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 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:	*Murray-Serba, Paula v. COE and Erie County Water Authority*
Document Received:	Notice of Claim
Name of Claimant:	Paula Murray-Serba 12320 Williston Road Alden, New York 14004
Claimant's attorney:	Tina M. Kasperek William K. Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

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

IN THE MATTER OF THE CLAIM OF

Paula Murray-Serba

Claimant,

-against-

County of Erie
Erie County Water Authority

Respondents.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Peter Rains on
the 20 day of Nov, 2012
at 3:15 a.m./p.m.
Kelly Blunkwosta
Assistant County Attorney

TO: County of Erie
County Attorney
95 Franklin Street, Rm 1634
Buffalo, New York 14202

Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

PLEASE TAKE NOTICE, that the claimant, Paul Murray-Serba, does hereby intend to make claim, in accordance with County Law §52 and General Municipal Law §50-e of the State of New York, against Erie County, New York and the Erie County Water Authority, and in support of such claim does state the following:

1. The name of the claimant is Paula Murray-Serba and her post office address is 12320 Williston Road, Alden, New York 14004.

2. The name, post office address and telephone number of the attorneys for claimant are Gelber & O'Connell, LLC, 6512 Main Street, Amherst, New York 14221, (716) 633-5050.

3. The claim of the claimant Paula Murray-Serba is for the recovery of monetary

damages for personal injuries; ambulance, pre-hospital, hospital, medical, physical therapy, occupational therapy, medical rehabilitation and related services expenses; prescription and non-prescription medication/medicine expenses; conscious pain and suffering, loss of enjoyment of life as a consequence of the personal injuries suffered; emotional distress as a consequence of the personal injuries suffered; loss and/or diminution of earnings; transportation expenses to and from her medical appointments; and for other damages and losses for which a substantial, proximate and contributing cause was the negligence, carelessness, recklessness and/or statutory and/or vicarious liability of the respondents, Erie County, New York and/or The Erie County Water Authority and/or their officers, agents, servants, appointees and/or employees.

4. The time when the claim arose and the injuries and damages were suffered was, upon information and belief, on October 24, 2012, at approximately 2:50 p.m.

5. The location where the claim arose and injuries and damages were suffered was, upon information and belief, on Milestrip Road in Orchard Park, New York.

6. Upon information and belief, the injuries and damages suffered by the claimant, Paula Murray-Serba occurred as result of the negligence, carelessness, recklessness and/or statutory and/or vicarious liability of the respondents, Erie County, New York and/or the Erie County Water Authority and/or their officers, agents, servants, appointees and/or employees.

7. The manner in which the claim arose was that, upon information and belief, On October 24, 2012, at approximately 2:50 p.m., while the claimant, Paul Murray-Serba was operating a 2008 Chevrolet Impala when she was struck in the rear by a vehicle operated by Thomas T. Twarozek and owned by Erie County, New York and/or the Erie

County Water Authority, causing claimant to suffer serious and severe painful permanent personal injuries.

8. upon information and belief, the respondents, Erie County, New York and/or the Erie County Water Authority, their officers, agents, servants, appointees and/or employees were negligent, careless and reckless: in the ownership, management, operation, supervision, direction, maintenance, care, upkeep, repair and control of the 2011 Ford motor vehicle; in failing to exercise reasonable care under the circumstances; in failing supply competent and adequate supervision; in failing to employ adequate, competent and/or sufficient personnel; hiring, training, instructing, supervising and/or retention of their agents, servants, appointees and/or employees; in causing serious personal injuries to the claimant, Paul Murray-Serba, and in being otherwise negligent, careless and/or reckless.

9. The claimant, Paula Murray-Serba was free of any and all negligence or fault in connection with the incident out of which the instant claim arose.

10. As a result of the aforementioned incident, the claimant, Paula Murray-Serba, was caused to suffer serious and severe, painful permanent personal injuries and damages. Upon information and belief, as of this date, and so far as can be presently determined, the claimant, Paula Murray-Serba, suffered: injury to her neck, shoulders and back, conscious pain and suffering, emotional distress and loss of enjoyment of life as a consequence of the personal injuries suffered; damages to bones, muscles, nerves, tendons, ligaments, blood vessels and surrounding soft tissue; shock to nerves and nervous system; and was rendered sick, sore, lame, disfigured and disabled. As a result, claimant was confined to hospital, home and/or bed and, upon information

and belief, will be confined to bed and/or home in the future; was caused to seek medical attention, physical therapy, occupational therapy, medical rehabilitation and related aid, care and attention, incurring expenses therewith and, upon information and belief, will continue to incur such expenses in the future; was caused to incur expenses for prescription and non-prescription medication and medical supplies and, upon information and belief, may continue to incur such expenses in the future; was caused to be incapacitated from her usual duties, activities and vocation and, upon information and belief, may be prevented from following her usual occupation, duties, activities and vocation in the future. The full nature and extent of claimant's injuries and damages are not yet known.

WHEREFORE, the claimant, Paula Murray-Serba requests that her claim be allowed and paid by the respondents Erie County, New York and/or the Erie County Water Authority.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the respondents, Erie County, New York and/or the Erie County Water Authority, within thirty (30) days from the date of service of this Notice of Claim, said claimant intends to commence an action in the Supreme Court of State of New York, County of Erie against Erie County, New York and the Erie County Water Authority in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

Dated: Amherst, New York
November 16, 2012

Gelber & O'Connell, LLC

By:

Tina M. Kasperek, Esq.
Attorneys for Claimant
6512 Main Street
Amherst, New York 14221
(716) 633-5050

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

PAULA MURRAY, being duly sworn deposes and says:

That deponent is the claimant 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 upon information and belief, and that as to those matters deponent believes them to be true.

Paula Murray-Serba

Paula Murray-Serba

Sworn to before me this
29th day of October, 2012.

Tina M Kasperek

Notary Public

TINA M. KASPEREK
Notary Public, State of New York
Qualified in Erie County
Commission Expires ~~May 24, 20~~
10/30/14