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COUNTY OF ERIE

MICHAEL SIRAGUSA
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COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 5, 2012

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>Breckenridge-Barnes, Desiree vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Desiree Breckenridge-Barnes 199 Lorfield Drive Amherst, New York 14226
Claimant's attorney:	Kenneth A. Patricia, Esq. Bouvier Partnership, LLP 350 Main Street, Suite 1400 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL SIRAGUSA
Erie County Attorney

By: 
ANTHONY B. TARGIA
Assistant County Attorney
Anthony.Targia@erie.gov

ABT/mow
Enc.

cc: Michael Siragusa, Erie County Attorney

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STATE OF NEW YORK
SUPREME COUNTY: COUNTY OF ERIE

DESIREE BRECKENRIDGE-BARNES

NOTICE OF CLAIM

Claimant

vs.

Index No. 2011004405

COUNTY OF ERIE

Respondent

SIRS:

PLEASE TAKE NOTICE, that claimant, Desiree Breckenridge-Barnes, does hereby make a claim against the respondent, County of Erie, for injuries caused to her by reason of the negligent and careless acts of the respondent, its agents, servants and/or employees and in support therefore, claimant states the following:

1. Desiree Breckenridge-Barnes, the claimant herein, resides at 199 Lorfield Drive, Amherst, New York 14226.

2. The name of the claimant's attorney is BOUVIER PARTNERSHIP, LLP, Kenneth A. Patricia, Esq., of counsel, 1400 Main Place Tower, 350 Main Street, Buffalo, New York.

3. Claimant's claim is for personal injuries including, without limitation, loss of income, medical expenses and attorneys fees.

4. The accident occurred on March 28, 2011 at approximately 12:20 p.m. when the automobile claimant was operating in a southerly direction on Ellicott Street was struck by an Erie County Sheriff's prisoner transport van which was traveling eastbound on East Tupper Street.

5. Respondent's address is 92 Franklin Street, 16th Floor, Buffalo, New York 14202.

6. The claim arose in the City of Buffalo, County of Erie, State of New York at the intersection of East Tupper Street and Ellicott Street while the claimant was traveling southbound on Ellicott Street. Claimant came to a stop at a red light at the intersection of Ellicott Street and East Tupper Street. When the light turned green, Claimant slowly proceeded into the intersection when the Erie County Sheriff's prisoner transport van ran the red light for East Tupper Street traffic and struck the front right portion of claimant's vehicle and proceeded to continue down East Tupper Street for some distance before it stopped. The police accident report prepared on the day of the accident by the Erie County Sheriff's Department is attached hereto as **Exhibit A**.

7. The accident occurred while the claimant, Desiree Breckenridge-Barnes, was lawfully operating her vehicle on the public highway within the City of Buffalo, County of Erie.

8. The respondent, together with its agents, servants and/or employees, including the Sheriff's Department of the County of Erie, was negligent in that the driver of the Erie County Sheriff's Office prisoner transport van failed to maintain control of said vehicle, that the driver of said vehicle failed to maintain a proper lookout, that the driver of the vehicle failed to yield the right of way to the claimant, that the driver of said vehicle failed to stop and ran the red light at the intersection, that the driver failed to stop his vehicle at the red light, failed to stop his vehicle to avoid the collision, and the driver of said vehicle was otherwise negligent.


9. That by virtue of the negligence of respondent and respondent's agents, servants and/or employees, including the Erie County Sheriff's Department, the claimant has sustained serious personal injuries, as well as medical and hospital expenses. More specifically, claimant has suffered property damage to her vehicle and has sustained personal injuries in the

form of herniated discs in her neck and back, cervical strain and sprain, lumbar strain and sprain, along with loss of range of motion of the cervical spine and lumbar spine, decrease in strength and mobility of the cervical spine and lumbar spine, and partial loss of use of the cervical and lumbar spine, causing the claimant to expend sums of money for medical treatment and causing the claimant to be sick and disabled thereby missing certain days from and work and thereby losing certain wages for such periods of disability.

10. Upon information and belief, claimant will be obligated to spend monies for further medical expenses in an amount which cannot be reasonably calculated at this time.

WHEREFORE, the claimant demands that the respondent herein, honor and pay the claim as set forth above.

DATED: December 2, 2011
Buffalo, New York



Kenneth A. Patricia, Esq.
Bouvier Partnership, LLP
Attorneys for Claimant
DESIREE BRECKENRIDGE-BARNES
Main Place Tower
350 Main Street
Suite 1400
Buffalo, New York 14202

TO: Erie County Attorney's Office
92 Franklin Street
Room 1634
Buffalo, New York 14202