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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature
FROM: Michelle M. Parker, First Assistant County Attorney
DATE: June 1, 2018
RE: Transmittal of New Claims Against Erie County

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 12 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Shawn Stephens v. ECSO;
2. Gerald Carr v. County of Erie; et al.
3. Mark Dublino v. Deputies Harvey, Winegarden, et al.;
4. Holly Kipa v. ECSO, et al.;
5. James Battin v. County of Erie, et al.;
6. James Hollins v. County of Erie, et al.;
7. James Trala v. County of Erie, et al.;
8. Ronald Gast v. ECSO;
9. Nick Sullivan v. County of Erie, et al.;
10. Lakeview Fire Association v. Erie County Highway Dept., et al.;
11. John Hageman, II v. County of Erie, et al.; and
12. John A. Bish v. County of Erie, et al.

MMP:dld
Attachments

Comm. 11D-2
1 of 84



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

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DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

May 23, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 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>Stephens, Shawn v. ECSO - challenging his incarceration</i>
Document Received:	Petition for Writ of Habeas Corpus
Name of Petitioner:	Shawn Stephens ICN #149791 Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Petitioner's attorney:	Petitioner is appearing <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
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
3 of 84

RECEIVED

2018 MAR -9 AM 11:31

CHIEF CLERK'S OFFICE
SUPREME COURT

Supreme Court
County Of Erie
State of New York

In the Matter of the Application of:
_____, Petitioner,
for a Writ of Habeas Corpus to Inquire
Into the Cause of Detention of

Petition for writ of
Habeas Corpus

SHAWN STEPHENS
Petitioner Pro Se

Index # I-2018-000035

-v-

Erie County Supreme Court
Respondent

To the Honorable Justices of the Supreme Court of the State of New York,

Your Petitioner respectfully alleges and shows that:

1. Shawn Stephens, the Petitioner, makes application herein on his/her own behalf for a Writ of Habeas Corpus. That the place where said Shawn Stephens, Petitioner is imprisoned and restrained of his/her liberty is the Erie County Correctional Facility, 11581 Walden Avenue, in the Town of Alden, in the County of Erie, State of New York.
2. The officer by whom (s)he is so imprisoned and restrained is Erie County Correctional Facility.
3. No Court or Judge of the United States has exclusive jurisdiction to release the said Shawn Stephens, Petitioner, released.
4. The cause or pretense of the imprisonment and restraint of said Shawn Stephens, Petitioner, according to the best knowledge and belief of Petitioner is a 90 day consecutive sentence.

5. The imprisonment and restraint of said _____, Petitioner, is by virtue of a mandate, a copy of which is hereto annexed and marked "Exhibit A".

6. The imprisonment and restraint of said _____, Petitioner, is illegal in that _____

_____.

7. No previous application has been made for the Writ herein asked for.

8. No appeal has been taken from any Order or Judgment in any action or proceeding against said _____, Petitioner, whereby (s)he has been imprisoned and restrained of his/her liberty except _____.

(State to what Court or Judge taken and determination thereon)

WHEREIN Petitioner prays that a Writ of Habeas Corpus directed to said _____ (name of officer or person by whom Petitioner is imprisoned) be issued for the purpose of inquiring into the cause of the imprisonment and restraint of said _____, Petitioner, and of delivering him/her therefrom pursuant to the statute in such case made and provided.

Dated: 3-5-18

Shawn Stephens
Signature, Petitioner Pro Se

Sworn to before me this 5th
day of March, 2018

[Signature]

Signature, Notary Public

CHRISTOPHER T. COUGHLIN
No. 01CO6294898
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Dec 23, 2021

ATTACHMENTS TO PETITION FOR A WRIT OF HABEAS CORPUS, IF NECESSARY.

1101F Poor Person Petition – Form 18

Attach copy of detainer instrument (commitment papers)

Attach sentencing minutes if post-release case



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

May 23, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 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>Carr, Gerald v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Gerald R. Carr 4104 Bayview Road Blasdell, New York 14219
Claimant's attorney:	Alice A. Troy, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

Should you have any questions, please call.

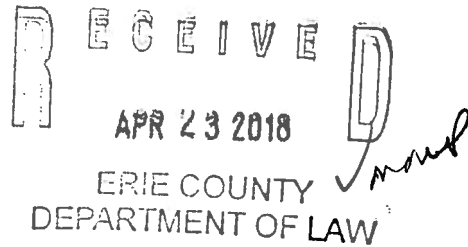
Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: *Michelle Parker*
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
11 of 84



IN THE MATTER OF THE CLAIM OF:

Gerald R. Carr
4104 Bayview Rd.
Blasdell, New York 14219

Claimant,

-against-

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

NOTICE OF CLAIM

Respondent.

PLEASE TAKE NOTICE that **GERALD R. CARR**, hereby makes claim against **ERIE COUNTY** and in support thereof Claimant alleges:

1. That the undersigned Claimant, **GERALD R. CARR**, residing at 4104 Bayview Rd., Blasdell, New York, 14219 by and through her attorneys, **ALICE A. TROY** and **WILLIAM K. MATTAR**, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against **COUNTY OF ERIE**, for personal injuries, pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, medical expenses, and property damages sustained by claimant **GERALD R. CARR**.

2. That the said injuries were sustained by Gerald R. Carr on February 27, 2018 on Bayview Road near Frontier Central High School in the **TOWN OF HAMBURG** and **COUNTY OF ERIE** at approximately 8:00 AM. **GERALD R. CARR** was caused to sustain injuries to his face and nose when riding his bicycle on the side of the road and hit a pothole. The road was not

properly maintained and the roadway was not safe for transit as a result of said pothole. Said road is owned, inspected, controlled, and maintained by the TOWN of HAMBURG and/or the COUNTY OF ERIE.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, GERALD R. CARR, by the TOWN OF HAMBURG and/or the COUNTY OF ERIE, their servants, agents or employees in failing to provide a properly maintained road and failing to provide a safe roadway for transit.

4. That the aforesaid TOWN OF HAMBURG and/or COUNTY OF ERIE by and through their agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

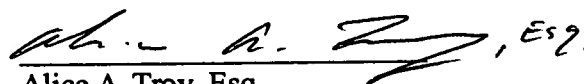
5. That as a result of the foregoing, the Claimant, GERALD R. CARR, sustained very serious injuries, including a nose fracture, facial lacerations, head and neck pain, among other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, GERALD R. CARR, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the TOWN OF HAMBURG and/or the COUNTY OF ERIE and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, GERALD R. CARR requests that his claim be allowed and paid by the Respondents, and each of them.

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

DATED: Williamsville, New York
 April 19, 2018



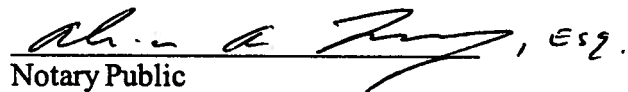
Alice A. Troy, Esq.
WILLIAM MATTAR, P.C.
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

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


GERALD R. CARR

Sworn to before me this
19th day of April, 2018


Notary Public

ALICE A. TROY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02TR6345919
Qualified in Erie County
Commission Expires August 1, 2020



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

May 30, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 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>Dublino, Mark T. v. Deputies Harvey, Winegarden, Quirante, Richel, Thompson, Metzger & Bienko (EC SO - JMD) and codefendant inmate Thomas</i>
Document Received:	Summons and Complaint
Name of Claimant:	Mark T. Dublino 18-B-0793 Auburn Correctional Facility PO Box 618 Auburn, New York 13021
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
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
17 of 84

UNITED STATES DISTRICT COURT

for the

Western District of New York

Mark T. Dublino,

Plaintiff(s)

v.

