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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

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: April 4, 2012
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 fourteen (14) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Kimberly Peoples & Kyla Tood v. County of Erie, et al.
Dante Motley v. Erie County Correctional Facility
Ryan Brautlacht v. County of Erie

MMP/dld
Attachments
cc: Michael A. Siragusa, County Attorney

8D-5



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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>Brautlacht, Ryan v. County of Erie</i>
Document Received:	Erie County Accident/Incident Report
Name of Claimant:	Ryan Brautlacht
Claimant's attorney:	N/A at present time

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP/dld

Enc.

cc: Michael A. Siragusa, Erie County Attorney

ERIE COUNTY ACCIDENT/INCIDENT REPORT

(FOR INSTRUCTIONS SEE REVERSE SIDE)

Source of Information Joseph Schultz

DATE OF ACCIDENT/INCIDENT 1/21/12 TIME 1:00 A.M. P.M.

INJURED PARTY OR OWNER OF DAMAGED PROPERTY:

Name RYAN BRAUTLACHT D/O/B 3/19/02

No. & Street Hayes Hollow Rd. Tel. # Work _____ Home 941-5366

City or Town COLDEN State & Zip NY 14033

LOCATION OF ACCIDENT/INCIDENT: Sled hill @ SPRAGUE BROOK PARK

DESCRIPTION: (How & Why) While tubing down the sled hill, RYAN WAS going through the woods, on the path was a RAMP MADE OF SNOW. He hit the ramp and landed on his face. Suffering a cut on his face. His father called out his name and got no response. A paramedic (physician's assistant) was very close on hill and responded immediately. He saw RYAN UNCONSCIOUS and started (on

(Use reverse side or separate sheet of paper for diagrams, addtl. facts & info.)

WITNESS:

Name LARRY FRANK

No. & Street 248 Maple Ave.

City & State Springville, NY 14141

Tel. Nos. 716-592-2448

WITNESS:

Name _____

No. & Street _____

City & State _____

Tel. Nos. _____

(List additional witnesses on reverse side or separate sheet of paper).

SIGNATURE OF COUNTY EMPLOYEE MAKING THIS REPORT Jim Mauriano DATE 1/21/12

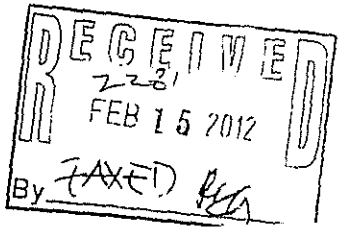
Dept. _____ Div. _____ Sec. _____ Tel. Nos.: Work _____ Home _____

Signature of Immediate Supervisor _____ Tel No. _____ DATE _____

Signature of Department Head [Signature] Tel No. 837-8350 DATE 1/25/12

Send completed form immediately to!

COUNTY OF ERIE-CLAIMS OFFICE
DEPARTMENT OF LAW
69 Delaware Ave., Suite 300
Buffalo, N.Y. 14202



Treatment as quick as he could. A second paramedic responded and Ryan was immobilized and brought down the hill.

Filed Hill conditions on January 21, 2012
Very Good conditions. It was graded
at 9:00 Am By Tim Crotty, and checked
for jumps, mogules.

RECEIVED
FEB 15 2012
By TAXED REG



COUNTY OF ERIE

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ERIE COUNTY ATTORNEY

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COUNTY EXECUTIVE
DEPARTMENT OF LAW

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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>Motley, Dante v. Erie County Correctional Facility</i>
Document Received:	Notice of Claim
Name of Claimant:	Dante Motley ICN No. 128576 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Pro Se

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP/dld

Enc.

cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK
COURT OF CLAIMS

mmp

Dante Motley Claimant:

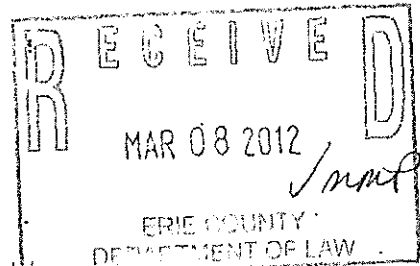
-against-

NOTICE OF INTENTION
TO FILE CLAIM

Erie County Correctional Facility
Respondents,

To the Clerk of the Court of Claims:

To the Attorney General of the State of New York



PLEASE TAKE NOTICE, that the undersigned, Dante Motley
intends to file a claim against the State of New York, pursuant to Section 11
of the Court of Claims Act.

