



EC LEG NOV 9 '22 AM 11:22

## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

MARK C. POLONCARZ  
COUNTY EXECUTIVE

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

### MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, First Assistant County Attorney

DATE: November 7, 2022

RE: Transmittal of New Claims Against Erie County

*JCS/dld*

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 18 new claims brought against the County of Erie. The claims are as follows:

#### Claim Name

1. Nasir Crawford v. County of Erie;
2. Diane Awtry v. County of Erie;
3. Jordan D. Shaw v. Sheriff Garcia;
4. Dashawn Martinez v. County of Erie;
5. Estate of Pauline Alongi v. Sheriffs Howard and Garcia;
6. CSEA Local 1000, et al. v. County of Erie, et al.;
7. Kerrie Rabenhorst v. County of Erie, et al.;
8. Aurelia Callaway v. County of Erie, et al.;
9. Justin Scibetta v. County of Erie, et al.;
10. Tina Toomer v. County of Erie, et al.;
11. Steven Echols v. County of Erie, et al.;
12. Joseph Jassem v. County of Erie, et al.;
13. Samuel Jones v. County of Erie, et al.;
14. David White v. County of Erie, et al.;
15. Daniel Leo v. County of Erie, et al.;
16. Kara Scanlon v. County of Erie;



Mr. Robert M. Graber, Clerk  
Erie County Legislature  
November 7, 2022  
Page 2

17. Jeffrey Snell v. County of Erie; and
18. Zackery Dawson v. County of Erie

JCT:dld  
Attachments





## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 5, 2022

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>Crawford, Nasir v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Nasir Crawford 572 Warren Street Brooklyn, New York 11217
Claimant's attorney:	R. Colin Campbell, Esq. Campbell & Associates 38 Lake Street Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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IN THE MATTER OF THE CLAIM OF  
NASIR CRAWFORD,

**NOTICE OF CLAIM**

Claimant,

-vs-

COUNTY OF ERIE,

Respondent.

---

TO: COUNTY OF ERIE  
ERIE COUNTY ATTORNEY  
95 Franklin Street  
Buffalo, New York 14202

PLEASE TAKE NOTICE that the Claimant herein makes claim and demand against the  
COUNTY OF ERIE, as follows:

- (1) The name and post office address of the Claimant is:

Nasir Crawford  
572 Warren Street  
Brooklyn, NY 11217

- (2) The name and post office address of the Claimant's attorney is:

R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
38 Lake Street  
Hamburg, NY 14075

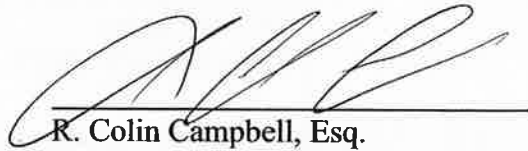
(3) The date, time and location of the happening of the occurrence wherein the claim  
arises was on July 4, 2022, at approximately 11:24 a.m. when Claimant's Father, Shawn Awtry  
(DOB: 6/28/1976), was pronounced dead at Niagara Falls Memorial Medical Center, 621 10<sup>th</sup>  
Street, Niagara Falls, New York 14301.

(4) The nature of the claim is for loss of sepulcher and resulting emotional distress for failing to notify decedent's next of kin or any family members of decedent's death, and for improperly releasing the body for cremation without consent, thereby depriving Claimant of his right to take immediate possession of the body for proper services and burial. It is alleged, upon information and belief, the incident was caused by the negligence of the COUNTY OF ERIE, by and through its employees, agents, and/or representatives, including, but not limited to, the Erie County Medical Examiner's Office and Alexandra Hart, without any fault on the part of the Claimant herein. It is alleged, upon information and belief, that the aforesaid acted negligently, carelessly and/or recklessly: in failing to notify Claimant of his father's death; in failing to hold the body for receipt by the family or their designated representative(s); in releasing the body to unauthorized individuals; in performing an autopsy without permission; and in allowing and/or causing the destruction of the body by unauthorized cremation.

(5) The items of damages and injuries sustained by the Claimant, NASIR CRAWFORD, as known at this juncture, include severe physical and emotional distress and mental anguish.

Dated: 4/23/, 2022  
Hamburg, New York

N Crawford  
NASIR CRAWFORD

  
R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
Attorneys for Claimant  
38 Lake Street  
Hamburg, New York 14075  
(716) 992-2222



**VERIFICATION**

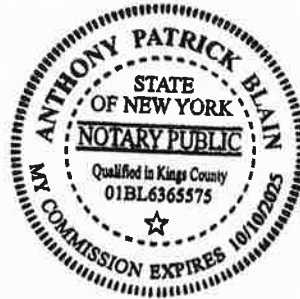
STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF Kings                    )

NASIR CRAWFORD, 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 his 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.

N Crawford  
NASIR CRAWFORD

Sworn to before me this 23  
day of September, 2022.

*Anthony P. Blain*  
Notary Public







# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 5, 2022

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>Awtry, Diane v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Diane Awtry 155 Cottage Street, Apt. 1 Lockport, New York 14094
Claimant's attorney:	R. Colin Campbell, Esq. Campbell & Associates 38 Lake Street Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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IN THE MATTER OF THE CLAIM OF  
DIANE AWTRY,

**NOTICE OF CLAIM**

Claimant,

-VS-

COUNTY OF ERIE,

Respondent.

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TO: COUNTY OF ERIE  
ERIE COUNTY ATTORNEY  
95 Franklin Street  
Buffalo, New York 14202

PLEASE TAKE NOTICE that the Claimant herein makes claim and demand against the  
COUNTY OF ERIE, as follows:

- (1) The name and post office address of the Claimant is:

Diane Awtry  
155 Cottage Street, Apt. 1  
Lockport, NY 14094

- (2) The name and post office address of the Claimant's attorney is:

R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
38 Lake Street  
Hamburg, NY 14075

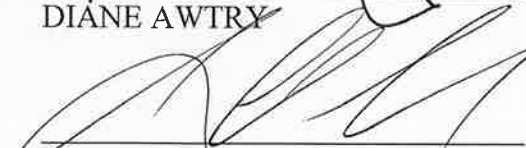
(3) The date, time and location of the happening of the occurrence wherein the claim  
arises was on July 4, 2022, at approximately 11:24 a.m. when Claimant's son, Shawn Awtry  
(DOB: 6/28/1976), was pronounced dead at Niagara Falls Memorial Medical Center, 621 10<sup>th</sup>  
Street, Niagara Falls, New York 14301.

