



FILED JUN 07 2021 AM 9:29

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

JCT/dea

TO: Robert M. Graber, Clerk, Erie County Legislature
FROM: Jeremy C. Toth, First Assistant County Attorney
DATE: June 3, 2021
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 seven (7) new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Coalition of Grand Island Parents v. ECDOH, et al.;
2. Coalition of Clarence Parents v. ECDOH, et al.;
3. Tallyn Williams v. County of Erie, et al.;
4. Steven Godhino v. County of Erie, et al.;
5. Stephen Parisi v. County of Erie, et al.; and
6. Jennifer Kirsch-Blake v. County of Erie, et al.

JCT:dld
Attachments



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

May 6, 2021

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 No. 306 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>Coalition of Grand Island Parents to Put Students First Inc. v. Gov. Cuomo, M. Poloncarz and Erie County Department of Health, et al.</i>
Document Received:	Order to Show Cause
Name of Claimant:	Coalition of Grand Island Parents to Put Students First Inc.
Claimant's attorney:	Corey J. Hogan, Esq. Hogan Willig 2410 North Forest Road, Suite 301 Getzville, New York 14068

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

At a Special Term of the Supreme Court, held in and for the County of Erie, on the 28th day of April, 2021.

PRESENT: Hon. HON. EMILIO COLAIACOVO, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

COALITION OF GRAND ISLAND PARENTS
TO PUT STUDENTS FIRST INC.,

Petitioner/Plaintiff,

For Judgment Pursuant to Article 78 of the CPLR,
and/or Article XI, § 1 of the New York State Constitution

ORDER TO SHOW CAUSE

Index No. 805462/2021

v.

ANDREW M. CUOMO, in his official capacity as the
Governor of the State of New York,
NEW YORK STATE DEPARTMENT OF HEALTH,
NEW YORK STATE EDUCATION DEPARTMENT,
MARK C. POLONCARZ, in his official capacity as the
County Executive for the County of Erie,
ERIE COUNTY DEPARTMENT OF HEALTH,
GRAND ISLAND CENTRAL SCHOOL DISTRICT,
GRAND ISLAND CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION AND ITS MEMBERS, and
BRIAN GRAHAM, Ed.D., in his official capacity as the
Superintendent of Grand Island Central School District,

Respondents/Defendants.

UPON reading and filing of: the Verified Petition and Complaint of Petitioner/Plaintiff
COALITION OF GRAND ISLAND PARENTS TO PUT STUDENTS FIRST INC. (the
"Petitioner"), dated April 27, 2021, with Exhibits; Petitioner's Memorandum of Law, dated April
28, 2021; the Affidavit of Michael P. Santa Maria, Ph.D., sworn to April 27, 2021, with Exhibits

{12977689.1}

1

HOGAN WILLIG
Attorneys at Law
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

annexed thereto; the Affidavit of Clayton J. Baker, M.D., sworn to April 27, 2021, with Exhibits annexed thereto; the Affirmations of Drs. Lori A. Michael, M.D., Lynn-Marie Aronica, M.D., Lyndsay A. Gutierrez-Panchal M.D., and David Kupkowski, M.D., sworn to April 26 and 27, 2021, with Exhibits annexed thereto; and the Affidavits of Parents of the Students;

LET Respondents/Defendants ANDREW M. CUOMO, in his capacity as the Governor of the State of New York, NEW YORK STATE DEPARTMENT OF HEALTH, NEW YORK STATE EDUCATION DEPARTMENT ("State Respondents"), MARK POLONCARZ, in his capacity as the County Executive for the County of Erie, ERIE COUNTY DEPARTMENT OF HEALTH ("County Respondents"), GRAND ISLAND CENTRAL SCHOOL DISTRICT, GRAND ISLAND CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION AND ITS MEMBERS, and BRIAN GRAHAM, Ed.D., in his capacity as the Superintendent of Grand Island Central School District ("School Respondents") (collectively, the "Respondents"), or their attorneys, appear at the Courthouse located at 25 Delaware Avenue, Buffalo, New York 14202 on the 11th day of May, 2021, at 10 a.m./~~p.m.~~ or as soon thereafter as counsel can be heard, and show cause why an Order should not be entered under and pursuant to Article 78 of the CPLR, Article I, § 11 and Article XI, § 1 of the New York State Constitution, and the laws set forth in the accompanying Verified Petition and Complaint, granting the declaratory and injunctive relief therein requested by Petitioner.

e

SUFFICIENT CAUSE HAVING BEEN SHOWN, it is hereby:

ORDERED, that the Respondents show cause before this Court on the above date and time why a preliminary injunction should not be granted pursuant to CPLR §§ 6301, 6311, and 7805: (i) enjoining State and County Respondents during and throughout the pendency of this proceeding from enforcing the State Re-Opening Guidance, as written; and (ii) permitting School