James Thomas, et al.,

Defendant(s)

Civil Action No. 6:18-cv-06010-DGL

RECEIVED
2018 MAY -9 PM 1:52
U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* James Thomas , Deputy Scott Harvey, Deputy Winegarden,
Deputy Richel, Deputy Thompson, Deputy Metzger,
Deputy Bienko and Deputy Quirante

40 Delaware Ave. Buffalo, NY 14202

RECEIVED
ERIE COUNTY
SHERIFF'S OFFICE
2018 MAY 21 PM 12:44

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:

Mark T. Dublino 18-B-0793
ELMIRA CORRECTIONAL FACILITY
PO Box 500 1879 Davis St.
Elmira, NY 14901-0500

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



CLERK OF COURT

Date: 05/08/2018

Mary V. [Signature]
Signature of Clerk or Deputy Clerk

Comm. 11D-2
19 of 84

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NEW YORK
FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

1.) CAPTION OF ACTION

A. PLAINTIFF: MARK DUBLINO DIN# 18-B-0793

B. DEFENDANTS:

- | | |
|---------------------------------|-------------------------------|
| 1.) JAMES THOMAS | 7.) MR. RICHEL |
| 2.) MR. WINEGARDEN | 8.) MR. THOMPSON |
| 3.) MR. SCOTT HARVEY | 9.) MR. METZGER |
| 4.) IVAN MELENDAZ | 10.) LUCKY (UNKNOWN NAME) |
| 5.) STEPHAN (UNKNOWN LAST NAME) | 11.) SPENCER 'QUILLY' HEYWOOD |
| 6.) MR. QUIRANTE | 12.) MR. BIENKO |

2.) STATE OF JURISDICTION

THIS IS A CIVIL ACTION SEEKING RELIEF AND/OR DAMAGES TO DEFEND AND PROTECT THE RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES. THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C. § 1983, THE COURT HAS JURISDICTION OVER THE ACTION PURSUANT TO 28 U.S.C. §§ 1331, 1343(1), AND 2201, (3)1

3.) PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION: MARK DUBLINO DIN# 18-B-0793

PRESENT PLACE OF CONFINEMENT: ELMIRA CORRECTIONAL FACILITY
P.O. Box 500
ELMIRA, NEW YORK 14902-0500

DEFENDANTS' INFORMATION:

- | | | |
|---------------------------------|----------|----------------------------|
| 1.) JAMES THOMAS | INMATE, | SUE IN INDIVIDUAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 2.) MR. WINEGARDEN | DEPUTY, | SUE IN OFFICIAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 3.) MR. SCOTT HARVEY, | DEPUTY, | SUE IN OFFICIAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 4.) IVAN MELENDAZ | INMATE, | SUE IN INDIVIDUAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 5.) STEPHAN (UNKNOWN LAST NAME) | INMATE, | SUE IN INDIVIDUAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 6.) MR. QUIRANTE | DEPUTY, | SUE IN OFFICIAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 7.) MR. RICHEL | DEPUTY, | SUE IN OFFICIAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |
| 8.) MR. THOMPSON | DEPUTY, | SUE IN OFFICIAL CAPACITY |
| 40 DELAWARE AVENUE, | BUFFALO, | NEW YORK 14202 |

Comm. 11D-2
20 of 84

* DEFENDANTS INFORMATION CONTINUED ON OTHER SIDE. *

DEFENDANT'S INFORMATION CONTINUED:

- 9.) MR. METZGER DEPUTY SUE IN OFFICIAL CAPACITY
40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202
- 10.) 'LUCKY' (UNKNOWN NAME) INMATE, SUE IN INDIVIDUAL CAPACITY
40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202
- 11.) SPENCER 'QUILLY' HEYWOOD INMATE, SUE IN INDIVIDUAL CAPACITY
40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202
- 12.) MR. BIENKO DEPUTY, SUE IN OFFICIAL CAPACITY
40 DELAWARE AVENUE, BUFFALO, NEW YORK 14202
-

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
- B. HAVE YOU BEGUN ANY OTHER LAWSUITS IN FEDERAL COURT WHICH
RELATE TO YOUR IMPRISONMENT? YES X NO ___

1.) NAMES OF PARTIES TO THIS OTHER LAWSUIT:

PLAINTIFF: MARK DUBLINO DIN # 18-B-0793

DEFENDANTS: JOSEPH TERRANOA; Hon. DEBORAH A. HAENDIGES

MATHEW SZALKOWSKI; DANIELLE D'ABATE

JOHN FLYNN, AND ANTHONY LANA

2.) DISTRICT COURT: UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK, ROCHESTER DIVISION

3.) COURT NUMBER: 18-CV-6178

4.) DISTRICT OR MAGISTRATE JUDGE TO WHOM CASE WAS ASSIGNED: HONORABLE
DAVID G. LARIMER

5.) APPROXIMATE DATE ACTION WAS FILED: FEBRUARY 28TH 2018

6.) WHAT WAS THE DISPOSITION OF THE CASE? (YES) STILL PENDING

MARK DUBLINO

DIN # 18-B-0793

millie 4/9/18

AMENDED FOR CLAIM #

Case 6:18-cv-06010-DGL Document 12 Filed 04/12/18 Page 3 of 9
A. FIRST CLAIM: On (date of the incident) FRIDAY OCTOBER 20TH 2017

defendant (give the name and position held of each defendant involved in this incident) JAMES THOMAS, INMATE
DEPUTY WINEGARDEN, DEPUTY HARVEY

did the following to me (briefly state what each defendant named above did): JAMES THOMAS STRUCK AND
AND THREATENED MY LIFE, IF I CONTINUE TO GRIEVE SITUATIONS ASSOCIATED
WITH THE LAW LIBRARY. DEPUTY WINEGARDEN INSTRUCTED AND WATERBURY JAMES
THOMAS STRIKE AND ASSAULT ME IN MY CELL. DEPUTY HARVEY THREATENED
JAMES THOMAS TO ASSAULT AND THREATEN MY LIFE

* SEE ATTACHMENT ON OTHER SIDE OF THIS DOCUMENT *

The constitutional basis for this claim under 42 U.S.C. § 1983 is: EXCESSIVE FORCE, EQUAL
PROTECTION, FAILURE TO PROTECT

The relief I am seeking for this claim is (briefly state the relief sought): (5) FIVE MILLION FOR THE
UNLAWFUL ACT.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes No If yes, what was the result? I SUBMITTED
A GRIEVANCE AND IT WAS NEVER ANSWERED

Did you appeal that decision? Yes X No If yes, what was the result? BECAUSE IT WAS
NEVER ANSWERED

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so:

6. RELIEF SOUGHT

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

I WAS PROCESSING A GRIEVANCE TO PROTECT MY CIVIL LIBERTIES
AND MY INTENT FOR FAIR ANSWERS WERE OBSTRUCTED BY ABUSE
OF AUTHORITY AND EXCESSIVE FORCE, (5) MILLION DOLLARS.

Do you want a jury trial? Yes X No

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

Executed on APRIL 9TH 2018

(date)

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

mt. White

Comm. 11D-2

22 of 84

ON FRIDAY OCTOBER 20TH 2017 (1:00PM) I ATTEMPTED TO PROCESS A GRIEVANCE REGARDING LAW LIBRARY PROCEDURES NOT BEING MET BY DEPUTY HARVEY (LAW LIBRARY) SUPERVISOR THROUGH DEPUTY WINEGARDEN, JAMES 'JIMBO' THOMAS IMMEDIATELY QUESTIONED DEPUTY WINEGARDEN AND THEN FOLLOWED ME TO MY CELL WHICH FACED DEPUTY WINEGARDEN'S DESK, JAMES THOMAS ENTERED MY CELL WITHOUT PROVOCATION AND SHOVED ME AGAINST THE CONCRETE WALL, THEN SWUNG AND SLAPPED MY FACE. HE THEN SAID, "LEAVE HARVEY AND WINEGARDEN ALONE. NO MORE GRIEVANCES!" "THEY WILL PAY ME TO DO THIS AND IF YOU REPORT ME, I'LL KILL YOU! AND THERE ARE (5) FIVE OTHERS THAT WILL TOO!" HE WALKED OUT AND DEPUTY WINEGARDEN DID NOTHING EXCEPT WATCH.

> LATER AT 1:45PM DEPUTY WINEGARDEN SPOKE TO ME AT MY CELL DOOR. ASKING ME, "IF I WANTED A GRIEVANCE FORM?" I SAID, "YES, BRING ME ONE" DEPUTY WINEGARDEN SAID, "NO, COME OVER TO MY DESK. (NOTE: JAMES THOMAS WAS WATCHING EVERY MOVEMENT) AFTER FILLING OUT THE GRIEVANCE, I RETURNED TO DEPUTY WINEGARDEN'S DESK, JAMES THOMAS WAS STANDING NEXT TO THE DESK AND ASKED ME, "IS THE GRIEVANCE ABOUT HARVEY?" I SAID, "YES, HE'S PART OF IT." DEPUTY WINEGARDEN ASKED FOR THE FORM, JAMES THOMAS SAID, "I'LL HANDLE THIS." THEN TOLD ME, "HARVEY AND WINEGARDEN ARE GOOD GUYS AND THEY DO ALL THEY CAN TO HELP US. IF YOU NEED COPIES I'LL GET THEM MADE." I DID NOT HAND THE GRIEVANCE IN TO AVOID ANOTHER CONFRONTATION, AND WALKED BACK TO MY CELL AT APPROXIMATELY 2:00PM. I SUBMITTED THE GRIEVANCE IN A SEALED ENVELOPE TO SERGEANT MC ANDREW WHO WAS THE GRIEVANCE COORDINATOR. HE NEVER ANSWERED OR ADDRESSED THE ISSUE.