(4) The nature of the claim is for loss of sepulcher and resulting emotional distress for failing to notify decedent's next of kin or any family members of decedent's death, and for improperly releasing the body for cremation without consent, thereby depriving Claimant of her right to take immediate possession of the body for proper services and burial. It is alleged, upon information and belief, the incident was caused by the negligence of the COUNTY OF ERIE, by and through its employees, agents, and/or representatives, including, but not limited to, the Erie County Medical Examiner's Office and Alexandra M. Hart, without any fault on the part of the Claimant herein. It is alleged, upon information and belief, that the aforesaid acted negligently, carelessly and/or recklessly: in failing to notify Claimant of her son's death; in failing to hold the body for receipt by the family or their designated representative(s); in releasing the body to unauthorized individuals; in performing an autopsy without permission; and in allowing and/or causing the destruction of the body by unauthorized cremation.

(5) The items of damages and injuries sustained by the Claimant, DIANE AWTRY, as known at this juncture, include severe physical and emotional distress and mental anguish.

Dated: 9.23, 2022  
Hamburg, New York

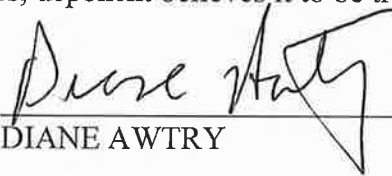
  
\_\_\_\_\_  
DIANE AWTRY

  
\_\_\_\_\_  
R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
Attorneys for Claimant  
38 Lake Street  
Hamburg, New York 14075  
(716) 992-2222

**VERIFICATION**

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

DIANE AWTRY, being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her 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.

  
\_\_\_\_\_  
DIANE AWTRY

Sworn to before me this 23rd  
day of September, 2022.

Wendy S Haynes  
\_\_\_\_\_  
Notary Public

WENDY S. HAYNES  
Notary Public, State of New York  
No. 01HA6407059  
Qualified in Niagara County  
Commission Expires May 4, 2024







JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 7, 2022

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>Shaw, Jordan D. v. Sheriff John C. Garcia</i>
Document Received:	Order to Show Cause
Name of Claimant:	Jordan D. Shaw 137 Arden Avenue Buffalo, New York 14216
Claimant's attorney:	Louis Rosado, Esq. 1610 Genesee Street Buffalo, New York 14211

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



At a Special Term of the Supreme Court,  
County of Erie, State of New York, on the  
16 day of September, 2022.

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

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In The Matter Of The Application of

JORDAN D. SHAW, Petitioner,

FOR A FIREARMS LICENSE PURSUANT TO  
THE NEW YORK STATE PENAL LAW

-Against-

JOHN C. GARCIA, Erie County Sheriff, Buffalo, NY

Respondent.

ORDER TO SHOW CAUSE  
(CPLR 7804)

Index No. 810359/2022

Upon reading and filing the annexed affidavit of LOUIS ROSADO, ESQ., duly sworn to on the  
7<sup>th</sup> day of ~~Sept~~<sup>Oct</sup>, 2022 and upon all the proceedings heretofore had herein,

LET the Respondent, JOHN C. GARCIA, Erie County Sheriff, show cause before this Court at  
the Supreme Court, 25 Delaware Ave, 4<sup>th</sup> Fl, Part 24, in the City of Buffalo, New York, on the 21<sup>st</sup>  
day of September 2022 at 2:00 in the forenoon of that day or as soon thereafter as counsel may be heard,  
for an Order requiring that the Respondent show cause why an Order should not be entered granting  
Petitioner's application for a pistol permit, and granting such other and further relief as to this Court may  
seem just and proper.

2022 SEP 22 PM 1:31



Let service of a copy of this Order to Show Cause and the papers upon which it was granted personally on the Respondent JOHN C. GARCIA, Erie County Sheriff, (or a person designated to accept service), on or before the 23<sup>rd</sup> day of September, 2022 be deemed good and sufficient service.

SEP 16 2022



HONORABLE HON. EMILIO COLAIACOVO, J.S.C.  
Supreme Court Justice

Dated: September 16, 2022

Enter:





JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 11, 2022

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>Martinez, Dashawn v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Dashawn Martinez 401 Somerset Street Fleetwood, Pennsylvania 19522
Claimant's attorney:	R. Colin Campbell, Esq. Campbell & Associates 38 Lake Street Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Toth".  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.





STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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IN THE MATTER OF THE CLAIM OF  
DASHAWN MARTINEZ,

**NOTICE OF CLAIM**

Claimant,

-vs-

COUNTY OF ERIE,

Respondent.

---

TO: COUNTY OF ERIE  
ERIE COUNTY ATTORNEY  
95 Franklin Street  
Buffalo, New York 14202

PLEASE TAKE NOTICE that the Claimant herein makes claim and demand against the  
COUNTY OF ERIE, as follows:

- (1) The name and post office address of the Claimant is:

Dashawn Martinez  
401 Somerset Street  
Fleetwood, PA 19522

- (2) The name and post office address of the Claimant's attorney is:

R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
38 Lake Street  
Hamburg, NY 14075

- (3) The date, time and location of the happening of the occurrence wherein the claim arises was on July 4, 2022, at approximately 11:24 a.m. when Claimant's Father, Shawn Awtry (DOB: 6/28/1976), was pronounced dead at Niagara Falls Memorial Medical Center, 621 10<sup>th</sup> Street, Niagara Falls, New York 14301.