{112977689.1}

2

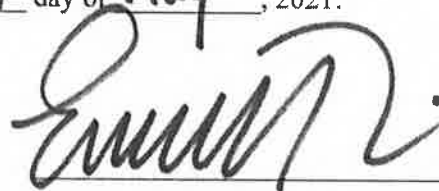
HOGANWILLIG
Attorneys at Law
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

Respondents to immediately offer full-time, five (5) day per week in-person instruction to the Students during and throughout the pendency of this proceeding; and it is further

ORDERED, that service of a copy of this Order to Show Cause and the papers on which it is granted on or before the 9th day of May, 2021, shall be deemed good and sufficient service as to all Respondents if made by: (i) personal service upon the Office of the Attorney General for the State of New York located at 350 Main Street, Suite 300A, Buffalo, New York 14202; (ii) certified mail, return receipt requested to Respondent Andrew M. Cuomo, located at the State Capitol Building, Albany, New York 12224; (iii) certified mail, return receipt requested to Respondent New York State Department of Health, located at 584 Delaware Avenue, Buffalo, New York 14202; (iv) certified mail, return receipt requested to Respondent New York State Education Department, located at 89 Washington Avenue, Albany, New York 12234; (v) certified mail, return receipt requested to County Respondents (given that they reside at the same office) located at 95 Franklin Street, Buffalo, New York 14202; and (vi) certified mail, return receipt requested to School Respondents (given that they reside at the same office), 1100 Ransom Road, Grand Island, New York 14072; and it is further

ORDERED, that answering papers, if any, be served upon Petitioners' counsel via the NYSCEF System on or before 5:00 p.m. on the 6th day of May, 2021; and it is further

ORDERED, that reply papers, if any, be served upon Respondents' counsel via the NYSCEF System on or before 5:00 p.m. on the 7th day of May, 2021.



HON. EMILIO COLAIACOVO, J.S.C.

J.S.C.

ENTERED: APR 28 2021

{112977689.1}

3

HOGANWILLIG
Attorneys at Law
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

May 6, 2021

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 No. 306 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>Coalition of Clarence Parents to Put Students First Inc. v. Gov. Cuomo, M. Poloncarz and Erie County Department of Health, et al.</i>
Document Received:	Verified Petition
Name of Claimant:	Coalition of Clarence Parents to Put Students First Inc.
Claimant's attorney:	Corey J. Hogan, Esq. Hogan Willig 2410 North Forest Road, Suite 301 Getzville, New York 14068

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

COALITION OF CLARENCE PARENTS
TO PUT STUDENTS FIRST INC.,

Petitioner/Plaintiff,

For Judgment Pursuant to Article 78 of the CPLR,
and/or Article XI, § 1 of the New York State Constitution

**VERIFIED PETITION
AND COMPLAINT**

Index No. _____

v.

ANDREW M. CUOMO, in his official capacity as the
Governor of the State of New York,
NEW YORK STATE DEPARTMENT OF HEALTH,
NEW YORK STATE EDUCATION DEPARTMENT,
MARK C. POLONCARZ, in his official capacity as the
County Executive for the County of Erie,
ERIE COUNTY DEPARTMENT OF HEALTH,
CLARENCE CENTRAL SCHOOL DISTRICT,
CLARENCE CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION AND ITS MEMBERS, and
GEOFFREY M. HICKS, Ed.D., in his official capacity as the
Superintendent of Clarence Central School District,

RECEIVED
MAY 05 2021

ERIE COUNTY
DEPARTMENT OF LAW

Respondents/Defendants.

Petitioner/Plaintiff COALITION OF CLARENCE PARENTS TO PUT STUDENTS
FIRST INC. ("Petitioner"), as and for its Verified Petition and Complaint against
Respondents/Defendants ANDREW M. CUOMO, in his official capacity as the Governor of the
State of New York, NEW YORK STATE DEPARTMENT OF HEALTH, NEW YORK STATE
EDUCATION DEPARTMENT ("State Respondents"), MARK C. POLONCARZ, in his official
capacity as the County Executive for the County of Erie, ERIE COUNTY DEPARTMENT OF
HEALTH ("County Respondents"), CLARENCE CENTRAL SCHOOL DISTRICT,
CLARENCE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION AND ITS

(112979928.1)

HOGANWILLIG

Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068

Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

MEMBERS, and GEOFFREY M. HICKS, Ed.D., in his official capacity as the Superintendent of Clarence Central School District ("School Respondents") (collectively, "Respondents"), by and through their undersigned counsel, hereby respectfully and collectively allege as follows:

NATURE OF ACTION

1. This is a hybrid special proceeding commenced under Article 78 of the CPLR, wherein Petitioner is seeking injunctive relief to enjoin State Respondents from enforcing certain restrictions which are arbitrary, capricious, unlawful, unconstitutional under the New York State Constitution, and/or expired, and to permit School Respondents to provide full-time, five (5) day per week in-person instruction to those students of Respondent Clarence Central School District ("Respondent CCSD") who wish to return to such full-time, in-person instruction.

