



FILED APR 10 2013

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 9, 2013

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 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>Beaver, Kelsie R. v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Kelsie R. Beaver 12841 Route 394 Randolph, New York 14772
Claimant's attorney:	Paul V. Webb, Jr. Esq. Erickson Webb Scolton and Hajdu 414 E. Fairmount Avenue P.O. Box 414 Lakewood, New York 14750-0414

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
Enclosure

In the matter of the claim of

KELSIE R. BEAVER

Claimant,

NOTICE OF CLAIM

-against-

COUNTY OF ERIE

and

ERIE COMMUNITY COLLEGE

and

**THE BOARD OF TRUSTEES OF
ERIE COMMUNITY COLLEGE**

and

THE PRESIDENT OF ERIE COMMUNITY COLLEGE,
Defendants.

**TO: COUNTY OF ERIE
ERIE COMMUNITY COLLEGE
THE BOARD OF TRUSTEES OF ERIE COMMUNITY COLLEGE
THE PRESIDENT OF ERIE COMMUNITY COLLEGE**

PLEASE TAKE NOTICE, that Kelsie R. Beaver has and hereby makes claim against the County of Erie, Erie County Community College and its Board of Trustees and in support of said claim, states the following:

1. The name and address of the Claimant is Kelsie R. Beaver, 12841 Route 394, Randolph, New York, 14772.
2. The attorneys for the Claimant are Erickson Webb Scolton & Hajdu, 414 East Fairmount Avenue, Post Office Box 414, Lakewood, New York, 14750; phone 716-488-1178; fax 716-488-1448.
3. The claim of Kelsey R. Beaver is for personal injuries including, without limitation, loss of income, medical expenses and for consequential damages generally.

4. The claim arose at the semi-final game in NJCAA Regional 3, Division 2 Women's Basketball Tournament held at Erie Community College.
5. The claim arose in substance as follows:
 - a. On March 2, 2013, the Claimant Kelsie R. Beaver was a participant on the Jamestown Community College Women's Basketball Team in a playoff game with Erie Community College.
 - b. After play had stopped, Toree Walker struck the Claimant in the jaw with her fist, resulting in severe injuries to the Claimant.
6. Upon information and belief, the incident herein described and the resulting injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of the County of Erie and Erie Community College, and more particularly in failing to properly supervise its students.
7. Upon information and belief, as a result of the aforesaid incident, the Claimant Kelsie R. Beaver sustained serious bodily injuries and was painfully and seriously injured, was rendered sick, sore, lame, disabled, sustained pain and suffering and shock to her nerves and nervous system and more particularly, Kelsie R. Beaver sustained injuries in the nature of a severe fractured jaw, a concussion and other severe injuries.
8. Upon information and belief, these injuries have resulted in permanent defects.

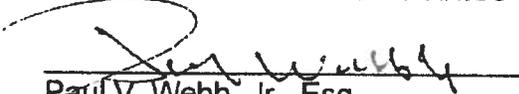
WHEREFORE, Claimant requests that the County of Erie and Erie Community College honor and pay the claims on behalf of the Claimant, Kelsie R. Beaver.

Dated: March 21, 2013



Kelsie R. Beaver, Claimant

ERICKSON WEBB SCOLTON & HAJDU



Paul V. Webb, Jr., Esq.

Attorneys for Claimant

414 East Fairmount Avenue

Post Office Box 414

Lakewood, New York 14750-0414

(716) 488-1178

VERIFICATION

STATE OF NEW YORK) ss:
COUNTY OF CHAUTAUQUA)

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

Kelsie R. Beaver
Kelsie R. Beaver

Sworn to before me this 21st day
of March, 2013.

DALE R. BRADEN
Notary Public, State of New York

DALE R. BRADEN, #01BR6182703
Notary Public, State of New York
Qualified in Chautauque County
My Commission Expires March 3, 20__