(4) The nature of the claim is for loss of sepulcher and resulting emotional distress for failing to notify decedent's next of kin or any family members of decedent's death, and for improperly releasing the body for cremation without consent, thereby depriving Claimant of his right to take immediate possession of the body for proper services and burial. It is alleged, upon information and belief, the incident was caused by the negligence of the COUNTY OF ERIE, by and through its employees, agents, and/or representatives, including, but not limited to, the Erie County Medical Examiner's Office and Alexandra M. Hart, without any fault on the part of the Claimant herein. It is alleged, upon information and belief, that the aforesaid acted negligently, carelessly and/or recklessly: in failing to notify Claimant of his father's death; in failing to hold the body for receipt by the family or their designated representative(s); in releasing the body to unauthorized individuals; in performing an autopsy without permission; and in allowing and/or causing the destruction of the body by unauthorized cremation.

(5) The items of damages and injuries sustained by the Claimant, DASHAWN MARTINEZ, as known at this juncture, include severe physical and emotional distress and mental anguish.

Dated: October 1, 2022  
Hamburg, New York

  
DASHAWN MARTINEZ

R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
Attorneys for Claimant  
38 Lake Street  
Hamburg, New York 14075  
(716) 992-2222

VERIFICATION

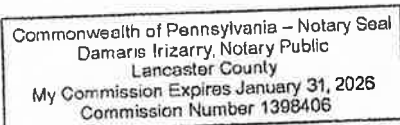
STATE OF PENNSYLVANIA     )  
                                  Lancaster     ) ss:  
COUNTY OF Pennsylvania     )

DASHAWN MARTINEZ, 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 his 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.

Dash Martinez  
DESHAWN MARTINEZ

Sworn to before me this 1  
day of Oct, 2022.

Damaris Orizary  
Notary Public







## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 14, 2022

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>Alongi, Pauline, Estate of, by Dominic Alongi v. Sheriffs Howard &amp; Garcia, Chiefs Anthony &amp; Grasso, ECSO and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Domenic Alongi Executor of the Estate of Pauline M. Alongi 63 Villa Avenue Buffalo, New York 14216
Claimant's attorney:	Frank S. Falzone, Esq. Naples Professional Building 215 Hampshire Street Buffalo, New York 14213

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



**STATE OF NEW YORK:  
COUNTY OF ERIE:**

**CITY COURT  
CITY OF BUFFALO**

---

**ESTATE OF PAULINE M. ALONGI**

**by Domenic Alongi, Executor**

63 Villa Avenue

Buffalo, New York 14216-1210

Plaintiff-Claimant

against

**NOTICE OF CLAIM**

Index No. \_\_\_\_\_

**TIMOTHY B. HOWARD**, Individually and  
in his official capacity as Sheriff of Erie  
County

and

**JOHN C. GARCIA**, Individually and  
in his official capacity as Sheriff of Erie  
County

and

**JOHN A. ANTHONY**, Individually and  
in his official capacity as Chief of the Civil  
Enforcement Division of the Erie County  
Sheriff's Office

and

**DANIEL GRASSO**, Individually and  
in his official capacity as Chief of the Civil  
Enforcement Division of the Erie County  
Sheriff's Office

and

**ERIE COUNTY SHERIFF'S OFFICE**

and

**COUNTY OF ERIE, NEW YORK**

Defendants

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2022 OCT -7 PM 3:44

**PLEASE TAKE NOTICE**, that the Plaintiff-Claimant, **ESTATE OF PAULINE M. ALONGI** by **Domenic Alongi, Executor** hereby makes claim(s) and demand against you as follows:

1. The name and post-office address the claimant and claimant's attorney are:

The Claimant is **ESTATE OF PAULINE M. ALONGI** by **Domenic Alongi, Executor**, with a business address of 63 Villa Avenue, Buffalo, New York 14216-1210. The Claimant's attorney is **FRANK S. FALZONE, ESQ.**, 215 Hampshire Street, Buffalo, New York 14213-2021.

2. The nature of the claim: Is for failure of Sheriff to collect income (money) on an Execution and Negligence thereof. The Plaintiff-Claimant's Attorney, **FRANK S. FALZONE, ESQ.** on the 18<sup>th</sup> day of November, 2019 filled with the Civil Process Division of the Erie County Sheriff's Department an Income Execution against **DAWN M. MAY** and paid the required Statutory Filing Fee of eighty six (\$86.00) Dollars. A copy of the stamped filed Income Execution is attached hereto. A copy of the Receipt for the Statutory Filing Fee is attached hereto and made a part hereof.

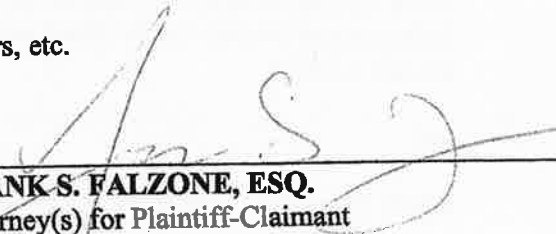
3. The date, time, and place where, and the manner in which the claim arose: This is a continuing Claim that started on the 18<sup>th</sup> day of November, 2019 and continues to this day based upon the frequency of the Income (money) of **DAWN M. MAY** to be sized per the Income Execution.

4. The items of damage or injuries claimed are: Lost recovery of the Principal and Statutory Interest from a Duly Entered Money Judgement in the Erie County Clerk's Office from the City Court of the City of Tonawanda, New York from the Duly Filed Income Execution with Sheriff Timothy B. Howard and the Erie County Sheriff's Office as of October 15, 2019. The Claimant asks for compensatory loss, financial loss, damages at law, and other related claim(s) from October 15, 2019 forward.

**PLEASE TAKE FURTHER NOTICE**, that the undersigned attorney for Plaintiff-Claimant therefore presents this Claim for adjustment and payment. You are hereby notified that unless it is adjusted and damages paid within the time provided by law from the date of presentation to you in such case made and provided, the Plaintiff-Claimant intends to commence an action on this Claim against the Defendants.

Dated: September 30 2022  
Buffalo, New York

Yours, etc.



---

**FRANK S. FALZONE, ESQ.**  
Attorney(s) for Plaintiff-Claimant  
Post-Office Address  
215 Hampshire Street  
Buffalo, New York 14213-2021  
Telephone Number  
(716) 881-2653




STATE OF NEW YORK

ss.:

COUNTY OF ERIE

**DOMENIC ALONGI** 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; being duly sworn, deposes and says that is the Executor of the **ESTATE OF PAULINE M. ALONGI**, the Plaintiff-Claimant herein; that he has read the forgoing Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and as to those matters, he believes it to be true.

