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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

April 2, 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>Kopp, Charles V. and Barbara vs County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Charles Kopp 87 John Street Akron, New York 14001
Claimant's attorney:	Daniel D. Shonn, Esq. 6 N. Pearl Street 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

MMP/crj
Enc.

cc: Michael A. Siragusa, Erie County Attorney


8D-3

In the Matter of the Claim of
Charles V. Kopp and Barbara Kopp

Verified Notice of Claim

Claimants

To: County of Erie
County Attorney
Department of Law
Property Claims Department Rm # 1634
95 Franklin St
Buffalo NY 14202

This paper received at the
Erie County Attorney's Office
from WLS on
the 14th day of Febuy, 2012
at 2:50 a.m./p.m.

Assistant County Attorney

Please Take Notice that the undersigned claimants hereby make claim and demand against you as follows:

1. The name and address of the claimants and claimant's attornes:

Charles Kopp and
Barbara Kopp
87 John St.
Akron, NY 14001

Daniel D. Shonn attorney
6 N. Pearl St.
Buffalo, NY 14202

2. Date and time when, the place where, and manner in which the claim arose:

The instant claim arose prior to and on November 23, 2011 at approximately 12:20 AM upon the property of the claimants at 87 John Street and on property of the County of Erie, namely, John Street and on property outside of the John Street right of way which is part of the John St reconstruction project. All such real property is located within the Village of Akron, New York.

Persons contracted by the County of Erie in conducting construction work on John St. negligently and wrongfully damaged the wastewater system of the claimants and/or the wastewater collection system of the Village of Akron.. As a direct result of the damage to the wastewater system, the claimant's real property was damaged by wastewater backup into the basement causing damage to the real and personal property of the claimants. The County failed to properly design the project to avoid such damage and failed to supervise the construction activities that led to the damage of the claimant's real and personal property.

During the day of Nov.22, the County's contractor installed large pre-stressed concrete DI's in the John Street right of way on or near 87 John Street. At approximately 12:20 AM on Nov 23, wastewater which could not continue to flow northwesterly in the Village wastewater system because of the damage caused by the County and the contractor, entered at high pressure into the lateral wastewater line of the claimants. The wastewater then flowed out of the washer located in the claimant's basement. (see photo) at such pressure that it caused the washer to move forward and a rupture in the PVC waste pipe at the rear of the washer. (see photo and repair bills related to plumbing). The unsanitary wastewater then flooded the claimant's basement.

3. Nature of the claim:

The claimant sustained damage to the wastewater system, the basement walls and floor, plumbing and personal property located in the basement from wastewater which backed up into the basement as a result of the negligence of the County of Erie and or their agents under contract. Specifically those items damaged are as follows:

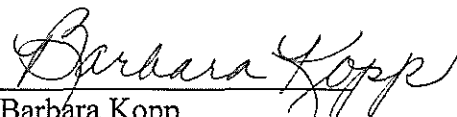
Cleaning and decontamination	\$3396.00
Replace carpeting	\$ 239.00
Repair plumbing	\$ 339.00
Replace washer	\$ 693.00
Total	<hr/> \$4687.00

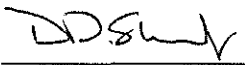
Invoices for the damages are attached.

Wherefore, the undersigned claimants present this claim for adjustment and payment. You are hereby 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: February 9, 2012


Charles V. Kopp


Barbara Kopp
87 John St Akron NY 14001


Daniel D Shonn Jr., Attorney
6 N. Pearl
Buffalo, NY 14202
Attorney for the Claimants
716-885-1270

INDIVIDUAL VERIFICATION:

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Charles V. Kopp and Barbara Kopp being duly sworn, deposes and says that we are the claimants in this action; that we have read the foregoing claim and know the contents thereof; that the same is true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.



Sworn to before me this 10th
day of February, 2012.

DANIEL D SHONN, JR.
NOTARY PUBLIC, STATE OF NEW YORK
REG. NO. 02SH4635538
QUALIFIED IN ERIE COUNTY
* COMMISSION EXPIRES AUGUST 31, 2014