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

December 6, 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:	*Berezowski, Edward, Estate of, by Sandra Puccio as Administrator v. County of Erie and Sheriff Timothy B. Howard*
Document Received:	Notice of Claim
Name of Claimant:	Sandra Puccio 12 Kingswaye Drive Williamsville, New York 14221
Claimant's attorney:	David P. Feldman, Esq. 69 Delaware Avenue Suite 600 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle Parker
First Assistant County Attorney

MMP:dld
Enclosure

STATE OF NEW YORK : COUNTY OF ERIE

In The Matter of the claim of SANDRA PUCCIO As the Administrator of the Estate of Edward M Berezowski, deceased,

Claimant, **NOTICE OF CLAIM**

-against-

COUNTY OF ERIE, NEW YORK
TIMOTHY B. HOWARD, SHERIFF OF THE COUNTY OF ERIE

TO: THE COUNTY OF ERIE, STATE OF NEW YORK:
TIMOTHY B. HOWARD, SHERIFF OF THE COUNTY OF ERIE

PLEASE TAKE NOTICE, that Sandra Puccio as Administrator of the Estate of Edward M. Berezowski, deceased has a claim and hereby makes a claim against the County of Erie New York and Timothy B. Howard, Sheriff of the County of New York for wrongful death of Edward M. Berezowski, deceased and then support thereof the claimant states:

1. Post office address of the claimant is 12 Kingswaye Drive, Williamsville NY 14221;

2. Name and address of the Attorneys for Claimant are David P. Feldman, Esq. and Phillip Dabney Jr., Esq., 69 Delaware Ave., Suite 600, Buffalo, New York;

3. The claim of Sandra Puccio, as administrator of the Estate of Edward M.

Berezowski claimant is for wrongful death suffered by claimant's decedent Edward M. Berezowski on August 17, 2012;

4. The said claim arose on August 12, 2012 when the aforesaid Edward M. Berezowski was incarcerated in the Erie County Holding Center by agents and employees of the County of Erie, and of Timothy B. Howard, Sheriff of said county. On the aforesaid date Edward M. Berezowski when arrested and incarcerated gave evidence of severe mental instability and distress, and on that date and while so incarcerated did hang himself, from which he died on August 17, 2012;

5. The said County of Erie and the sheriff of the County of Erie Timothy B. Howard, their agents, servants and employees were negligent in failing properly to screen, examine and observe the mental condition of said Edward M. Berezowski to observe the said decedent suicidal tendencies of said decedent, and in carelessly and negligently placing said decedent in an unattended cell and carelessly and negligently failing to observe the behavior of said decedent while so incarcerated;

6. The County of Erie and Timothy B. Howard, Sheriff of the County of Erie at the time and place aforesaid failed to accord to said Edward M. Berezowski decedent his civil rights as a citizen of the United States of America;

7. The County of Erie, and Timothy B. Howard, as Sheriff of said County, breached and violated agreements made by them for the benefit of prisoners, including the said Edward M. Berezowski deceased, concerning the care and treatment of prisoners in their custody and control.

8. By reason of the negligence and misconduct of the County of Erie and Timothy B. Howard, Sheriff of the County of Erie said claimant did hang himself in his jail cell, and did die.

WHEREFORE, Claimant requests that the County of Erie and Timothy B. Howard, Sheriff of the County of Erie honor and pay the Claim of SANDRA PUCCIO, as Administrator of the Estate of Edward M. Berezowski, deceased.

DATED: Buffalo, New York
November 28, 2012

DAVID P. FELDMAN
PHILLIP DABNEY JR., ESQ.
Attorneys for Claimant
69 Delaware Avenue, Suite 600
Buffalo, New York 14202
Tel: (716) 845-5300
Fax: (716) 852-6784

VERIFICATION

SANDRA PUCCIO, as Administrator of the Estate of Edward M. Berezowski, being duly sworn, deposes and says: that deponent is the Plaintiff, 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 the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

SANDRA PUCCIO, Administrator of
Estate of Edward M. Berezowski

Sworn to before me this
29 day of November, 2012.

Notary Public

DAVID P. FELDMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 4/8/13