  
**ESTATE OF PAULINE M. ALONGI**  
by **Domenic Alongi, Executor**  
Plaintiff-Claimant

Sworn to before me this 30<sup>th</sup>  
day of September, 2022.

  
\_\_\_\_\_  
**NOTARY PUBLIC**

FRANK S. FALZONE  
Notary Public-State of New York  
Qualified in Erie County  
Commission expires June 16, 2026

#### ATTORNEY CERTIFICATION

The undersigned, being an Attorney at Law duly licensed to practice his profession by the State of New York, hereby affirms and certifies under penalty of perjury, that I have no actual knowledge that the substances of any statements of fact contained in the annexed document are false.

  
\_\_\_\_\_  
**FRANK S. FALZONE, ESQ.**

### **ATTORNEY CERTIFICATION NOTICE**

1. Is based solely and exclusively upon information provided by the client and the Client's Certification to the undersigned that such information is not false; and
2. Is not based on any review, audit, examination inquiry or investigation made by the undersigned Attorney or anyone acting on behalf of said Attorney; and
3. Is made by the undersigned Attorney as an officer of the Court; and
4. Is directed solely and exclusively to the Court in accordance with 22 NYCRR 202-1.1a; and
5. Is expressly not directed or extended to the opposing party and/or opposing parties' counsel; and
6. The opposing party and the opposing parties' counsel should not rely upon the above Attorney Certification in assessing the truth or validity of the information contained in the annexed document; and
7. The credibility of this submission is no greater than the credibility of the client represented by the undersigned Attorney; and
8. The opposing party and the opposing parties' counsel should give this document no greater credence because it bears Attorney Certification.



**FRANK S. FALZONE, ESQ.**

**TO: TIMOTHY B. HOWARD**

6745 Olean Road  
c/o P.O. Box 243  
South Wales, New York 14139-0243

**JOHN C. GARCIA**

10 Delaware Avenue  
Buffalo, New York 14202-3913

**JOHN A. ANTHONY**

159 Cardinal Lane  
Grand Island, New York 14072- 1988

**DANIEL GRASSO**

4th Floor  
134 West Eagle Street  
Buffalo, New York 14202-3804

**ERIE COUNTY SHERIFF'S OFFICE**

10 Delaware Avenue

Buffalo, New York 14202-3913

**COUNTY OF ERIE, NEW YORK**

95 Franklin Street

Buffalo, New York 14202-3925

c/o Department of Law

Edward A. Rath County Office Building

95 Franklin Street, Room 1634

Buffalo, New York 14202-3921





JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 18, 2022

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>CSEA Local 1000, AFSCME, AFL-CIO, Erie Unit 815, et al. v. County of Erie, et al.</i>
Document Received:	Verified Petition
Name of Claimant:	Civil Service Employees Association. Local 1000 570 Kennedy Road Cheektowaga, New York 14227
Claimant's attorney:	Diane M. Perri Roberts, Esq Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 100 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.,  
LOCAL 1000, AFSCME, AFL-CIO, ERIE UNIT OF  
LOCAL 815  
305 Cayuga Road, Suite 100  
Cheektowaga, New York 14225

WILLIAM WILKINSON  
31 Tammy Lane  
Cheektowaga, New York 14225

And the Class of All Similarly Situated and Affected  
Members of CIVIL SERVICE EMPLOYEES  
ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-  
CIO, ERIE UNIT OF LOCAL 815  
305 Cayuga Road, Suite 100  
Cheektowaga, New York 14225

**NOTICE OF**  
**PETITION/APPLICATION**  
**TO COMPEL**  
**ARBITRATION**

Index No. \_\_\_\_\_

Petitioners,

For an Order and Judgment Pursuant to Article 75 of the  
Civil Practice Law and Rules

Against

THE COUNTY OF ERIE and  
MARK POLONCARZ, COUNTY EXECUTIVE  
95 Franklin Street  
Buffalo, New York 14202

Respondents.

APPLICATION BY:

Petitioners, CIVIL SERVICE EMPLOYEES  
ASSOCIATION, INC., LOCAL 1000,  
AFSCME, AFL-CIO, ERIE UNIT OF  
LOCAL 815, WILLIAM WILKINSON, and  
the Class of All Similarly Situated and  
Affected Members of CIVIL SERVICE  
EMPLOYEES ASSOCIATION, INC.,  
LOCAL 1000, AFSCME, AFL- CIO, ERIE  
UNIT OF LOCAL 815 by and through their





attorneys, LIPSITZ GREEN SCIME  
CAMBRIA LLP.

DATE, TIME AND  
PLACE OF APPLICATION:

\_\_\_\_\_, 2022 at \_\_:00 in the fore-noon,  
before the Hon. \_\_\_\_\_, J.S.C. at New  
York State Supreme Court, County of Erie  
located at 25 Delaware Avenue, Buffalo,  
New York 14202.

SUPPORTING PAPERS:

Application dated October 6, 2022, with  
exhibits; the Affidavit of William Wilkinson,  
sworn to on October 6, 2022; and the  
Affirmation of Diane M. Perri Roberts, Esq.,  
sworn to On October 10, 2022, with exhibits.

RELIEF REQUESTED:

Entry of an Order for the following relief:

- (1) Compelling the Respondents to arbitrate  
the five (5) grievances related numbered  
19-11-02, 20-01-03, 20-01-05, 20-01-02  
and 18-04-11; and/or
- (2) For such other and further relief as this  
Court may deem just, proper, and  
equitable pursuant to CPLR § 3017.

GROUND FOR RELIEF:

CPLR §§ 7502 and 7503.

ANSWERING AFFIDAVITS:

Answering Affidavits and cross-notices, if  
any, must be provided seven (7) days prior to  
the return date of this application pursuant to  
CPLR § 2214.


ORAL ARGUMENT:

Requested.