2. The restrictions imposed by State Respondents, enforced by County Respondents, and implemented by School Respondents, and which prevent a return to full-time, in-person instruction by the students of Respondent CCSD (the "Students"), exist without any scientific or other credible basis therefor, nor upon which to link any significant increase in COVID-19 cases to the attendance of the Students at School Respondents' facilities in Clarence, New York.

3. In fact, the only scientific evidence proffered by State Respondents from the start of COVID-19 demonstrates that: elementary school students account, state-wide, for only 0.49% of COVID-19 cases; high school students account, state-wide, for only 0.46% of COVID-19 cases; and middle school students account, state-wide, for only 0.19% of COVID-19 cases.

4. There appears to be general consensus by and among numerous parties, including Petitioner, School Respondents, and the broader medical community, that the resumption of full-time, five (5) day per-week in-person instruction throughout the State of New York, with other mitigation measures in place, poses virtually no risk of increased COVID-19 transmission.

5. Despite the foregoing, however, Respondents have continued to impose, enforce, and implement restrictions that are arbitrary, capricious, illogical, and not reasonably necessary.

6. What this hybrid special proceeding really comes down to is one (1) mandate in particular: the required level of physical distancing in Respondent CCSD's facilities.

7. Despite evidence that six (6) feet of social distancing is unnecessary in schools, and that (3) feet of social distancing provides an adequate level of mitigation against COVID-19 (again, with other COVID-19 mitigation measures in place), State and County Respondents have continued to require that six (6) feet of social distancing be maintained in most circumstances, to the severe mental, physical, psychological, and emotional detriment of the Students.

8. While School Respondents have now begun to bring Elementary and Middle School Students back for more than the minimum two and one-half (2½) days of in-person instruction, the Middle and High School Students of Respondent CCSD remain alone, without any insight whatsoever as to when, if at all, they will return to full-time, in-person instruction.¹

9. It is well past time to get our youth out from behind the small, fragmented screens behind which they are currently spending the majority of their time to take virtual instruction, and to get them back to full-time, five (5) day per week in-person instruction.

10. Not only is it past time, however; the lives, and the mental health of our youth for years and decades to come, quite literally depend upon a return to in-person instruction.

PARTIES

11. At all times relevant hereto, Petitioner COALITION OF CLARENCE PARENTS TO PUT STUDENTS FIRST INC. was and is a New York not-for-profit corporation organized

¹ For the purposes of this Verified Petition and Complaint, references to the "Students" will be meant to refer primarily to the High School Students of Respondent CCSD, unless otherwise indicated, given that School Respondents have now begun to bring the Elementary Students back for full-time, in-person instruction, and have begun to bring the Middle School Students back for four and one-half (4½) days of in-person instruction.

and existing under the laws of the State of New York, which represents and is made up of the Parents of approximately two hundred (200) Students from the Clarence Central School District, each of which are respectively united in interest in this special proceeding.

12. Upon information and belief, at all times relevant hereto, Respondent ANDREW M. CUOMO ("Respondent Cuomo") was and is the Governor of the State of New York, and was and is acting under color of State law and in his official capacity, with a principal place of business located at the State Capitol Building, Albany, New York 12224.

13. Upon information and belief, at all times relevant hereto, Respondent NEW YORK STATE DEPARTMENT OF HEALTH ("Respondent NYSDOH") was and is an agency of the Executive Branch of the New York State Government with a principal place of business and office located at 584 Delaware Avenue, Buffalo, New York 14202.

14. Upon information and belief, at all times relevant hereto, Respondent NEW YORK STATE EDUCATION DEPARTMENT ("Respondent NYSED") was and is an agency of the Executive Branch of the New York State Government with a principal place of business and office located at 89 Washington Avenue, Albany, New York 12234.

15. Upon information and belief, and at all times relevant hereto, Respondent MARK C. POLONCARZ ("Respondent Poloncarz") was and is the County Executive for the County of Erie, and was and is acting under color of State law and in his official capacity, with a principal place of business located at 95 Franklin Street, Buffalo, New York 14202.

16. Upon information and belief, and at all times relevant hereto, Respondent ERIE COUNTY DEPARTMENT OF HEALTH ("Respondent ECDOH") was and is the governing public health agency and arm of the County of Erie, State of New York Government, with a principal place of business located at 95 Franklin Street, Buffalo, New York 14202.

