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

November 16, 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:	*Andol, Mark S. v. Erie County Sheriff's Office*
Document Received:	Notice of Claim
Name of Claimant:	Mark S. Andol 3679 East Blood Road Cowelsville, New York 14037
Claimant's attorney:	Andrew P. Fleming, Esq. Chiacchia & Fleming, LLP 5113 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enclosure

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

In the Matter of the Claim of
MARK S. ANDOL
3679 East Blood Road
Cowelsville, New York 14037,

Claimant,

-vs-

ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, New York 14202,

Respondent.

This paper received at the
Erie County Attorney's Office
from Brent Salevsky on
the 3rd day of November 2012
at 2:38 a.m./p.m.
Assistant County Attorney

NOTICE OF CLAIM

TO: ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, New York 14202

PLEASE TAKE NOTICE, that MARK S. ANDOL, hereby claims damages against ERIE COUNTY SHERIFF'S OFFICE, its officers, agents and/or employees, for damages incurred as a result of the wrongful, negligent and careless acts of the respondent, its officers, agents and/or employees on or about August 5, 2012, and in support thereof submits the following:

1. The claimant is MARK S. ANDOL whose post office address is 3679 East Blood Road, Cowelsville, New York 14037 and telephone number is (716) 652-0024.

2. The name of the attorney for claimant is CHIACCHIA & FLEMING, LLP, Andrew P. Fleming, Esq., of counsel, whose post office address is 5113 South Park Avenue, Hamburg, New York, 14075 and telephone number is (716) 648-3030.

3. Upon information and belief on or about August 5, 2012 at 11254 Bullis Road, Marilla, New York, at about 2:35 in the morning, MARK S. ANDOL was subjected to police brutality, false arrest, and use of excessive force by, among others, Deputy Jordan R.

Grabar.

4. The negligence of the respondent, through its officers, agents and/or employees, includes but is not limited to, negligence in failing properly to train, supervise, and discipline its employees, resulting in injury, which amounted to deliberate indifference to the rights of individuals coming in contact with those employees, and otherwise acting in a negligent manner.

5. As a result of the negligence of the respondent, claimant, MARK S. ANDOL sustained injuries including deprivation of civil rights, emotional distress, and embarrassment.

6. That as a result of the injuries sustained by MARK S. ANDOL, damages have been incurred in an amount to be determined after trial.

7. This notice is made and served on behalf of said claimant in compliance with the provisions of Section 50-e of New York State General Municipal Law and such other laws and statutes as are in the case made and provided.

PLEASE TAKE FURTHER NOTICE that the claimant demands payment of said claims, and unless said claims are paid within a reasonable time, it is the intention of the claimant to commence suit against ERIE COUNTY SHERIFF'S OFFICE.

Dated: Hamburg, New York
October 31, 2012

MARK S. ANDOL
Claimant

Andrew P. Fleming
CHIACCHIA & FLEMING, LLP
Attorneys for Claimant
Office and Post Office Address
5113 South Park Avenue
Hamburg, New York 14075
Telephone: (716) 648-3030
Facsimile: (716) 648-0810

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
TOWN OF COWELSVILLE)

MARK S. ANDOL, being duly sworn, deposes and says:

1. That deponent is the claimant in the within action.

2. That deponent has read the foregoing Notice of Claim and knows the contents thereto.

3. That the same is true to deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true.

MARK S. ANDOL

Sworn to before me this
2nd day of ~~October~~ november, 2012.

Kelly M. Wilder
Notary Public

KELLY M. WILDER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires September 7, 2014