Dated: October 10, 2022  
Buffalo, New York

**LIPSITZ GREEN SCIME CAMBRIA LLP**

By: \_\_\_\_\_

  
Diane M. Perri Roberts, Esq.  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202  
(716) 849-1333

***Attorneys for Petitioners***





JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 18, 2022

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>Rabenhorst, Kerrie v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Kerrie Rabenhorst 1553 Sundance Trail Lakeview, New York 14085
Claimant's attorney:	Max Humann, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



This paper received at the  
Erie County Attorney's Office  
from Pym McCarrickon  
the 26 day of Aug, 2022  
at 9:13 a.m./p.m.  
[Signature]  
Assistant County Attorney

In the Matter of the Claim of

KERRIE RABENHORST,

Claimant,

- against -

ERIE COUNTY, and  
ERIE COUNTY DEPARTMENT  
OF PUBLIC WORKS BUILDING  
AND GROUNDS DIVISION,

**NOTICE OF CLAIM**

TO: ERIE COUNTY, and  
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS  
BUILDING AND GROUNDS DIVISION,

PLEASE TAKE NOTICE, that KERRIE RABENHORST, has and hereby makes claim  
against ERIE COUNTY and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDING  
AND GROUNDS DIVISION, and in support of said claim states the following:

1. The Post Office address of the claimant is 1553 Sundance Trail, Lakeview, New York  
14085.
2. The attorneys for the claimant is 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 KERRIE RABENHORST is for personal injuries, including without  
limitation, loss of income and medical expenses, and for consequential damages generally.

4. The claim arose at Erie County Community College, City Campus, located at 121 Ellicott Street, in the City of Buffalo, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 25<sup>th</sup> day of June, 2022, at approximately 8:20 a.m., the claimant, KERRIE RABENHORST, while traversing the entrance area on the Ellicott Street side of the subject premises, was caused to trip and fall while entering the building, 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 and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDING AND GROUNDS DIVISION, and more particularly, among other things, in failing and omitting to provide a level threshold at the subject entrance way, free from hazardous and defective conditions, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS BUILDING AND GROUNDS DIVISION.

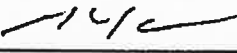
7. Upon information and belief, as a result of the aforesaid incident, the claimant, KERRIE RABENHORST, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, KERRIE RABENHORST, sustained injuries to her head, face, neck, back, and bilateral upper and lower extremities. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that ERIE COUNTY and ERIE COUNTY  
DEPARTMENT OF PUBLIC WORKS BUILDING AND GROUNDS DIVISION honor and pay  
the claim on behalf of KERRIE RABENHORST.

DATED: Buffalo, New York  
August 25, 2022

  
KERRIE RABENHORST

LIPSITZ GREEN SCIME CAMBRIA LLP

By:   
MAX HUMANN, ESQ.  
Attorneys for Claimant  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333  
[MH: # 71518.0001 ]

STATE OF NEW YORK )  
 )  
COUNTY OF ERIE )

KERRIE RABENHORST, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of herself; 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, she believes them to be true.

Kerrie Rabenhorst  
KERRIE RABENHORST

Sworn to before me on this  
25<sup>th</sup> day of August, 2022.

14/c  
Notary Public

MAX HUMANN ESQ.  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires April 16, 2027





JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 18, 2022

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>Callaway, Aurelia v. City of Lackawanna and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Aurelia Callaway 142 Center Street Lackawanna, New York 14218
Claimant's attorney:	Joshua A. Bloom, Esq. Baxter & Smith, P.C. 182 Dwyer Street West Seneca, New York 14224

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

-----X  
AURELIA CALLAWAY

142 Center Street  
Lackawanna, New York 14218

Claimant,

**NOTICE OF CLAIM**

-vs-

CITY OF LACKAWANNA

714 Ridge Road, Room 313  
Lackawanna, New York 14218

and

COUNTY OF ERIE

95 Franklin Street, 16th Floor  
Buffalo, New York 14202

This paper received at the  
Erie County Attorney's Office  
from Samy Benlagua  
the 4th day of Oct, 2022  
at 4:04 a.m./p.m.  
L. Dittig - Tegg  
Assistant County Attorney

Respondents.

-----X  
**PLEASE TAKE NOTICE**, that in accordance with the requirements of New York General Municipal Law §50-e, the above named claimant claims and demands from the respondents herein recompense for personal injuries sustained by the claimant, AURELIA CALLAWAY, by reason of the wrongful, unlawful, negligent and careless acts and omissions of respondents, their agents, servants and/or employees, and in support thereof, claimants state:

1. The name and post office address of the claimant is:

AURELIA CALLAWAY  
142 Center Street  
Lackawanna, New York 14218

2. The name and post office address of the claimant's attorney is:

Joshua A. Bloom, Esq.  
BAXTER & SMITH, P.C.

182 Dwyer Street,  
West Seneca, New York 14224  
Telephone: (716) 854-6140

3. The claim of AURELIA CALLAWAY is for personal injuries and money damages sustained through the wrongful acts, negligence, carelessness, and statutory and/or code violations of respondents, CITY OF LACKAWANNA and COUNTY OF ERIE, their agents, servants and/or employees.

4. The date, time and place where this arose are as follows: On July 17, 2022 at approximately 11:30 p.m. at, near or in the vicinity of the roadway adjacent to 31 Parkview Avenue in the City of Lackawanna, County of Erie and State of New York.

5. On the above referenced date, the claimant was caused to suffer serious injuries when she tripped and fell due to the presence of a hazardous depression/indentation/hole in the asphalt/street surface, as well as due to the existence of inadequate, improper and/or nonfunctioning street lighting/illumination at the street known as Parkview Avenue in the City of Lackawanna, in the area directly adjacent to 31 Parkview Avenue and as further indicated in the attached photograph.

6. As a result of this fall, the claimant sustained serious, painful and permanent injuries, including, but not limited to a fractured right shoulder. Such injuries included, without limitation, shock to the nerves and nervous system, circulatory system, traumatic injury to bones, nerves, tendons, muscular and skeletal systems, with resultant impairment and/or loss of use of normal function. The claimant was otherwise rendered sick, sore, lame and disabled; has been under the care of medical doctors and other healthcare professionals, and will be under such care in the future, and was prevented from following her usual duties and activities for a period of time subsequent to this action. The claimant has incurred, or will incur hospital expenses,

medical expenses, physical therapy and/or rehabilitation expenses and/or other similar types of expenses, past, present and future. The claimant has also suffered additional losses and damages in an amount and of a character that are presently not fully known to the claimant as she continues to treat with medical professionals related to such injuries.