17. Upon information and belief, at all times relevant hereto, Respondent CLARENCE CENTRAL SCHOOL DISTRICT ("Respondent CCSD"), was and is a municipal corporation, with a principal office at 9625 Main Street, Clarence, New York 14031.

18. Upon information and belief, at all times relevant hereto, Respondent CLARENCE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION AND ITS MEMBERS ("Respondent Board of Education"), was and is the governing body of the Clarence Central School District, and is comprised of members elected by voters living within the boundaries thereof, with a principal office at 9625 Main Street, Clarence, New York 14031.

19. Upon information and belief, at all times relevant hereto, Respondent GEOFFREY M. HICKS, Ed.D., in his official capacity as the Superintendent of Clarence Central School District ("Respondent Hicks"), was and is acting under color of State law and in his official capacity, with a principal office at 9625 Main Street, Clarence, New York 14031.

JURISDICTION AND VENUE

20. This Court has jurisdiction over this proceeding under CPLR §§ 3001 and 7804, New York State Constitution Article 6, § 7, and the common law of the State of New York.

21. Erie County is a proper venue for this proceeding under CPLR §§ 503(a), 506(b), and 7804(b), because: (i) Petitioner was formed and is located in Erie County; (ii) the Students which Petitioner represents in this proceeding are located and attend school in Erie County; (iii) the determinations complained of were made and instituted in Erie County; and (iv) numerous of Respondents have principal offices located in, or are otherwise located in, Erie County.

22. Petitioner was/is not required to serve a Notice of Claim on School Respondents prior to the commencement of this hybrid special proceeding, as Petitioner seeks only injunctive relief, and School Respondents need not conduct any investigation of Petitioner's claims.

STATEMENT OF FACTS

23. Petitioner represents the Parents of approximately two hundred (200) Students from the Clarence Central School District, each of which have been severely, profoundly, and negatively impacted by the COVID-19 pandemic, and each of which have, through no fault of their own, been forced to obtain an alternative education through a limited, hybrid education model implemented by Respondent CCSD under which Students are, generally speaking, present in the classroom for only a portion of each week during the 2020-2021 school year.

24. On March 3, 2020, New York State Executive Law § 29-a was amended to provide Respondent Cuomo with the ability to issue directives during a declared State Disaster Emergency. Prior to this amendment of the Executive Law, Respondent Cuomo was only authorized to issue “suspensions” of New York State law during a State Disaster Emergency.

25. The new Executive Law § 29-a included limits on Respondent Cuomo’s ability to issue directives and/or suspensions of law in response to a declared State Disaster Emergency. Specifically, as it relates to directives, the amended Executive Law § 29-a(2) provided:

Suspensions pursuant to [N.Y. Executive Law § 29-a(1)] shall be subject to the following standards and limits, which shall apply to any directive []:

a. no suspension *or directive* shall be made for a period in excess of *thirty [(30)] days*, provided, however, that upon reconsideration of all of the relevant facts and circumstances, [Respondent Cuomo] may extend the *suspension* for additional periods not to exceed thirty [(30)] days each [(emphasis added)];

b. no suspension *or directive* shall be made [by Respondent Cuomo] *which is not in the interest of the health or welfare of the public and which is not reasonably necessary to aid the disaster effort* [(emphasis added)]; [and]

[]

d. any such suspension order *or directive* shall provide for the *minimum deviation* from the requirements of the statute, local law, ordinance, order, rule or regulation suspended consistent with the goals of the disaster action *deemed necessary*[.]



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

May 20, 2021

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 No. 306 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>Williams, Talyn v. County of Erie, Sheriff Howard, Robert Dee, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Talyn Williams c/o Erie County Holiday Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Brittany L. Penberthy, Esq. VanDette Penberthy LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of

TAYLN D. WILLIAMS,

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF, TIMOTHY
B. HOWARD,
ERIE COUNTY SHERIFF SERGEANT
ROBERT DEE,
ERIE COUNTY SHERIFF'S DEPUTIES/
SERGEANTS/LIEUTENANTS/CORRECTIONS
OFFICERS JOHN AND JANE DOES,

Respondents.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from KARA Small on

the 10th day of May, 2021
at 3:32 a.m./p.m.