Respectfully Submitted



MARK DUBLINO

4/11/18 Comm. 11D-2
23 of 84

DIN# 18-B-0793

defendant (give the name and position held of each defendant involved in this incident) IVAN MELENDAZ, INMATE;
STEPHAN (UNKNOWN LAST NAME); DEPUTY QUIRANTE; DEPUTY RICHEL;
DEPUTY THOMPSON; DEPUTY METZGER

did the following to me (briefly state what each defendant named above did): IVAN MELENDAZ ASSAULTED
AND THREATENED ME; STEPHAN (UNKNOWN LAST NAME) ASSAULTED AND THREATENED ME;
DEPUTY QUIRANTE FAILED TO PROTECT; DEPUTY RICHEL FAILED TO PROTECT; DEPUTY
THOMPSON FAILED TO PROTECT; DEPUTY METZGER FAILED TO PROTECT. EACH
INDIVIDUAL LISTED WAS MALICIOUSLY INVOLVED WITH THE INTENT TO HARM ME.

* SEE ATTACHMENT ON THE OPPOSITE SIDE OF THIS DOCUMENT *

The constitutional basis for this claim under 42 U.S.C. § 1983 is: EXCESSIVE FORCE AND FAILURE
TO PROTECT.

The relief I am seeking for this claim is (briefly state the relief sought): (5) FIVE MILLION DOLLARS

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes No If yes, what was the result? MY GRIEVANCE
WAS NEVER ANSWERED. FACILITY COVERED UP THE INCIDENT

Did you appeal that decision? NO No If yes, what was the result?

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so:

6. RELIEF SOUGHT

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

(5) FIVE MILLION FOR MALICIOUS INTENT TO COMMIT HARM TO
ME AND THE CONSPIRACY FROM THE FACILITY TO COVER UP
(THE INCIDENT)

Do you want a jury trial? Yes X No

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

Executed on APRIL 9TH 2018
(date)

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

[Signature]

Comm. 11D-2

24 of 84

ATTACHMENT 2nd CLAIM
ON FRIDAY 11/4/16 (2:30PM) AT CHARLIE SEG. #29, ON DUTY DEPUTY QUIRANTE.
THE INMATES ON THE (4) FOUR CELL UNIT WERE IVAN MELENDAZ AND STEPHAN
(UNKNOWN LAST NAME) WAS A THIN BLACK MAN WITH A SCAR AROUND ONE EYE.
IMMEDIATELY WHEN I ARRIVED THESE TWO INMATES STARTED SAYING, "THEY
DON'T WANT ME ON THIS BLOCK", "YOU CAN'T STAY", "I'M A SEG. INMATE."
THEY BOTH PARTICIPATED IN ASSAULTING, MENACING AND THREATENING ME.
DEPUTY QUIRANTE STOOD BYE AND WATCHED. THE NAMED INMATES THREW
SOAP BOTTLES, WOODEN HAIR BRUSHES THROUGH THE BARS STRIKING ME. THEY ALSO
STROCK ME WITH A STICK, ROLLED FROM NEWSPAPERS WITH A SHARP METAL
OBJECT ATTACHED TO THE END OF IT. THEY IGNITED ROLLED NEWSPAPERS
AND WAVED IT TOWARDS MY FACE THROUGH THE BARS. THEY KNOCKED MY
LEGAL PAPERWORK OFF THE BOOKSHELF AND PULLED MY BED MATTRESS THROUGH
THE BARS, WHICH I WAS USING AS PROTECTION. THEY ALSO, HAD A 2'
TWO FOOT PIECE OF STEEL. BANGING IT AGAINST MY CELL WALL AND
THREATENING ME, TO USE IT ON ME, IF I REPORT THIS, I ASKED
DEPUTY QUIRANTE, "WHY ARE YOU LETTING THEM DO THIS TO ME?" HE CONTINUED
TO STAND BYE WATCHING AND SMILING. WHEN DINNER WAS SERVED AT 4:00PM.
DEPUTY QUIRANTE HAD THE INMATES THROW MY DINNER AND DRINK THROUGH
THE BARS. I WAS UNABLE TO CLEAN OR USE THE TOILET, DUE TO THE WATER
BEING SHUT OFF. IVAN MELENDAZ WAS MORE OF THE AGGRESSOR AND STATED,
"NO ONES HERE TO HELP YOU", "SERGEANT FRANKOWIAK WANTS US TO
WELCOME YOU." THE INMATES WANTED MY COMMISSARY FOOD ITEMS, AND
WOULD STOP THE ATTACK IF I GAVE THEM ITEMS, THEN THEY WOULD
START AGAIN, THEY WANTED MY PASSWORD TO ORDER MORE FOOD.
THIS ATTACK CONTINUED UNTIL LIGHTS OUT AT 10:30PM AND EVERYONE WAS LOCKED IN.
> ON SAT. 11/5/16 (11:00AM-11:00AM) IVAN MELENDAZ AND STEPHAN STARTED THEIR
ASSAULT, MENACING, AND THREATENING AGAIN, DEPUTY RICHEL WAS ON
DUTY ALONG WITH DEPUTIES THOMPSON AND METZGER WHO STOOD AND
WATCHED THE SAME ASSAULTS LISTED ABOVE AGAINST ME. I SAID,
TO ALL OF THEM, "I CAN'T BELIEVE YOUR ALLOWING THIS TO HAPPEN
AGAIN.", "PLEASE GET ME OUT OF THIS BLOCK!"
APPROXIMATELY 11:00AM I WAS ESCORTED AND MOVED TO THE BRAND
UNIT, I TOLD SERGEANT McANDREW "I WAS ASSAULTED" HE SAID,
"I HAD BETTER GET ALONG WITH OTHER INMATES" I SUBMITTED A
GRIEVANCE AND IT WAS NEVER ANSWERED OR ADDRESSED.

RESPECTFULLY SUBMITTED,
M. J. O'DUBLIN
MARK O'DUBLIN 25111D-2
DIN. # 18-B-0793

3:20 THIRD CLAIM

A. ~~FIRST CLAIM~~: On (date of the incident) MARCH 16TH 2017

defendant (give the name and position held of each defendant involved in this incident) 'LUCKY' (UNKNOWN NAME);
SPENCER 'QUILLY' HEYWOOD, INMATE; DEPUTY BIENKO

did the following to me (briefly state what each defendant named above did): WITHOUT PROVOCATION AND NO
REASON INMATE 'LUCKY' ENTERED MY CELL AND PUNCHED ME IN THE FACE
TWICE. SPENCER 'QUILLY' HEYWOOD FOLLOWED THIS INCIDENT UP BY
THROWING URINE AND DEFECTION ON ME. DEPUTY BIENKO STOOD AND
WATCHED IT HAPPEN, HE FILED NO REPORT, THE INMATES WARNED
ME IF I REPORT THE INCIDENT, I'M DEAD.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: EXCESSIVE FORCE AND FAILURE
TO PROTECT

The relief I am seeking for this claim is (briefly state the relief sought): (2) TWO MILLION FOR THE
UNLAWFUL ACTS.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes X No If yes, what was the result? BECAUSE I
WAS THREATENED

Did you appeal that decision? N/A Yes No If yes, what was the result?

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so:

INTD SECOND CLAIM. On (date of the incident)

defendant (give the name and position held of each defendant involved in this incident)

DO YOU WANT A JURY TRIAL: YES X NO

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

EXECUTED ON APRIL 9TH 2018

DATE

AMT. [Signature]
SIGNATURE OF PLAINTIFF


UNITED STATES DISTRICT COURT Document 12 Filed 04/12/18 Page 8 of 9
2120 U.S. COURTHOUSE
100 STATE STREET
ROCHESTER, NEW YORK 14614-1387
MARK DUBUNO
DIN # 18-B-0793

DEAR MS. LOEWENGUTH,

THIS IS YET ANOTHER FOLLOW UP ON CLAIM # 18-CV-6010.