The Post Office Address of the claimant here is: 40 Delaware ave.
Buffalo, NY 14202

If returned send to
1650 Michigan Ave
N Falls, NY 14305

The time and place where such claim arose and the nature of the same are as

follows: On January 13, 2012, during 2nd shift (3-11pm), I was assaulted by several %'s of
the Erie County Correctional Facility. I was striped butt naked and beaten in bravo-1 housing unit
from cell 109 to cell 102. I was thrown in to a pillar in the middle of the common area, and then
into two tables. When they got me near the door, they slammed my body and head into the wall.
Once they got me into the segregation area, they started punching and kicking me, I was also
slammed into the wall again and thrown on the floor several times. They did this in front of the inmates.
I have several witness that seen these acts of assault committed. I wrote a grievance to the chief
on January 13, 2012 but it never was sent to him. I waited the proper time for a response never got one. So on
January 26, 2012 I filled out another and the chief sent me a paper back saying, I needed to file it within 5 day of yr
This notice is filed within the time constraints set forth in Section 10 of the

Court of Claims Act.

Dante Motley
Claimant pro se

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss. ;
CITY OF BUFFALO)

Dante Motley, being duly sworn, deposes and says that he is the claimant in the within proceeding and has read the foregoing Notice of Claim and knows the contents of same to be true to his own knowledge, save those matters therein alleged upon information and belief, and as to those matters, the same he believes to be true.

Dante Motley

Sworn to before me this 6
day of March 2012

Sylvia M. O'Neal
Notary Public

SYLVIA M. O'NEAL
COMMISSIONER OF DEEDS
in and For the City of Buffalo, Erie County, NY
My Commission Expires Dec 31, 2012

Also, in the response letter he sent me. It states "This shall serve to inform you that your grievance cannot be processed and is being returned to me". Then states "No further action will be taken regarding this matter. This is a personal response from Chief Timothy J. Love, that I received February 1, 2012. Also I written one on the date that the incident ~~was~~ occurred, and it was ~~so~~ ripped up.

3/6/12
Date

Date

Danti Matley

[Signature]
Notary Public

SYLVIA M O'NEAL
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec 31, 2012



COUNTY OF ERIE

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ERIE COUNTY ATTORNEY

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COUNTY EXECUTIVE
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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>Peoples, Kimberly D. and Tood, Kyla v. Jorrel Alexander, Diane Alexander, Timothy Connors & County of Erie</i>
Document Received:	Amended Summons and Complaint
Name of Claimants:	Kimberly D. Peoples and Kyla Tood 385 Doat Street, Upper Buffalo, New York 14211
Claimant's attorney:	Benjamin J. Andrews, Esq. Andrews, Bernstein & Maranto , LLP

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP/dld
Enc.

cc: Michael A. Siragusa, Erie County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

KIMBERLY D. PEOPLES
385 Doat Street-Upper
Buffalo, New York 14211

KYLA TODD
385 Doat Street-Upper
Buffalo, New York 14211

Plaintiffs,

-vs-

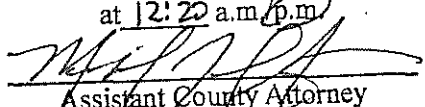
JORREL ALEXANDER
32 Linden Park
Buffalo, New York 14208

DIANE ALEXANDER
32 Linden Park
Buffalo, New York 14208

TIMOTHY J. CONNORS
152 Hamburg Street
Buffalo, New York 14204

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Defendants.

This paper received at the
Erie County Attorney's Office
from Doug Di Filippo
the 23 day of March, 2012
at 12:20 a.m (p.m)

Assistant County Attorney

AMENDED SUMMONS

Index No: 12011-4125

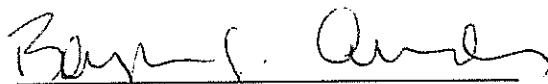
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with a summons, to serve a notice of appearance, on the plaintiffs' attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment may be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the
Plaintiffs.

DATED: Buffalo, New York
March 22, 2012

Yours, etc.