[Signature]
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF, TIMOTHY
B. HOWARD,
ERIE COUNTY SHERIFF SERGEANT
ROBERT DEE,
ERIE COUNTY SHERIFF'S DEPUTIES/
SERGEANTS/LIEUTENANTS/CORRECTIONS
OFFICERS JOHN AND JANE DOES

PLEASE TAKE NOTICE, that TAYLN D. WILLIAMS, has and hereby makes
claim against ERIE COUNTY, ERIE COUNTY SHERIFF, TIMOTHY
B. HOWARD ("SHERIFF HOWARD"), ERIE COUNTY SHERIFF SERGEANT
ROBERT DEE ("SERGEANT DEE"), ERIE COUNTY SHERIFF'S DEPUTIES/
SERGEANTS/ LIEUTENANTS/ CORRECTIONS OFFICERS JOHN AND JANE
DOES, and in support of said claim states the following:

1. The present post office and address of Claimant is the Erie County Holding Center ("ECHC"), located at 40 Delaware Avenue, Buffalo, New York 14202.
2. The attorneys for the Claimant are VanDette Penberthy LLP, and their post office address is 227 Niagara Street, Buffalo, New York 14201.
3. On or about February 24, 2021, the Claimant was a pre-trial detainee in the custody of SHERIFF HOWARD and/or the ERIE COUNTY at the ECHC located at 40 Delaware Avenue, Buffalo, New York 14201.
4. The Claim is for personal injuries, excessive use of force, assault, sexual assault, and battery to the person of Claimant, and Claimant seeks recompense for personal injuries by Respondents resulting in his conscious pain and suffering, including, but without limitation, an unwarranted physical body cavity search and unlawful anal penetration.
5. Upon information and belief, on or about February 24, 2021, Claimant was housed at ECHC, when he was caused to be accosted by SERGEANT DEE, and/or ERIE COUNTY SHERIFF'S DEPUTIES/ SERGEANTS/ LIEUTENANTS/ CORRECTIONS OFFICERS JOHN AND JANE DOES, who without probable cause began a physical body cavity search and unlawful anal penetration, while force was used against Claimant to unlawfully detain.
6. Claimant complained to Respondents of the incident herein described, resulting in necessary medical treatment, including a sexual assault examination.
7. Upon information and belief, ERIE COUNTY, ERIE COUNTY SHERIFF HOWARD, ERIE COUNTY SHERIFF'S DEPUTIES/ SERGEANTS/

LIEUTENANTS/ CORRECTIONS OFFICERS JOHN DOES witnessed or were aware of the incident at issue, and the inappropriate sexual propensities of SERGEANT DEE, and failed to properly protect Claimant.

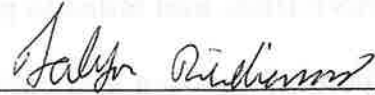
8. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on part of the COUNTY OF ERIE, SHERIFF HOWARD, SERGEANT DEE, and ERIE COUNTY SHERIFF'S DEPUTIES/ SERGEANTS/ LIEUTENANTS/ CORRECTIONS OFFICERS JOHN AND JANE DOES, and more particularly, among other things, in subjecting Claimant an excessive use of force, assault, sexual assault, battery, and the injuries further were caused as a result of the negligent training, hiring, retention, discipline, and supervision by ERIE COUNTY and SHERIFF HOWARD of SERGEANT DEE, and ERIE COUNTY SHERIFF'S DEPUTIES/ SERGEANTS/ LIEUTENANTS/ CORRECTIONS JOHN AND JANE DOES, and in failing and omitting to have and provide police officers with sufficient experience to handle similar circumstances, in allowing and permitting personnel to cause injury to Claimant.

9. As a result of the aforesaid incident, Claimant sustained pain and suffering and shock to his nerves and nervous system, was painfully and seriously injured and sustained severe bodily injuries.

WHEREFORE, claimant requests that ERIE COUNTY, ERIE COUNTY SHERIFF, TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF SERGEANT DEE, ERIE COUNTY SHERIFF'S DEPUTIES/ SERGEANTS/ LIEUTENANTS/

CORRECTIONS OFFICERS JOHN AND JANE DOES honor and pay the claim of
Claimant, TAYLN D. WILLIAMS.

DATED: May 18, 2021



TAYLN D. WILLIAMS

Sworn to before me this 18th
Day of May 2021


(Notary Public)

Qualified in Erie County
My commission Expires on 8/24/21

VANDETTE PENBERTHY LLP



By: Brittanylee Penberthy, Esq.
Attorneys for Claimant
227 Niagara Street
Buffalo, New York 14201
(716) 803-8400



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

May 24, 2021

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 No. 306 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>Godinho, Steven v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Steven Godinho 16 10th Street Buffalo, New York 14210
Claimant's attorney:	Jason C. Luna, Esq. 4535 Southwestern Blvd., Suite 804B Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

STEVEN GODINHO

Claimant,

NOTICE OF CLAIM

v.

CITY OF BUFFALO
COUNTY OF ERIE

Respondents.