- 1) I HAVE NOT RECEIVED CONFIRMATION, THAT CLAIM # 18-CV-6010 AMENDED COMPLAINT WAS FILED.
 - 2) MY CONCERN, I KNOW I HAD 30-DAYS TO FORWARD THE AMENDED INFORMATION, (EXPIRING 4/12/18 OR 4/13/18)?
 - 3) I'M UNABLE TO MAKE COPIES OF THE PAPERWORK (BY MACHINE) I HAVE COPIED BY HAND, THREE EXACT COPIES FOR REVIEW AND FILING. MARCH 26TH 2018, MARCH 31ST 2018, & NOW APRIL 9TH 2018
 - 4) I RECEIVED ON 4/5/18 A COURT DECISION, JUSTICE LARIMER. CLOSED A DUPLICATE CLAIM # 18-CV-6087, WHICH I EXPECTED.
 - 5) WHAT'S THE STATUS OF CLAIM # 18-CV-6178 (2/28/18)?
- > DUE TO MY VERY RESTRICTED ABILITY TO PROCESS LEGAL PAPERWORK AT THE ELMIRA CORRECTIONAL FACILITY I'M LOCKED IN 23/7 EVERY DAY, AND I DON'T KNOW IF YOU RECEIVED MY AMENDMENTS.
- > PLEASE SEND CONFIRMATION REGARDING MY CONCERNS TO:
- ELMIRA CORRECTIONAL FACILITY
P.O. BOX 500
ELMIRA, NEW YORK 14902-0500
ATTN: MARK DUBUNO DIN # 18-B-0793
- > IF ANY COPY FEE'S NEED TO BE PAID, I DO HAVE A THIRD PARTY CONTACT WHICH WILL GLADLY PAY THOSE SMALL FEES.
JACQUELINE GUIDO CAN BE REACHED AT 716-628-5788 OR BY MAIL
AT: 246 GEORGE URBAN BLVD, CHEEKTOWAGA, NY 14225

THANK YOU FOR YOUR HELP ON THESE MATTERS.

SINCERELY,

MARK DUBUNO

4/9/18

ELMIRA CORRECTIONAL FACILITY

P.O. BOX 500

ELMIRA, NEW YORK 14902-0500

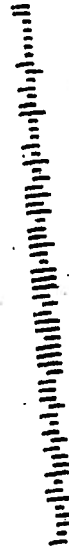
NAME: MARK DUBLINO
4-q-18

DIN: 18-B-0793

APR 12 2018

UNITED STATES DISTRICT COURT CLERK
2120 U.S. COURTHOUSE
100 STATE STREET
ROCHESTER, NEW YORK 14614-1387

14614\$1388 C002



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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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 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>Kipa, Holly v. ECSO and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Holly Kipa 208 Goulding, Lower Apt. Buffalo, New York 14208
Claimant's attorney:	The Arthur A. Duncan, II, Esq. 2162 Main Street, Suite A Buffalo, New York 14214

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: *Michelle Parker*
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
29 of 84

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

HOLLY KIPA

Petitioner

vs.

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

Respondents

~~Noticed~~ **NOTICE OF CLAIM** received at the
Erie County Attorney's Office
from Heather Duran on
the 14 day of May, 2018
at 3:21 a.m./p.m. *mmf*
G M
Assistant County Attorney

PLEASE TAKE NOTICE, that pursuant to NY GML Section 50e, Holly Kipa, do hereby make a claim against the County of Erie and the Erie County Sheriff's Department for the return of her vehicle plus associate costs and damages. In support of such claim, she hereby states the following:

1. On September 22, 2017, I, HOLLY KIPA, filed a Buffalo Police Department Report (Complaint 17-2650406), stating that her vehicle (2007 Mercedes Bez, NY Registration # HPS3497) was used without her consent on September 21, 2017. See Buffalo Police Report Annexed as Exhibit A
2. On the same day, said vehicle was impounded by the Erie County Sheriff's Office after an unknown assailant led Erie County Sheriffs on a high speed chase, according to said police report.
3. Thereafter, I, Holly Kipa was interviewed by Erie County Sheriff's Officers in regards to this incident and reiterated that my vehicle was taken without my consent and that I did not know who took it.
4. I, Holly Kipa requested the return of my vehicle but my repeated requests were denied.

5. Subsequently, the law office of The Arthur A Duncan, 2162 Main Street, Buffalo, NY 14214 (716) 436-3214 was retained and was told by the Sheriff's Department that my claim in the police report, that my vehicle was used without permission, was still be investigated.

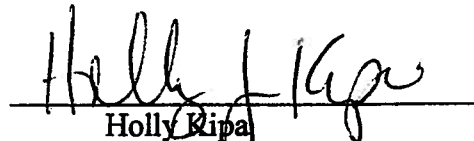
6. Now, over 6 months later, the Erie County Sheriffs have not released my vehicle, nor have any charges been filed in this matter.

7. Furthermore, the Erie County Sheriffs' Department have refused to inform me or my attorney of the status of the investigation and the whereabouts of my vehicle.

8. I've had to pay the auto insurance on the vehicle while it has been impounded and may also have to pay a very substantial tow and storage fee.

9. Therefore, I request the immediate return of my vehicle plus damages and associate costs.

DATED: April³⁰, 2018
Buffalo, New York


Holly Kipa

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

On this 30th day of April in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared Holly Kipa Personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed within this instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

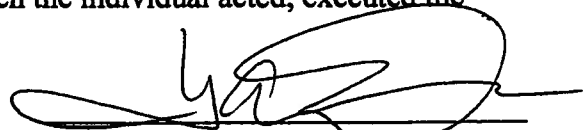

NOTARY PUBLIC

EXHIBIT A



**BUFFALO PD
POLICE REPORT
UUV**

**Complaint
17-2650406**

Report Date & Time
09/22/2017 12:20

Address of Occurrence
208 GOULDING AV
District 'E' Tract 080 Occ. Date & Time Between 09/21/2017 20:30 09/22/2017 12:00 Type of Premise Street
Status Closed Follow Up By Supl N TT Mess TT Entry Date TT Cancel TT Cancel Date

Officer: P3514 - FULLER

Rep. Off: P3514 - FULLER
Supervisor:

Last Name KIPA First Name HOLLY MI Ed Birth Date 12/01/1988 Race White Sex F Age 48 Juvenile N Arrested N Report PR
Address 208 GOULDING Apt: LWR City BUFFALO State NY Zip 14208 Home Phone (716) 907-1162 Work Phone
Height 5' 3" Weight 170 Hair Eyes Build M Complexion Glasses Scars/Marks/Tattoos

Law	Section	CA	CL	DG	Description	Report
PL	165.05-01	M	A	3	UNAUTH USE VEH W/O OWNR CONST	PR

Owner	Year	Make	Model	Body Style	Color	Registration	State	VIN	Status	Report
	2007	MERCEDE	650	4DSD	TAN	HPS3497	NY	WDDNG7YX87A114811	Stolen	PR

The above listed vehicle was taken with the keys without the owners knowledge or authorization.
FWD TO AUTO

Vehicle led the Erie County Sheriff's Office on a high speed chase on 9/22/2017 that started at Transit and the 33WB entrance. Vehicle was found in damaged condition in front of 99 Westminister at 0203hrs and impounded by the Sheriff's Office. Owner notified by Lt Pietrzak.

Officer: P3514 - FULLER

Supervisor:

Printed Date: 10/16/2017 07:38 PM

Page: 1



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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 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>Battin, James v. Town of Orchard Park and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	James Battin 5618 Scherff Road Orchard Park, New York 14127
Claimant's attorney:	Denis J. Bastible, Esq. Cellino & Barnes, PC 350 Main Street 2500 Main Place Tower Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
35 of 84

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE NOTICE OF CLAIM

JAMES BATTIN

Claimant,

v.

TOWN OF ORCHARD PARK
COUNTY OF ERIE

Respondent,

This paper received at the
Erie County Attorney's Office
from Joe Sanabria on
the 30th day of April, 2018
at 11:52 a.m./p.m.
Mary K. Smith
Assistant County Attorney

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, TOWN OF ORCHARD PARK and COUNTY OF ERIE, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, the claimant states:

1. Claimant's address is 5618 Scherff Road, Orchard Park, NY 14127.
2. The claimant is represented by Cellino & Barnes, P.C. with offices located at 2500 Main Place Tower, 350 Main Street Buffalo, New York 14202, telephone (716) 888-8888. The incident in which personal injuries were sustained by the claimant occurred on or about April 6, 2018, at approximately 4:45 p.m.

3. By virtue of the negligence of the employees, agents or servants of TOWN OF ORCHARD PARK and COUNTY OF ERIE, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

4. The TOWN OF ORCHARD PARK and COUNTY OF ERIE were negligent in failing to ensure that a "adopt-a-highway" steel sign was adequately and securely erected so that it would not blow down in wind.