7. The claimant was caused to suffer the above-mentioned injuries and damages due to the wrongful acts, negligence, carelessness and statutory and/or code violations of respondents, CITY OF LACKAWANNA and COUNTY OF ERIE, their agents, servants and/or employees, in that same failed to properly, adequately and safely maintain the aforesaid street; failed to properly and adequately supervise and control the area where the incident occurred; carelessly and negligently designed the area of the street where the incident occurred; failed to take the necessary steps to fill in gaps/holes/depressions and/or indentations in the street in front of 31 Parkview Avenue in the City of Lackawanna; negligently acted or failed to act in properly inspecting, discovering and remedying hazardous conditions of which the respondents were actually and/or constructively aware; affirmatively created such hazardous condition through the acts and/or omissions of its respondents, agents, servants and/or employees; failed to ensure that the street was safe for use by pedestrians lawfully walking upon it; failed to design lighting sufficient to reasonably illuminate the said street in the vicinity of claimant's fall; failed to reasonably maintain the street lighting and/or any illuminating devices on the said street; failed to ensure that street lighting and/or street illuminating devices were properly functioning; failed to ensure that the street was reasonably illuminated given the conditions existing at the time of the incident; failed to repair street lighting in the area; failed to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident and carelessly and in that same were otherwise careless, reckless and/or negligent through

additional acts and/or omissions of themselves, their agents, servants, respondents and/or employees.

8. Upon information and belief, prior to the date of claimant's injury, the respondents were aware, or should have, with reasonable inspection and investigation, been aware of the existence of the hazardous conditions, including the hole/depression and the insufficiency of street lighting in the vicinity of 31 Parkview Avenue.

9. Upon information and belief, prior to the date of claimant's injury, the respondents, with awareness of the aforesaid conditions, failed to take appropriate actions to remedy, ameliorate and otherwise correct such hazardous conditions, proximately resulting in the claimant's fall and injuries on July 17, 2022.

10. Upon information and belief, prior to the date of claimant's injury, the respondents had received oral and/or written notice of each of the hazardous conditions set forth above.


11. Upon information and belief, prior written notice of a defect related to insufficient, improper, damaged and/or nonfunctioning lighting and/or illumination of Parkview Avenue in the vicinity of claimant's injury is not required by the Lackawanna City Code. In any event, it is alleged that the respondents had both actual and constructive prior knowledge of said condition(s), as well as all hazardous conditions that were a proximate cause of claimant's injuries, prior to the happening of claimant's injuries.

12. The injuries of the claimant, AURELIA CALLAWAY, have resulted in and will result in past and future medical expenses, including costs for hospitalizations, surgery, medications, physical therapy, rehabilitation, custodial care, diagnostic tests, radiological tests, follow-up medical examinations; as well as medical home and equipment devices, past and

future pain and suffering, loss of enjoyment of life and any and all other special and general damages as they may manifest themselves subsequent to the date of this Notice.

**WHEREFORE**, the claimant, AURELIA CALLAWAY, respectfully demands compensation from respondents, CITY OF LACKAWANNA and COUNTY OF ERIE, for her damages sustained by reason of the wrongful, negligent and careless acts and/or omissions hereinbefore set forth.

DATED:       October 11, 2022  
              West Seneca, New York.



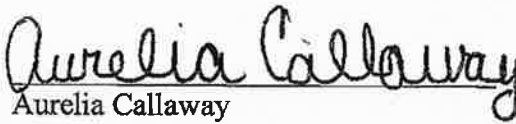
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Joshua A. Bloom, Esq.  
BAXTER & SMITH, P.C.  
182 Dwyer Street,  
West Seneca, New York 14224  
Telephone: (716) 854-6140

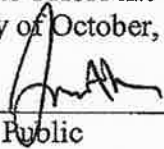
**VERIFICATION**

**AURELIA CALLAWAY**, being duly sworn, deposes and states as follows:

I am the claimant in the above-captioned Notice of Claim. I have read the foregoing document and know its contents, and the same is true to my own knowledge, except as to those matters therein stated to be alleged upon information and believe, and, as to those matters, I believe them to be true.