This paper received at the
Erie County Attorney's Office
from: Miguel Filippa
the 14th day of April, 2021
at 1:06 a.m./p.m.
[Signature]
Assistant County Attorney

PLEASE TAKE NOTICE, that the above named claimant, STEVEN GODINHO claims and demands from the CITY OF BUFFALO AND COUNTY OF ERIE recompense for personal injuries sustained by claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of respondents, their agents, servants or employees and in support thereof, claimant states:

1. The address of the claimant is: 16 10TH Street, Buffalo, New York 14210.
2. The claimant is represented by JASON C. LUNA, PLLC, 4535 Southwestern Blvd, Suite 804B, Hamburg, New York 14075.
3. The incident in which personal injuries were sustained by claimant, STEVEN GODINHO, occurred on or about January 19, 2021, when claimant STEVEN GODINHO was caused to slip and fall on snow and ice, and/or fall as the result of an accumulation of snow

and ice that was allowed to persist on the uneven sidewalk that was in a defective and dangerous condition in the City of Buffalo, New York, on a sidewalk at or near the intersection of Virginia and Niagara Streets in the City of Buffalo, to wit: on a sidewalk at or near 176 Virginia, Buffalo, New York. The claimant, STEVEN GODINHO struck his head on the sidewalk as a result of the fall.

4. The incident referred to in paragraph 3 above occurred while the infant was lawfully on the property commonly known as 176 Virginia, Buffalo, New York.
5. That the respondents were negligent in failing to provide and/or maintain the sidewalk; failing to keep the sidewalk and/or walkway free from hazards including an accumulation of snow and/or ice; and failing to repair the cracked, broken and/or uneven concrete of the sidewalk and/or walkway; failing to maintain a safe environment for pedestrians including claimant; failing to provide proper warnings of risk of harm that were known or should have been known to respondents and thereby permitting the claimant to be placed in a dangerous situation.
6. By virtue of the negligence of the respondents, and respondents' agents, servants and/or employees, the claimant has incurred medical and hospital expenses, which are to date undetermined, and upon information and belief, has sustained permanent injuries.

7. Upon information and belief, claimant will be obligated to incur further medical expenses including drugs, medicines, possible surgeries, and medical treatment and care, the amount of which cannot be reasonably calculated at this time.
8. The claimant sustained injuries to his head; cervical spine; lumbar spine; upper and lower extremities; skull fracture; brain bleed; hand; a possible traumatic brain injury; and significant cognitive loss associated with same, and was required to undergo surgery as a result of the injuries sustained as a direct result of the fall described herein that was caused by the negligence of the respondents.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Hamburg, New York
April 12, 2021

Yours, etc.

JASON C. LUNA, PLLC



JASON C. LUNA, ESQ.

Attorney for Claimant
4535 Southwestern Blvd, Suite 804B
Hamburg, New York 14075

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)


STEVEN GODINHO being duly sworn, deposes and says that he is the claimant in the within action; that he has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes to be true.




STEVEN GODINHO

STATE OF NEW YORK)
COUNTY OF ERIE :SS.:
CITY OF BUFFALO)

On the 12th day of April, in the year 2021, before me, the undersigned, personally appeared STEVEN GODINHO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public/Commissioner of Deeds

JASON C. LUNA, ESQ.
Notary Public State of New York
Qualified in Erie County
My Commission Expires Feb. 22, 2022 



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

May 24, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

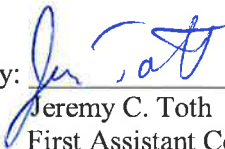
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Parisi, Stephen v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Stephen Parisi 128 Hirschfield Drive Williamsville, New York 14221
Claimant's attorney:	Fred Lichtmacher, Esq. The Law Office of Fred Lichtmacher P.C. 116 West 23rd Street, Suite 500 New York, New York 10011

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

R E C E I V E D
APR 27 2021
ERIE COUNTY
DEPARTMENT OF LAW

**Notice of Claim
In the Matter of the Claim of
Stephen Parisi**

v.

**THE CITY OF BUFFALO, COUNTY OF ERIE, and
ERIE COUNTY DISTRICT ATTORNEY'S OFFICE**

- To: The City of Buffalo
Buffalo Law Department
65 Niagara Square
Room 1100
Buffalo, NY 14202
- To: Erie County District Attorney's Office
25 Delaware Avenue
Buffalo, New York 14202
- To: County of Erie
95 Franklin Street
Room 1634
Buffalo, New York 14202

PLEASE TAKE NOTICE that the undersigned Claimant hereby makes a claim and demand against the City of Buffalo, the County of Erie, and the Erie County District Attorney's Office, (collectively "Respondents"), and/or its/their agents, servants and/or employees, pursuant to §50-e of the General Municipal Law.

1. The name and post-office address of the Claimant and of his attorney are:

CLAIMANT - Stephen Parisi
128 Hirschfield Drive
Williamsville, NY 14221

ATTORNEY - Fred Lichtmacher
The Law Office of Fred Lichtmacher P.C.