5. The TOWN OF ORCHARD PARK and COUNTY OF ERIE failed to remove the sign from the bicycle path after it had fallen due to inadequate/defective support.

6. The TOWN OF ORCHARD PARK and COUNTY OF ERIE were responsible for the erection of the sign and created the dangerous and defective condition which was the presence of the sign over the guardrail on Chestnut Ridge Road past the intersection with Powers Road in the Town of Orchard Park.

7. April 6, 2018, the sign was on the ground in the bicycle path/lane and our client was riding his bicycle in a southerly direction in the bicycle path/lane on Chestnut Ridge Road. Claimant struck the sign and was caused to be thrown from his bicycle to the pavement.

8. Claimant sustained a severely lacerated and fractured nose which required surgical repair at Erie County Medical Center. Additionally, claimant fractured and damaged at least two teeth that will require surgical repair.


9. Upon information and belief, claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
April 13, 2018

Yours, etc.,

CELLINO & BARNES, P.C.

By: 

Denis J. Bastible, Esq.
Attorneys for Plaintiff
2500 Main Place Tower
350 Main Street
Buffalo, NY 14202-3725
(716) 888-8888

TO: TOWN OF ORCHARD PARK
4295 South Buffalo Street
Orchard Park, New York 14127

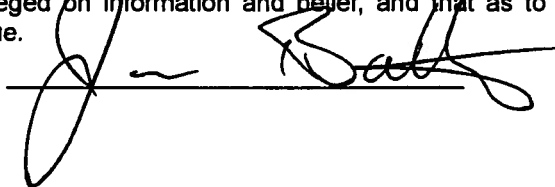
COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, New York 14202

VERIFICATION

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

JAMES BATTIN being duly sworn, deposes and says that he is the plaintiff in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

JAMES BATTIN



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

On the 17 day of APRIL, in the year 2018 before me, the undersigned, personally appeared JAMES BATTIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Kelly M. Stressinger
Notary Public/Commissioner of Deeds

4

KELLY M STRESSINGER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ST6196760
Qualified in Erie County
My Commission Expires November 17, 2020



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

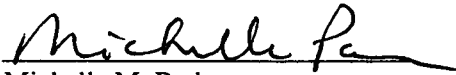
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Hollins, James D. v. ARC Erie County New York and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Jamel D. Hollins 379 Millicent Avenue Buffalo, New York 14215
Claimant's attorney:	Leonard D. Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

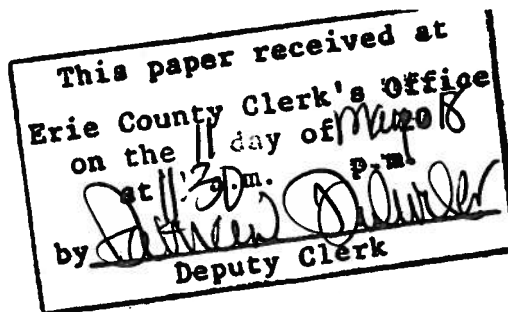
Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
41 of 84



JAMEL D. HOLLINS

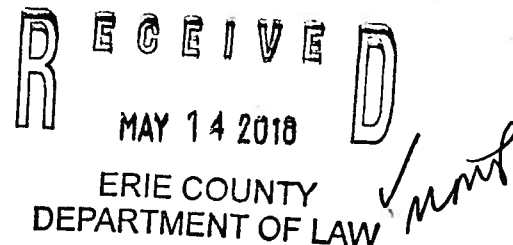
Claimant

NOTICE OF CLAIM

vs.

ARC ERIE COUNTY NEW YORK
101 Oak Street
Buffalo, NY 14203

COUNTY OF ERIE
Erie County Hall
Buffalo, NY 14202



Respondents

TO: ARC ERIE COUNTY NEW YORK
101 Oak Street
Buffalo, NY 14203

COUNTY OF ERIE
Erie County Hall
Buffalo, NY 14202

PLEASE TAKE NOTE that Claimant hereby claims damages against respondents in accordance with the requirements of General Municipal Law Section 50-e, and states as follows:

(1) **CLAIMANT'S NAME AND ADDRESS**

Jamel D. Hollins
379 Millicent Avenue
Buffalo, NY 14215

(2) **NAME AND ADDRESS OF CLAIMANT'S ATTORNEYS**

SHAW & SHAW, P.C.
Leonard D. Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, New York 14075

(3) The claim is one founded in negligence, and is for personal injuries.

(4) This is a claim for money damages for personal injuries sustained by the claimant against the respondent when the vehicle claimant was operating which was owned by Cierra Howard was struck by a vehicle owned by, upon information and belief, the respondents, and such vehicle, a 2017 Dodge, bearing New York State license plate HKF1306 was operated by one Ashley Gedra, an employee of respondents, and which vehicle was under the possession, control and ownership of the respondents. A copy of Police Accident Report is attached hereto.

(5) The time when the claim arose and the time when injuries and damages herein alleged were sustained was April 17, 2018 at approximately 3:30 p.m.

(6) The incident occurred at the intersection of Orleans Street and Kensington Avenue in Buffalo, Erie County, New York.

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

That on April 17, 2018, the 2017 Dodge motor vehicle owned by respondents and operated by its employee, Ashley Gedra, failed to yield the right-of-way to traffic, striking the vehicle the claimant was operating at the time.

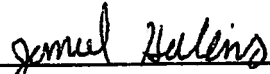
(8) That the aforesaid incident and the injuries and damages resulting therefrom occurred by reason of the fault, neglect, and carelessness of the respondents, their agents, servants and/or employees, and that said respondents were negligent, careless and reckless in the want of due care and caution in the ownership, permissive use, operation, maintenance, management and control of its motor vehicle; in failing to adequately train its employees in the use of said vehicles; in that the respondents' employee failed to yield the right-of-way to other vehicles on the highway; in that she failed to have competent and reasonable control over the 2017 Dodge she was operating; in operating and driving the respondents' motor vehicle at a greater rate of speed than prudence and caution would permit under the circumstances and conditions then and there existing to the knowledge of the operator; in operating the motor vehicle at a greater rate of speed than was prudent and reasonable and sufficiently slow so as to stop the motor vehicle prior to the contact under the circumstances and conditions then and there prevailing to the knowledge of the respondents' employee operator; in that the respondents' employee operator failed to make timely and careful use and application of brakes, braking mechanisms, steering devices and other mechanisms of the motor vehicle; in that she was driving and operating the motor vehicle in an inattentive and unalert manner; in that respondents failed to have said motor vehicle so equipped and in such a state of repair so as to prevent the contingency which herein occurred; in that the respondents' employee operator failed to keep her attention before her and to her sides; in

that the respondents' employee operator failed to keep a proper lookout; in that she failed to take any precautions for the avoidance of said occurrence and neglected to avoid colliding with the motor vehicle operated by claimant which was then and there in plain view on the public highway; in that the respondents' employee operator failed to observe the roadway and traffic conditions prior to the occurrence; in that she failed to observe the weather conditions, road conditions and other hazards then and there existing; in speeding; in disregarding traffic control signals and lights; in failing to observe, and in disregarding, road markings; in that the respondents' employee operator operated a motor vehicle in a negligent, careless and reckless manner and failed to keep the motor vehicle under proper control given the traffic conditions, road conditions and weather conditions at the point and place of the occurrence; in that the respondents' employee operator was heedless and inattentive and failed to avoid the occurrence, although in the exercise of reasonable care and caution, she could have and should have done so; in causing, permitting and allowing the respondents' motor vehicle to come into violent contact with the motor vehicle the claimant was operating; in that the respondents' employee operator failed to obey traffic signals and failed to keep proper, prudent and adequate control over the motor vehicle she was operating.

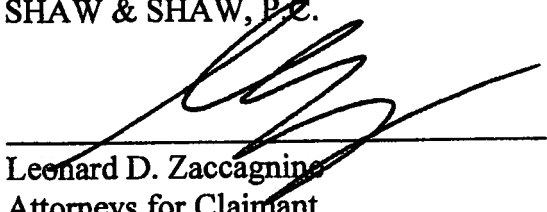
(9) By reason of the aforesaid, the claimant sustained severe, painful and permanent injuries in and about his body including, but not limited to, his head, neck, back and spine and wrists, and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend large sums of money for 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.

WHEREFORE, the Claimant respectfully prays and requests that these claims,
as set forth herein, be paid and allowed by the respondents.