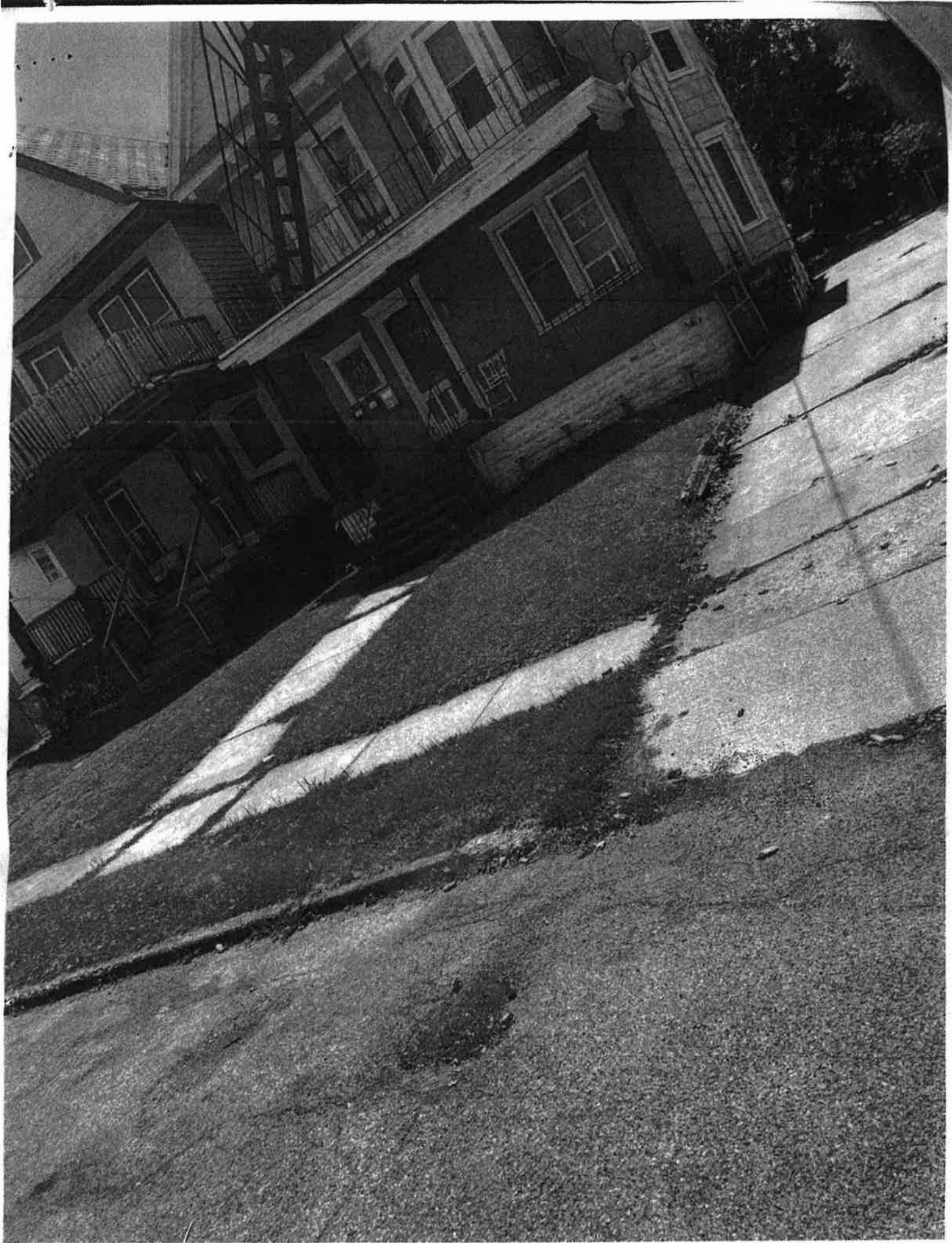
  
Aurelia Callaway

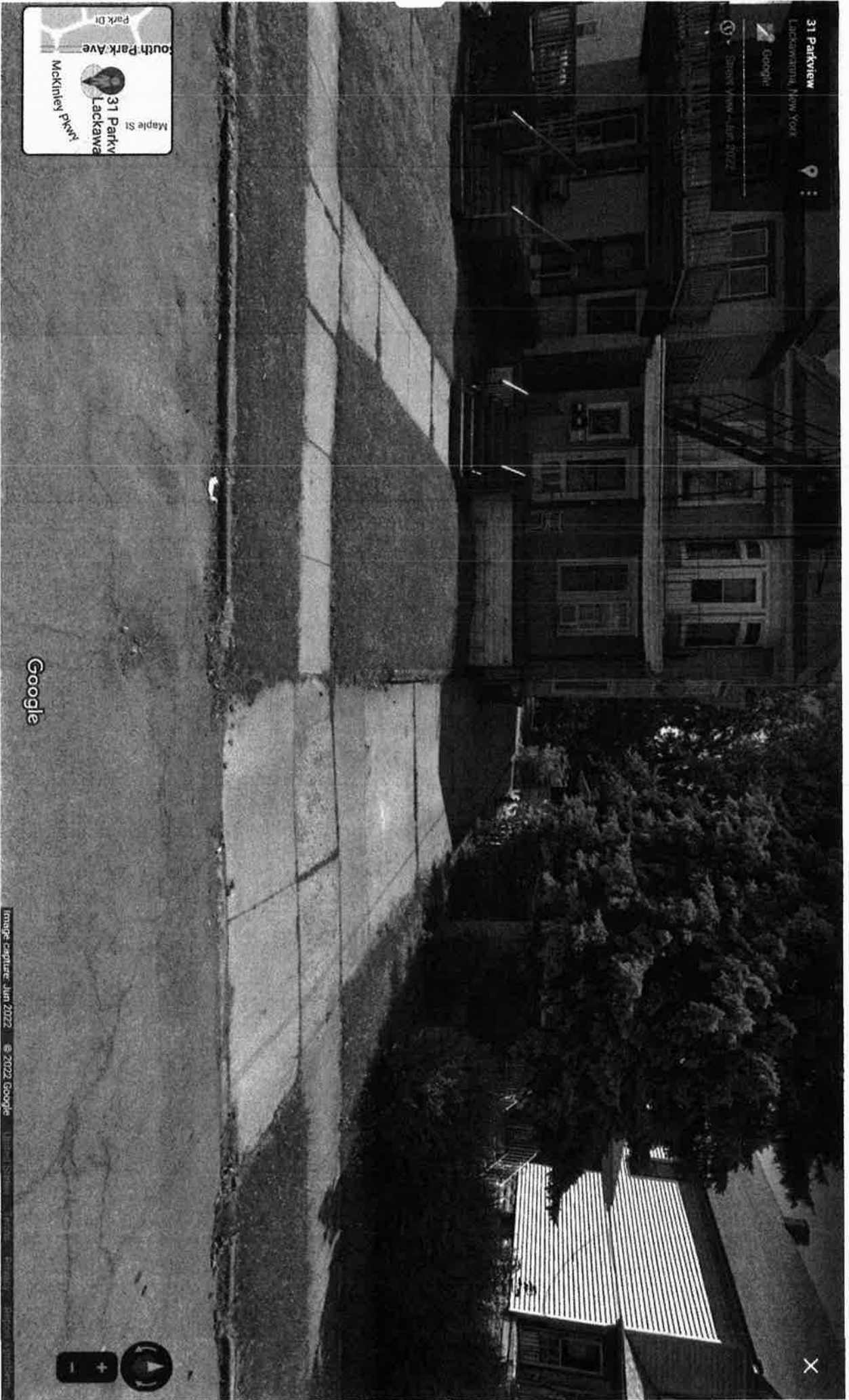
Sworn to before me this  
11<sup>th</sup> day of October, 2022