116 West 23rd Street Suite 500
New York, New York 10011
(646) 318-3806
empirestatt@aol.com

2. The nature of the claim is as follows:

Claimant makes this Claim for the recovery of damages due to harms sustained, resulting from false imprisonment, defamation, abuse of process, malicious prosecution, negligent infliction of emotional distress, wrongful arrest, false arrest, intentional infliction of emotional distress, negligence, deprivation of liberty without due process of law, violation of Claimant's right to free exercise and enjoyment of his religious profession and worship pursuant to Article 1 §3 of the New York State Constitution, and being otherwise harmed without just cause as a result of the intentional and/or negligent, careless, reckless and otherwise tortious conduct of the respondents and/or their agents, servants and/or employee. Claimant was charged by Respondents for alleged violations of New York PL 240.26-03.240.20(5), 140.05 and 20.00 based on complaints made to the Buffalo Police Department by two employees of the Diocese of Buffalo, Cheryl Calire and Peter Karalus. Although the complaints were factually insufficient to prosecute the Claimant, and despite the fact that Respondents knew or should have known that Calire and Karalus' statements were false and retaliatory, Respondents continued in the prosecution of Claimant, generating and serving an Order of Protection which prevented Claimant from worshipping, receiving communion, or otherwise practicing his religion, and from attending religious events, at his parish, or any parish within the Diocese of Buffalo. Shortly after media inquiries regarding the matter were made to the Erie County District Attorney, all charges were dismissed for facial insufficiency on or about January 25, 2021. However, to this day, there remain social media publications posted by the Respondents publicizing the charges, which they knew or should have known were false or retaliatory, and which constitute a violation of New York Consolidated Laws - CPL § 160.50, which have caused Claimant emotional, special, and pecuniary harms. Respondents are liable for negligent hiring, training, and supervision of police officers and prosecutors.

3. The time when, the place where, and the manner in which the claims arose:

On or about December 19, 2019 at 795 Main Street, Buffalo, New York, County of Erie, in retaliation for Claimant exercising his First Amendment right in order to draw attention to abuse and corruption within the ranks of his former employer, the Diocese of Buffalo, Respondents caused a summons to be delivered to Claimant. The summons was the beginning of a series of improper actions taken by Respondents.

On or about January 06, 2020 Claimant was forced to appear in court as a result of said improper actions.

On or about January 07, 2020 Respondents published a post on their public, official Twitter account publicizing the charges that they knew, or should have known were false and retaliatory, and the post, upon information and belief, remains published, discoverable, and viewable to this day, in violation of New York Consolidated Laws - CPL § 160.50.

On or about January 10, 2020 Respondents gave statements to various media outlets, appeared on television shows, posted on their social media, and otherwise caused the information of these charges, which they knew or should have known were false and retaliatory to be disseminated, causing Claimant harm, and most of said statements and posts upon information and belief, remain published, discoverable, and viewable to this day in violation of New York

Consolidated Laws - CPL § 160.50.

On or about January 17, 2020 Claimant was forced to appear in court for a second time and was issued a temporary restraining order preventing Claimant from entering any Diocese of Buffalo Catholic church.

On or about February 03, 2020 Claimant was forced to appear in court for a third time.

On or about March 10, 2020 Claimant was forced to appear in court for a fourth time.

On or about December 21, 2020 Claimant was forced to appear in court for a fifth time. During that court appearance, Respondents stated on the record, that they were utilizing the prosecution of Claimant for his alleged actions towards an individual named Cheryl Calire as a means to prevent the Claimant from entering into or worshipping at any Catholic churches in the local Diocese.

On January 8, 2021, upon being contacted by television and digital journalists, Respondents issued a statement claiming to have recently been made aware of the relevant actions of their employees and agents, and further claiming to have taken "steps to rectify the situation." Shortly thereafter, on January 25, 2021, the charges were dismissed by Honorable Kevin Keane as facially insufficient.

4 The items of damage and injuries claimed:

Emotional harms including, but not limited to, ongoing psychiatric and other harms requiring medication and treatment, embarrassment, humiliation, pecuniary harms including legal fees, reputational harms, and prospective economic losses and harms.

The undersigned Claimant therefore presents 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: New York, New York
April 24, 2021



Fred Lichtmacher, Esq.
The Law Office of Fred Lichtmacher P.C.
116 West 23rd Street Suite 500
New York, New York 10011
(646) 318-3806
Empirestatt@aol.com

ATTORNEY VERIFICATION

STATE OF NEW YORK }

COUNTY OF ERIE } ss:

Fred Lichtmacher, Affirms the following: I am the attorney for Claimant in the within action. I have read the foregoing Notice of Claim and know the contents thereof. The contents are true to based on the contents of my file and conversations with my client, except as to matters therein stated to be alleged upon information and belief and to those matters: I believe them to be true. I am executing this verification on behalf of my client, the Claimant due to the fact that the Claimant lives in a County far from that of my office.