DATED: April 24, 2018
Hamburg, New York



Jamel G. Hollins
Jamel D Hollins
SHAW & SHAW, P.C.



Leonard D. Zaccagnino
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, NY 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com

VERIFICATION

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

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

Jamel D Hollins
Jamel D Hollins
D

Sworn to before me this
4th day of April 2018.

Gail Galfo
Notary Public



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● 2006年10月1日

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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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

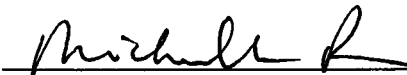
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Trala, James v. County of Erie and Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	James Trala ICN #104179 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
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
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
51 of 84

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of
JAMES TRALA,

- vs -

COUNTY OF ERIE and ERIE COUNTY SHERIFF'S
OFFICE,

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from James Trala on 18
the 15 day of April 2018
at 3:30 a.m./p.m.
[Signature]
Assistant County Attorney

TO: County of Erie and Erie County Sheriff's Office

PLEASE TAKE NOTICE that the claimant herein, James Trala, makes claim and demand against you as follows:

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

Claimant
James Trala, ICN # 104179
c/o Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202

Claimant's Attorney
No attorney yet

2. The nature of the claim:

This claim is against the County of Erie and Erie County Sheriff's Office and their respective agents, servants, and employees (collectively "Defendants") for recovery of personal injuries sustained as a result of the negligence of the Defendants in the care of the claimant while he was housed and working in the Erie County Holding Center.

3. The time when, the place where, and the matter in which the claim arose:

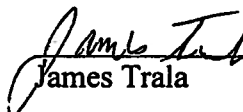
The claim arose on or about the week of January 15, 2018 at the Erie County Holding Center when the claimant was working for the Defendants. The claimant was painting the interior of the Erie County Holding Center at the direction of the Defendants. The claimant was injured while he was working after falling because of the negligence of the Defendants who neglected to provide safe and adequate working conditions for the claimant. The claimant has suffered personally injuries including injuries to his spine.

4. The items of damage or injuries claimed are:

As far as he is now able to determine, the injuries and damages sustained by the claimant consist of the experience of unnecessary pain due to the failure to provide adequate and safe working conditions and the back pain and injury.

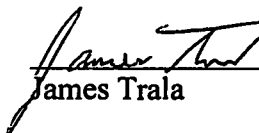
This claim and demand is presented for adjustment and payment. You are notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: April 19, 2018

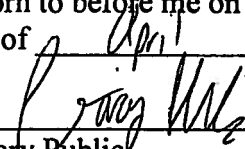

James Trala

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

I, James Trala, am the claimant in the action captioned above. I have read the foregoing notice of claim and know the contents thereof. The contents are true to my own knowledge except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true.


James Trala

Sworn to before me on this 19th
day of April, 2018.


Notary Public

GARY MICHAEL PHILLIPS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

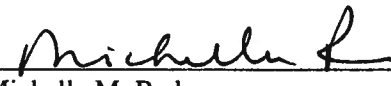
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Gast, Ronald v. ECSO</i>
Document Received:	Notice of Claim
Name of Claimant:	Ronald Gast ICN # 5742 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
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
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
55 of 84

NOTICE OF CLAIM

Loss of Personal Property at the Erie County Holding Center

Please complete this form, sign before a notary, and forward to:

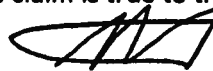
County of Erie Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ATTN: Property Damage Department
(T): 716-858-2234 (F): 716-858-2281

1. Claimant's Name: RONALD GAST
Address: 28 Calla Way -
Cheektowaga, NY 14215
Telephone: (585) 567-8599
2. Date admitted to the Holding Center: 4-13-18
Date Discharged from the Holding Center: Pending
Housing Area and cell #: G-E # 31
3. Describe the circumstances involving this claim: on 4-13-18, while held in
custody at ECHC-B-4 cell, I was ~~assaulted~~
Assaulted by Personnel. one Broken Tooth - Several
Cracked Teeth and Broken dental work That WAS
Cemented in for years WAS Broken out of my mouth.
4. Description of lost items. Include date purchased and value of each: Broken and Cracked
Teeth including broken dental work - Bridge Partial
over \$2,800. Work done Perhaps 2005.
Total Balance \$2,800 for broken dental work
5. Submit H.C. property receipts and/or personal store receipts for these items with this form.

The above claim is true to the best of my knowledge,

X



Claimant's Signature

Sworn to before me this

4th Day of May
2018

NOTARY PUBLIC
STATE OF NEW YORK
JAMES J. BETTS
JAMES J. BETTS
JAMES J. BETTS

B

AFFIDAVIT OF SERVICE

State of New York
County of Erie
City of Buffalo

I, Ronald GAST, being duly sworn, deposes and says
that on the 4 day of MAY, 2018, I forwarded via the
United States Postal Service copies of the following documents: NOTICE
of Claim Property Loss/Damage

to the parties indicated below:

COUNTY of Erie Department of LAW
95 Franklin ST., Room 1634
Buffalo, NEW YORK 14215
Property Damage Department

Defendant, Pro Se

Sworn to before me this

4th day of May, 2018.

NOTARY PUBLIC

Commission Expires Dec 31, 20
and For the County of Erie, NY
My Commission Expires Dec 31, 20

NOTARY PUBLIC
COMMISSIONER OF DEPT. OF
18



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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

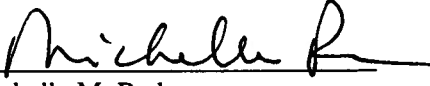
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Sullivan, Nick v. County of Erie, City of Buffalo and Buffalo Housing Authority</i>
Document Received:	Notice of Claim
Name of Claimant:	Nick Sullivan 132 Spring Street, Apt. 5 Buffalo, New York 14204
Claimant's attorney:	Anjelika Abrahamyan, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

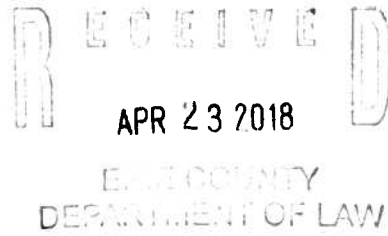
Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
59 of 84



**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE
IN THE MATTER OF THE CLAIM OF:**

NICK SULLIVAN
132 Spring Street, Apt. 5
Buffalo, New York 14204

Claimant,

-against-

NOTICE OF CLAIM

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

CITY OF BUFFALO
Department of Law, City Hall
65 Niagara Square, 11th Floor
Buffalo, New York 14202

BUFFALO HOUSING AUTHORITY
300 Perry
Buffalo, New York 14204

Respondents.

PLEASE TAKE NOTICE that the Claimant, **NICK SULLIVAN**, hereby makes claim against **COUNTY OF ERIE, CITY OF BUFFALO, and BUFFALO HOUSING AUTHORITY** and in support this Claimant alleges and states:

1. That the undersigned Claimant, **NICK SULLIVAN**, resides at 132 Spring Street Street, Apt. 5, Buffalo, NY 14204. The attorney for the Claimant is William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986.
2. The nature of the claim is one to recover damages for personal injuries, conscious pain and suffering, change of lifestyle, loss of enjoyment of life, general and special

damages, medical expenses, and property damages and all other damages allowed by law resulting from the injuries suffered by the Claimant, NICK SULLIVAN, as a result of the negligent, careless, and reckless disregard of COUNTY OF ERIE, CITY OF BUFFALO, and BUFFALO HOUSING AUTHORITY, its agents, servants and/or employees in negligently maintaining, managing, controlling and inspecting said premises, in failing to assure that the step/walkway and parking lot areas were maintained, deiced and salted, and in failing to supervise its employees and/or agents.

3. The incident which forms the basis of the claim herein occurred on or about January 22, 2018, at approximately 7:00 PM at 132 Spring Street in the CITY OF BUFFALO and COUNTY OF ERIE, when the Claimant slipped on ice and fell in the parking lot in the front of the property owned by Friendship Manor Housing Development Fund Company Inc.

4. Friendship Manor Housing Development Fund Company, Inc., also operates under the name Friendship Manor Apartments, and is located at 132 Spring Street, Buffalo, New York. Friendship Manor Apartments provides subsidized apartments through Buffalo Housing Authority.