By: 

Benjamin J. Andrews, Esq.
ANDREWS, BERNSTEIN & MARANTO, LLP
Attorneys for Plaintiffs
Office and Post Office Address
69 Delaware Avenue, Suite 1200
Buffalo, New York 14202
Telephone: (716) 842-2200

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

KIMBERLY D. PEOPLES
385 Doat Street-Upper
Buffalo, New York 14211

KYLA TODD
385 Doat Street-Upper
Buffalo, New York 14211

Plaintiffs,

-vs-

AMENDED COMPLAINT

Index No: 12011-4125

JORREL ALEXANDER
32 Linden Park
Buffalo, New York 14208

DIANE ALEXANDER
32 Linden Park
Buffalo, New York 14208

TIMOTHY J. CONNORS
152 Hamburg Street
Buffalo, New York 14204

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Defendants.

The plaintiffs, KIMBERLY D. PEOPLES, Individually and as Parent and Natural Guardian of KYLA TODD, an Infant, above-named by their attorneys, ANDREWS, BERNSTEIN & MARANTO, LLP, for their complaint against defendants, allege as follows:

1. That at all times hereinafter mentioned, plaintiffs were residents of the County of Erie and State of New York.

2. That upon information and belief, at all times hereinafter mentioned, defendant, JORREL ALEXANDER, was a resident of the County of Erie and State of New York.

3. That upon information and belief, at all times hereinafter mentioned, defendant, DIANE ALEXANDER, was a resident of the County of Erie and State of New York.

4. That upon information and belief, at all times hereinafter mentioned, defendant, TIMOTHY J. CONNORS, was a resident of the County of Erie and State of New York.

5. That upon information and belief, at all times hereinafter mentioned, defendant, COUNTY OF ERIE, was and is a municipal corporation, duly organized and existing pursuant to New York State law.

AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANTS, JORREL ALEXANDER
AND DIANE ALEXANDER ON BEHALF OF PLAINTIFF,
KIMBERLY D. PEOPLES

4. That at all times hereinafter mentioned, plaintiff, KIMBERLY D. PEOPLES, was the owner and operator of a certain motor vehicle, New York State license plate number LSW5928, involved in the accident hereinafter described.

5. That at all times hereinafter mentioned, defendant, DIANE ALEXANDER, was the owner of a certain motor vehicle, New York State license plate number BNS6125, involved in the accident hereinafter described.

6. That at all times hereinafter mentioned, defendant, JORREL ALEXANDER, was operating the aforesaid motor vehicle owned by said defendant, DIANE ALEXANDER, with the knowledge, consent and permission of defendant, DIANE ALEXANDER.

7. That at all times hereinafter mentioned, Route 198 West at or in the vicinity of the Parkside exit was a public street, highway and thoroughfare situated in the City of Buffalo, County of Erie and State of New York.

8. That on or about July 23, 2009, the aforesaid motor vehicles came into contact and collision.

9. That said incident was caused solely due to the negligence, carelessness and recklessness on the part of defendants, DIANE ALEXANDER and JORREL ALEXANDER.

10. That by reason of the defendants' negligence, carelessness and recklessness, plaintiff, KIMBERLY D. PEOPLES, sustained serious injuries as defined in §5102(d) of the Insurance Law of the State of New York.

11. That by reason of the foregoing, plaintiff, KIMBERLY D. PEOPLES, has been caused to sustain among other things, serious, painful, and permanent injuries; she has incurred medical and hospital charges; she will incur future medical charges; and she has been incapacitated from her regular duties and responsibilities, all to her damage in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANTS, JORREL ALEXANDER
AND DIANE ALEXANDER ON BEHALF OF PLAINTIFF,
KYLA TODD

12. Plaintiff, KYLA TODD, re-alleges paragraphs "1" through "11" above as if set forth fully herein.

13. On July 23, 2009, plaintiff, KYLA TODD, was a passenger in the vehicle owned and operated by plaintiff, KIMBERLY D. PEOPLES, which was struck by the vehicle owned by defendant, DIANE ALEXANDER, and operated by defendant, JORREL ALEXADER.

14. That said incident was caused solely due to the negligence, carelessness and recklessness on the part of defendants, DIANE ALEXANDER and JORREL ALEXADER.

15. That by reason of the defendants' negligence, carelessness and recklessness, plaintiff, KYLA TODD, sustained serious injuries as defined in §5102(d) of the Insurance Law of the State of New York.