Dated: New York, New York
April 24, 2021



FRED LICHTMACHER



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

May 24, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

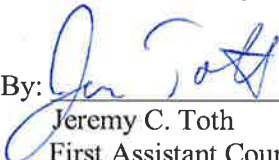
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Kirsch-Blake, Jennifer v. County of Erie, Erie County Parks, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Jennifer Kirsch-Blake 7010 Erie Road, Apt. 7 Derby, New York 14047
Claimant's attorney:	Richard P. Weisbeck, Jr. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue - Suite 120 Buffalo, New York 14202 (Rochelle x415)

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from John Maccanick on
the 5th day of May 2021
at 9:31 a.m./p.m.
Karen R. Kelly
Assistant County Attorney

In the Matter of the Claim of

JENNIFER KIRSCH-BLAKE,

Claimant,

NOTICE OF CLAIM

- against -

ERIE COUNTY and
ERIE COUNTY PARKS RECREATION
& FORESTRY, and
ERIE COUNTY DEPARTMENT OF
PUBLIC WORKS BUILDINGS AND
GROUNDS DIVISION,

TO: ERIE COUNTY
ERIE COUNTY PARKS RECREATION & FORESTRY
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
BUILDINGS AND GROUNDS DIVISION

PLEASE TAKE NOTICE, that JENNIFER KIRSCH-BLAKE, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY PARKS RECREATION & FORESTRY and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDINGS AND GROUNDS DIVISION, and in support of said claim states the following:

1. The Post Office address of the claimant is 7010 Erie Road, Apt. 7, Derby, New York 14047.
2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of JENNIFER KIRSCH-BLAKE is for personal injuries, including without limitation, loss of income and medical expenses, and for consequential damages generally.

4. The claim arose at Chestnut Ridge Park, located at 6121 Chestnut Ridge Road, in the Town of Orchard Park, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 28th day of February, 2021, at approximately 8:30 a.m., the claimant, JENNIFER KIRSCH-BLAKE, while traversing the aforesaid premises, was caused to slip and fall on an accumulation of ice in the main parking lot adjacent to the lodge/sled hill, resulting in serious injuries to the claimant.

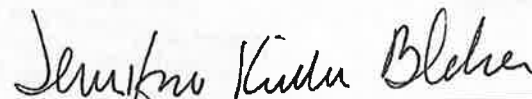
6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY PARKS RECREATION & FORESTRY and/or ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDINGS AND GROUNDS DIVISION, and more particularly, among other things, in failing and omitting to in the construction, design, ownership, operation, control, management, maintenance and repair of the aforesaid premises; and, among other things, said negligence of the respondents, ERIE COUNTY, ERIE COUNTY PARKS RECREATION & FORESTRY and/or ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDINGS AND GROUNDS DIVISION, by their agents, servants and/or employees was exhibited in defendants allowing and permitting the existence of an accumulation of ice to exist in the parking lot, causing a hazard and danger to persons traveling thereon; in allowing and permitting the aforesaid parking lot to be used when such was in an unsafe, dangerous, hazardous and defective condition,

and in allowing and permitting it to be and remain in such condition, without warning plaintiff and others of its existence.

7. Upon information and belief, as a result of the aforesaid incident, the claimant, JENNIFER KIRSCH-BLAKE, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, JENNIFER KIRSCH-BLAKE, sustained injuries in the nature of a shattered left wrist which required surgery. Upon information and belief, these injuries will result in permanent defects.


WHEREFORE, claimant requests that ERIE COUNTY, ERIE COUNTY PARKS RECREATION & FORESTRY and/or ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDINGS AND GROUNDS DIVISION honor and pay the claim on behalf of JENNIFER KIRSCH-BLAKE.

DATED: Buffalo, New York
May 12, 2021



JENNIFER KIRSCH-BLAKE

LIPSITZ GREEN SCIME CAMBRIA LLP

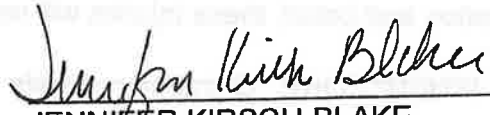
By: 

RICHARD P. WEISBECK, JR., ESQ.

Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[RPW: #67597.0002]


STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

JENNIFER KIRSCH-BLAKE, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he/she believes them to be true.



JENNIFER KIRSCH-BLAKE

Sworn to before me on this
2nd day of May, 2021.



Notary Public

CARIN DEMART
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires June 22, 2023