5. That as a result of the foregoing, the Claimant, NICK SULLIVAN, sustained serious and substantial personal injuries, including but not limited to acute distal avulsion fracture of the lateral malleolus, severe soft tissue swelling surrounding the ankle joint, small anterior ankle effusion, head, neck, back, feet and legs injuries. These injuries may be of a permanent or indefinite duration, and Claimant, NICK SULLIVAN may be forced to expend sums of money for hospitals, doctors and other medical expenses. Other injuries will be disclosed and revealed as diagnosed by treating physicians and other medical personnel.

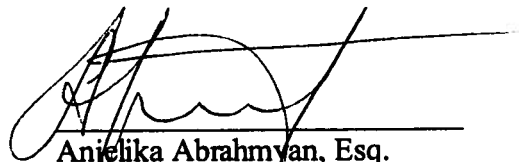
6. That the said injuries were occasioned solely and wholly as a result of the negligence of the COUNTY OF ERIE, CITY OF BUFFALO, and BUFFALO HOUSING

AUTHORITY, its agents, servants and/or employees and without any negligence on the part of the Claimant contributing thereto.

WHISEFORE, Claimant, NICK SULLIVAN, requests that his claim be allowed and paid by the Respondents.

PLEASE TAKE FURTHER NOTICE that unless said claim is paid and adjusted by the Respondents and each of them within thirty (30) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against the COUNTY OF ERIE, CITY OF BUFFALO, and BUFFALO HOUSING AUTHORITY, its agents, servants and/or employees for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
 April 18, 2018



Angelika Abrahmyan, Esq.
WILLIAM MATTAR, P.C.
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

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

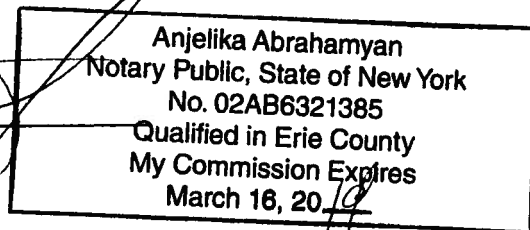


NICK SULLIVAN

Sworn to before me this
18th day of April, 2018



Notary Public





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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 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>Lakeview Fire Association, Inc. v. Erie County Highway Department, Erie County Water Authority and Town of Hamburg Highway Department</i>
Document Received:	Notice of Claim
Name of Claimant:	Lakeview Fire Association, Inc. PO Box 321 Lakeview, New York 14085
Claimant's attorney:	Kevin P. Wicka, Esq. The Tarantino Law Firm, LLP 1500 Rand Building 14 Lafayette Square Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
65 of 84

STATE OF NEW YORK
COUNTY OF ERIE

LAKEVIEW FIRE ASSOCIATION, INC.,
P.O. Box 321
Lakeview, New York 14085

Claimant,

vs.

NOTICE OF CLAIM

THE ERIE COUNTY HIGHWAY DEPARTMENT
95 Franklin Street, 14th Floor
Buffalo, New York 14202,

THE ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203, and

THE TOWN OF HAMBURG HIGHWAY
DEPARTMENT
2720 Lakeview Road
Lakeview, New York 14085

Respondents.

To:

Claimant, LAKEVIEW FIRE ASSOCIATION, INC., by and through its attorneys, THE
TARANTINO LAW FIRM, LLP, as and for its Notice of Claim against the Respondents herein,
THE ERIE COUNTY HIGHWAY DEPARTMENT, THE ERIE COUNTY WATER
AUTHORITY and THE TOWN OF HAMBURG HIGHWAY DEPARTMENT, hereby state as
follows:

1. The name and post office address of the Claimant and its attorneys is as

RECEIVED
MAY 22 2018
ERIE COUNTY
DEPARTMENT OF LAW
Mount

follows: LAKEVIEW FIRE ASSOCIATION, INC., P.O. Box 321, Lakeview, New York 14085; THE TARANTINO LAW FIRM, LLP, Kevin P. Wicka, Esq., 1500 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.

2. The nature of the claim is as follows: Upon information and belief, Respondents negligently installed, designed, engineered, constructed, maintained, serviced, operated and/ or repaired the water main, water lines, water structures, drainage systems or other pipes, utilities or public works owned or controlled by Respondents. Further, Respondents continually fail to properly maintain and service their sewer and/or water mains, water lines, water structures, drainage systems and/or other pipes to the detriment of Claimant and Claimant's property located at 2011 Lake View Rd, Lake View, New York, 14085.

Upon information and belief, Respondents' above continuous failures and continuous breach of their duty to maintain and service sewer and/or water mains, water lines, water structures, drainage systems and/or other pipes have caused and continue to cause sub-surface erosion resulting in a channeling of water upon Claimant's property, flooding in and/or around Claimant's catch basin, and continuous cracking and splitting of Claimant's blacktop and damage to the foundation of Claimant's catch basin.

Upon information and belief, said channeling of water upon Claimant's property and flooding in and/ or around Claimant's catch basin results in the formation of ice, during sub-freezing temperatures, constituting a dangerous and hazardous condition. Additionally, the above failures have resulted in Respondents continuous encroachment on and trespass upon Claimant's property. Said channeling of surface water upon Claimant's property and flooding in or around Claimant's catch basin also interferes with Claimant's use and enjoyment of its' real property, constituting a continuing nuisance.

Further, upon information and belief, said state of disrepair was actually caused by the Respondents herein, or in the alternative, the Respondents herein had actual and/or constructive notice thereof, yet Respondents failed to take appropriate action to remedy said dangerous and hazardous conditions.

3. The time when, the place where, and the manner in which the claim arose is as follows: Upon information and belief, the Respondents have breached their continuing duty to properly maintain and service its' sewer and/or water mains, water lines, water structures, drainage systems and/or other pipes to the detriment of Claimant and Claimant's property located at 2005 Lake View Rd, Lake View, NY, 14085. The Respondents' duty is breached on a daily basis, resulting in the accrual of a claim each day. Said breach of duty also results in the continuous interference with Claimant's use and enjoyment of its real property, and continuous trespass onto Claimants' property, resulting in the accrual of claims each day.

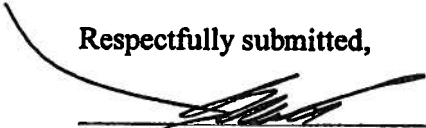
4. The items of damage or injuries claimed to have been sustained are as follows: Upon information and belief, Respondents' above continuous failures and continuous breach of duties, as more fully described above, have caused and continue to cause erosion resulting in a channeling of water upon Claimant's property, flooding in and/or around Claimant's catch basin, continuous cracking and splitting of Claimant's blacktop, damage to the foundation of Claimant's catch basin and the continuing creation of ice formation constituting a dangerous and hazardous condition.

WHEREFORE, Claimant, LAKEVIEW FIRE ASSOCIATION, demands the Respondents, THE ERIE COUNTY HIGHWAY DEPARTMENT, THE ERIE COUNTY WATER AUTHORITY, and THE TOWN OF HAMBURG HIGHWAY DEPARTMENT, repair the sewer and/or water mains, water lines, water structures, drainage systems and/or other pipes,

and pay its claim for the repair of the blacktop, otherwise please be advised Claimant will commence a lawsuit seeking all damages to which it may be entitled to under the circumstances, as may be proven and determined upon trial, in an amount which would exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with such other and further relief as to the Court may seem just, proper, and equitable.

DATED: Buffalo, New York
May 17, 2018

Respectfully submitted,



Kevin P. Wicka Esq.,
Attorney for Respondent
THE TARANTINO LAW FIRM, LLP
1500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
(716) 849-6500

VERIFICATION

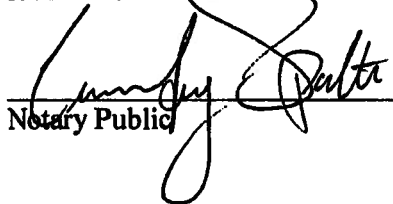
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Eugene Jewett, a representative of LAKEVIEW FIRE ASSOCIATION being duly sworn, deposes and says that deponent is an agent of the Claimant within the action; that deponent has read the foregoing Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters; deponent believes it to be true.



Eugene Jewett

Sworn to before me this
20th day of May, 2018



Notary Public





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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

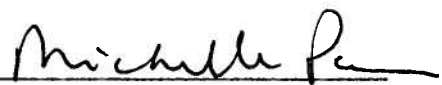
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Hageman, John II v. County of Erie and Erie County Sheriff's Department</i>
Document Received:	Notice of Claim
Name of Claimant:	John Hageman, II 205 Dawn Avenue Angola, New York 14006
Claimant's attorney:	Thomas C. Farley, Jr., Esq. 7366 Erie Road Derby, New York 14047

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
73 of 84

STATE OF NEW YORK :
COUNTY OF ERIE : SUPREME COURT

IN THE MATTER OF THE CLAIM OF
JOHN HAGEMAN II,

Claimant

-against-

NOTICE OF CLAIM

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

This paper received at the
Erie County Attorney's Office
from Thomas C. Farley Jr.
the 26 day of April, 2018
at 11:46 a.m./p.m.