16. That by reason of the foregoing, plaintiff, KYLA TODD, has been caused to sustain among other things, serious, painful, and permanent injuries; she has incurred medical and hospital charges; she will incur future medical charges; and she has been incapacitated from her regular duties and responsibilities, all to her damage in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION
AGAINST DEFENDANTS, TIMOTHY J. CONNORS and COUNTY OF ERIE
ON BEHALF OF PLAINTIFF, KIMBERLY D. PEOPLES

17. Plaintiff, KIMBERLY D. PEOPLES, re-alleges paragraphs "1" through "16" above as if set forth fully herein.

18. That upon information and belief, at all times hereinafter mentioned, defendant, COUNTY OF ERIE, was the owner of a certain 94 Chevrolet bearing New York State license plate number K49788, involved in the incident in question.

19. That on July 23, 2009, upon information and belief, said vehicle was being operated by defendant, TIMOTHY J. CONNORS.

20. That on July 23, 2009, upon information and belief, defendant, TIMOTHY J. CONNORS, was operating and in possession and control of said vehicle with the knowledge, permission, and consent of defendant, COUNTY OF ERIE.

21. That on July 23, 2009, upon information and belief, defendant, TIMOTHY J. CONNORS, was using and operating said vehicle in the normal course of his employment with defendant, COUNTY OF ERIE.

22. That on or about July 23, 2009, the motor vehicle owned by defendant, COUNTY OF ERIE, and operated by defendant, TIMOTHY J. CONNORS, collided with the motor vehicle owned by defendant, DIANE L. ALEXANDER, and operated by defendant, JORREL L. ALEXANDER, which, in turn, collided with the motor vehicle owned and operated by plaintiff, KIMBERLY D. PEOPLES.

23. That said incident was caused solely due to the negligence, carelessness and recklessness on the part of defendants, TIMOTHY J. CONNORS and COUNTY OF ERIE.

24. That by reason of the defendants, TIMOTHY J. CONNORS and COUNTY OF ERIE's, negligence, carelessness and recklessness, plaintiff, KIMBERLY D. PEOPLES, sustained serious injuries as defined in §5102(d) of the Insurance Law of the State of New York.

25. That by reason of the foregoing, plaintiff, KIMBERLY D. PEOPLES, has been caused to sustain among other things, serious, painful, and permanent injuries; she has incurred medical and hospital charges; she will incur future medical charges; and she has been incapacitated from her regular duties and responsibilities, all to her damage in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANTS, TIMOTHY J. CONNORS and COUNTY OF ERIE
ON BEHALF OF PLAINTIFF, KYLA TODD

26. Plaintiff, KYLA TODD, re-alleges paragraphs "1" through "25" above as if set forth fully herein.

27. On July 23, 2009, plaintiff, KIMBERLY D. PEOPLES, was the parent and natural guardian of plaintiff, KYLA TODD, who at that time was an infant.

28. That on or about July 23, 2009, the motor vehicle owned by defendant, COUNTY OF ERIE, and operated by defendant, TIMOTHY J. CONNORS, collided with the motor vehicle owned by defendant, DIANE L. ALEXANDER, and operated by defendant, JORREL L. ALEXANDER, which, in turn, collided with the motor vehicle owned and operated by plaintiff, KIMBERLY D. PEOPLES, in which plaintiff, KYLA TODD, was a passenger.

29. That said incident was caused solely due to the negligence, carelessness and recklessness on the part of defendants, COUNTY OF ERIE and TIMOTHY J. CONNORS.

30. That by reason of the defendants' negligence, carelessness and recklessness, infant plaintiff, KYLA TODD, sustained serious injuries as defined in §5102(d) of the Insurance Law of the State of New York.

31. That by reason of the foregoing, plaintiff, KYLA TODD, has been caused to sustain, among other things, serious, painful, and permanent injuries; she has incurred medical and hospital charges; she will incur future medical charges; and she has been incapacitated from her regular duties and responsibilities, all to her damage in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiffs, KIMBERLY D. PEOPLES and KYLA TODD, demand relief in judgment against defendants, JORREL ALEXANDER, DIANE ALEXANDER, TIMOTHY J. CONNORS and COUNTY OF ERIE, and to receive damages on the allegations previously stated herein in an amount as may be just and proper based on the circumstances, together with the costs and disbursements of this action; and for such other and further relief as this Court may deem just and proper.

DATED: Buffalo, New York
March 22, 2012

Yours, etc.

By:



Benjamin J. Andrews, Esq.
ANDREWS, BERNSTEIN & MARANTO, LLP
Attorneys for Plaintiffs
Office and Post Office Address
69 Delaware Avenue, Suite 1200
Buffalo, New York 14202
Telephone: (716) 842-2200