nature of this claim is for money damages arising out of personal injuries, conscious pain and suffering, loss of enjoyment of life of the Claimant, MAURICE DAVIS, by reason of the negligence, carelessness and/or recklessness of the above-named Respondents as a result of their acts and/or failure to act.


10. This notice is being made and served on behalf of the Claimant in compliance with the provisions of §50-e of the General Municipal Law and such other applicable laws and statutes.

WHEREFORE, the undersigned respectfully requests that these claims in an amount substantially in excess of the jurisdictional limits of all lower courts be allowed and paid by Respondent, COUNTY OF ERIE, NEW YORK. In the event said claim is not allowed and paid, it is Claimant's intention to bring legal action in order to obtain the same.

DATED: Buffalo, New York
February 7, 2017


MAURICE DAVIS

Sworn to before me this 7
day of February, 2017.


Notary Public
PETER MATTHEW KOOSHOIAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 2/15/17

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE)ss:

MAURICE DAVIS, being duly sworn, deposes and says: That your deponent is the Claimant in the within Notice of Claim and that he has read the foregoing Notice of Claim and knows the contents thereof to be true on his own knowledge except as to matters stated upon information and belief and as to those matters, he believes it to be true.



MAURICE DAVIS

Sworn to before me this 7
day of February, 2017.



Notary Public

PETER MATTHEW KOOSHOIAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 2/15/12



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 15, 2017

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

Dear Ms. McCarthy:

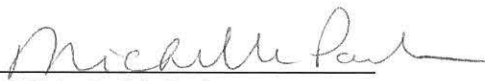
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Albanna, Mohamed v. County of Erie - Sewers</i>
Document Received:	Notice of Claim
Name of Claimant:	Mohamed Albanna 167 Lehigh Street Lackawanna, New York 14218
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF

MOHAMED ALBANNA,
167 Lehigh St.
Lackawanna, New York 14218,

Claimant,

vs.

COUNTY OF ERIE,
Law Department
95 Franklin Street, Room 1634
Buffalo, New York 14202,

Respondent.

This paper received at the
Erie County Attorney's Office
from Lon Violanti on
the 13th day of Feb, 2017
at 2:30 a.m./p.m.
Justine Ariz-Lopez
Assistant County Attorney

NOTICE OF CLAIM

Index No.

Assigned Justice:
Hon.

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

PLEASE TAKE NOTICE THAT, pursuant to Section 50-e of the General Municipal Law of the State of New York, I hereby make claim against the COUNTY OF ERIE for damages occasioned by the negligence of the said COUNTY OF ERIE.

- 1) The name and post office address of the claimant is:

MOHAMED ALBANNA
167 Lehigh St.
Lackawanna, New York 14218

- 2) The name and post office address of claimant's attorney is:

LOUIS P. VIOLANTI, ESQ.
85 Main Street
Hamburg, New York 14075
(716) 648-6250
violantilaw@gmail.com

3) The nature of the claim is one for property damage caused by the Erie County Sewer Authority, together with any unreimbursed bills and ancillary bills and expenses sustained and incurred in connection with claimant's damages in an unspecified amount as provided by statute.

4) On December 15, 2016, at approximately 12:00 P.M., the County of Erie, through the agents, servants and employees of the Erie County Sewer Authority were careless and negligent in the design; construction; maintenance; and upkeep of its sewer lines located on Lehigh Street in the City of Lackawanna, County of Erie and State of New York, thus resulting in the flooding of claimant's basement. The incident referred to was caused by the recklessness, carelessness and negligence of the Erie County Sewer Authority without any negligence on the part of MOHAMED ALBANNA, contributing thereto.

5) The damages that have been sustained so far as now known by the claimant include, but are not limited to, replacing walls, carpeting, appliances, lighting and fixtures in the basement.

6) That by reason of the foregoing, the claimant has been damaged in an unspecified amount such as will be determined by the trier of fact in Supreme Court, County of Erie, State of New York in the event that said claim is not allowed and paid.

WHEREFORE, claimant respectfully requests that his claim be allowed and paid.

Dated: February 10, 2017

A handwritten signature in dark ink, appearing to read 'Mohamed Albanna', is written over a horizontal line.

MOHAMED ALBANNA

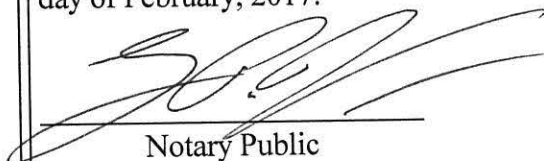
STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

MOHAMED ALBANNA, being duly sworn, deposes and says that he is the claimant named in the foregoing claim; that he has read the same and knows the contents thereof; that the same is true to his own knowledge except as to those matters alleged upon information and belief, and as to those matters, he believes them to be true.



MOHAMED ALBANNA

Sworn to before me this 10
day of February, 2017.



Notary Public

LOUIS PAUL VIOLANTI
Notary Public, State of New York
Reg. No. 02V16347043
Qualified in Erie County
Commission Expires 09/06/2020