Kelly Brunkworth
Assistant County Attorney

sent

**TO: COUNTY OF ERIE, NEW YORK
ERIE COUNTY SHERIFF'S DEPARTMENT**

PLEASE TAKE NOTICE that the Claimant herein, by his attorney THOMAS C.

FARLEY JR., hereby makes a claim against COUNTY OF ERIE, NEW YORK and ERIE
COUNTY SHERIFF'S DEPARTMENT in the County of Erie and State of New York pursuant
to §50-e of the General Municipal Law, as follows:

1. The name of post office address of the Claimant:

JOHN HAGEMAN II
205 Dawn Avenue
Angola, NY 14006

2. The Claimant is represented by :

Thomas C. Farley Jr., Attorney at Law
7366 Erie Road
Derby, NY 14047
phone: 716-947-7671

3. The nature of the claim is to recover damages suffered by Claimant JOHN


HAGEMAN II for personal injuries and pain and suffering suffered by Claimant

JOHN HAGEMAN II as a result of the negligence of the County of Erie, its agents, servants and employees, and the assault and battery of Claimant by a member or members of the ERIE COUNTY SHERIFF'S DEPARTMENT on January 28, 2018 while Claimant was in the custody of the Sheriff of Erie County, New York, his agents, servants and employees.

At the aforesaid date, time and place, Claimant was assaulted and injured by member(s) of the ERIE COUNTY SHERIFF'S DEPARTMENT and such assault was without provocation. The County of Erie is liable for the acts of its employees and negligence in failing to properly train and supervise its employee and employees who were involved in the incident wherein Claimant was caused to be injured and harassed and was further negligent in retaining and continuing to employ said individual or individuals who caused Claimant's injuries and damages.

4. The date upon which the Claimant was injured occurred on or about the 28th day of January, 2018, at approximately 11:30 PM in the City of Buffalo, at the Erie County Holding Center, when the Claimant was assaulted by a member(s) of ERIE COUNTY SHERIFF'S DEPARTMENT.
5. Among the injuries suffered by the Claimant JOHN HAGEMAN II are:
 - (A) Injuries to the face, head, neck and upper torso as well as emotional trauma, pain and suffering and embarrassment . The full extent and permanence of the injuries and sequelae have yet to be determined.

DATED: April 18, 2018
Derby, New York




Thomas C. Farley Jr.
Attorney for Claimant
7366 Erie Road
Derby, NY 14047
(716) 947-7671

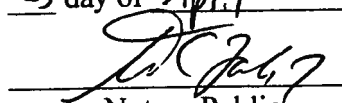
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

JOHN HAGEMAN II, being duly sworn, deposes and says:

That I am the Claimant in the action herein; I have read the annexed Notice of Claim and know the contents thereof, and that the same is true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.


JOHN HAGEMAN II

Sworn to before me this
23 day of Apr., 2018


Notary Public

THOMAS C. FARLEY, JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 11, 2022



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

May 31, 2018

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

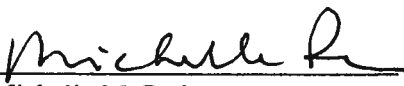
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Bish, John A. v. County of Erie, Erie County Holding Center, Dr. Barsoom, Correctional Health</i>
Document Received:	Notice of Claim
Name of Claimant:	John A. Bish ICN #14336 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202-3999
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
Michelle.Parker@erie.gov

MMP:dld
Enc.

Comm. 11D-2
79 of 84

SUPREME COURT:STATE OF NEW YORK
COUNTY OF ERIE

JOHN A. BISH,
claimant

-against-

THE COUNTY OF ERIE, ERIE COUNTY
HOLDING CENTER, DOCTOR BARSOOM, Erie
COUNTY HOLDING CENTER MEDICAL DEPT.
defendants.

X
X
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X
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X
X
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X
X

NOTICE OF CLAIM AGAINST A COUNTY
(General Municipal Law §50-e)

Index No. _____

RECEIVED
APR 30 2018

ERIE COUNTY
DEPARTMENT OF LAW

TO: ERIE COUNTY SUPREME & COUNTY COURT CLERK

PLEASE TAKE NOTICE that the above named complainant, JOHN A. BISH, complainant herein, proceeding Pro SE in this instant action before the court, does hereby make the following claim against the county of Erie, and in support thereof, states:

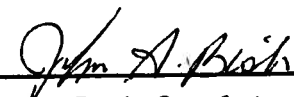
1. The Complainant resides at the Erie county holding center 40 Delaware Avenue, Buffalo, New York 14202;
2. That the name and address of complainants attorney is:
(Proceeding Pro Se-Same address as stated above)
3. This claim is against the County of Erie for injuries the complainant sustained by reason of injuries do to the Negligence and/or misconduct of said County Employees, ot's officers,agents, servants and it's employees as herein set forth;
4. The time when this claim arose started on the 21st day of February 2018, and has continued up until and including this present day, the 16th day of April, 2018; (on or about February 21, 2018);
5. That the place where this claim arose is the Erie County holding Center, 40 Delaware Avenue, Buffalo, New York 14202;
6. When this claim arose, complainant began complaining about pain to his left shoulder area and arm and wrote numerous sickcall request slips per policy. I was seen by the facility medical department nurses, who did nothing wrong is their treatment of this complainant, and placed me onto a list to be seen by a provider: after being seen by one provider and having that provider assume that the complainant was claiming of an old injury, which was NOT what was being complained of, and after having this brought to complainants attention by a facility nurse, the complainant contiued to write more medical sickcall complaints and within said complaints mentioned that at no time did I state that this was an old injury, because it is not, and was eventually seen once again by a nurse practitioner/physicians assistant who could do nothing more than to schedule me to be seen by the only facility Physician, Doctor Barsoom, who did see me as mentioned above and refused to do anything about the matter.
7. The Claimant did commence a facility grievance complaint procedure per policy on the 11th day of April, 2018 and because the Complainant is certain that nothing will become helpful with that grievance, the complaint is commencing a claim against the County of Erie for its gross negligence and failure to properly treat the Complainant.

8. The above named defendants are a continuous factor in why the complainant is left in continuous pain and suffering instead of doing their assigned duty to properly care for and treat the Complainant.

9. Because of the level of pain that the complainant is left in, he is unable to sleep, and very limited in the mobility of his left arm and shoulder and placed in a very vulnerable situation: should the claimant be forced to have to defend himself against an unseen assault by known enemies to this facility administration.

10. **PLEASE TAKE FURTHER NOTICE** that the Claimant demand payment in the amount of one hundred thousand dollars (\$100,000), and an additional twenty five hundred dollars (\$2,500) per day for the continuous failure to treat the Claimants pain and suffering that he has been living in since this matter arose here at t Erie County Holding Center approximately two (2) months ago from this date.

c. jab/file



John A. Bish Complainant
Erie county Holding Center
40 Delaware Avenue
Buffalo, New York 14202

VERIFICATION

STATE OF NEW YORK)ss:

COUNTY OF ERIE)

JOHN A. BISH being duly sworn, deposes and says that deponent is the petitioner in the above-encaptioned proceeding, that (he/she) has read the forgoing petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters therein stated upon information and belief, which matters deponent believes to be true.

John A. Bish
JOHN A. BISH CLAIMANT

Sworn to before me this 10th

day of April 20 18

[Signature]
NOTARY PUBLIC

SCOTT HARVEY
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Comm. Expires Dec 31, 2018

AFFIDAVIT OF SERVICE

State of New York
County of Erie
City of Buffalo

I, John A. Bish, being duly sworn, deposes and says
that on the 16th day of April, 2018, I forwarded via the
United States Postal Service copies of the following documents: Notice of
Claim against a county (General Municipal Law §50-e)

to the parties indicated below:

Mr Michael Sireagusa
Erie County Attorney
Erie county Attorney's Office
95 Franklin Street
Suite 1634
Buffalo, New York 14202

Sworn to before me this
16th day of April, 2018.

NOTARY PUBLIC

John A. Bish
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
John A. Bish Claimant
Erie county Holding Center
40 Delaware Avenue
Buffalo, New York 14202

SCOTT HARVEY
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, N.Y.
My Comm. Expires 12-31-2018