  
Notary Public

**JOSHUA A. BLOOM**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 02BL6289598**  
**Qualified in Erie County**  
**My Commission Expires September 30, 2025**







31 Parkview

Lackawanna, New York

Google

Street View - Jan 2022



Google

Image capture: Jan 2022 © 2022 Google



JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 18, 2022

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

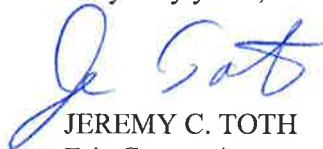
Dear Mr. Graber:

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>Scibetta, Justin v. Town of Cheektowaga and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Justin Scibetta 261 Crandon Boulevard Buffalo, New York 14225
Claimant's attorney:	Adam J. Sampsell, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



This paper received at the  
Erie County Attorney's Office  
from Joe J. Jankowski  
the 19th day of Oct, 2012  
at 11:00 a.m./p.m.  
L. D. L. - Lagg  
Assistant County Attorney

STATE OF NEW YORK  
COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF:

**JUSTIN SCIBETTA**  
261 Crandon Boulevard  
Buffalo, NY 14225

Claimant,

-against-

**NOTICE OF CLAIM**

**TOWN OF CHEEKTOWAGA**  
3301 Broadway  
Cheektowaga, NY 14227

**ERIE COUNTY**  
Edward Rath County Office Building  
95 Franklin Street  
Buffalo, NY 14202

Respondents.

**PLEASE TAKE NOTICE** that Claimant **JUSTIN SCIBETTA**, hereby presents and make claim against the Respondents **TOWN OF CHEEKTOWAGA** and **ERIE COUNTY** and in support thereof Claimant, allege:

1. That the undersigned Claimant, **JUSTIN SCIBETTA**, residing at 261 Crandon Boulevard, Buffalo, NY 14225, by and through his attorney, **ADAM J. SAMPSELL, Esq.**, of **WILLIAM MATTAR, P.C.**, 16 W Main Street, Suite 736, Rochester, NY 14614, claims damages against Respondents, **TOWN OF CHEEKTOWAGA** and **ERIE COUNTY** for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages and other damages allowed by law resulting from injuries suffered by the Claimant **JUSTIN SCIBETTA** as a result of the negligence of Respondents **TOWN OF CHEEKTOWAGA** and **ERIE COUNTY**,

jointly and severally, and through their agents, servants, contractors, subcontractors, lessees, assigns, and/or employees in their control, construction, design, maintenance, care, and/or service of the utility poles on Crandon Boulevard.

2. Upon information and belief, Claimant owns and was operating a 2005 Harley XL883C SP Motorcycle that is registered in New York State for 2022 and bares license plate 11SZ93.

3. Upon information and belief, Respondent TOWN OF CHEEKTOWAGA owns, operates, maintains, and/or supervises the intersection/utility pole.

4. Upon information and belief, Respondent ERIE COUNTY owns, operates, maintains, and/or supervises the intersection/utility pole.

5. Upon information and belief, Respondent TOWN OF CHEEKTOWAGA and/or ERIE COUNTY by and through their agents, servants, contractors, subcontractors, lessees, assigns, and/or employees created the dangerous condition and/or hazard that forms the basis of Claimants cause of action.

6. Upon information and belief, Claimant sustained injuries, when the Respondents, TOWN OF CHEEKTOWAGA and/or ERIE COUNTY failed to properly construct, install, repair, upgrade, operate, care, supervise, service, and/or maintain telecommunication facilities, equipment, and/or activities related thereto, including, but not limited to, the raising of and installation of a high-speed internet cable, so that they were free of dangerous hazards and/or conditions.

7. Upon information and belief, the Respondents, TOWN OF CHEEKTOWAGA and ERIE COUNTY by and through their agents, servants, contractors, subcontractors, lessees, assigns,

and/or employees had actual or constructive notice of the dangerous condition and/or hazard and/or created the dangerous condition and/or hazard.

8. That the said injuries were sustained by Claimant on August 3, 2022 at approximately 8:30 AM on Crandon Boulevard near Harbour Lane in the County of Erie, Town of Cheektowaga, State of New York. On that day and that approximate time, Claimant was riding his motorcycle westbound on Crandon Boulevard, while the roadway had a cable laying across it. A agents, servants, contractors, subcontractors, lessees, assigns, and/or employees of Respondents TOWN OF CHEEKTOWAGA and/or ERIE COUNTY motioned for Claimant to proceed riding down Crandon Boulevard, which he did. Then suddenly and without warning, said cable rose from the pavement and Claimant's motorcycle crashed into it. Claimant's motorcycle fell and came to rest onto the southwest Disability Crossing facing northeast.

9. That as a result of the foregoing, the Claimant, sustained very serious injuries, including a fractured elbow and lacerations. Some of these injuries will be of a permanent or indefinite duration, and Claimant, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses. Other injuries will be disclosed as revealed through diagnosis by treating physicians and other medical personnel. The full extent of these injuries is unknown at this time.

10. Upon information and belief, said injuries were occasioned solely and wholly as a result of the negligence of Respondents TOWN OF CHEEKTOWAGA and/or ERIE COUNTY their agents, servants, contractors, subcontractors, lessees, assigns, and/or employees and without any negligence on part of Claimant contributing thereto.

DATED: Rochester, New York  
October 12, 2022

A handwritten signature in black ink, appearing to read "Adam J. Sampsell", is written over a horizontal line.

Adam J. Sampsell, Esq.  
**WILLIAM MATTAR, P.C.**  
Attorney for Claimant  
16 West Main Street  
Suite 736  
Rochester, NY 14221  
(716)444-4444

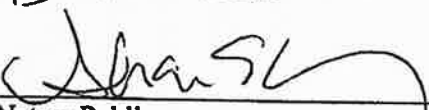


STATE OF NEW YORK     )  
COUNTY OF ERIE        ) ss:

JUSTIN SCIBETTA, being duly sworn, depose and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponent, except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

  
JUSTIN SCIBETTA

Sworn to before me this  
13 day of October, 2022

  
Notary Public

SHARON E. CLEMONS  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES 6/22/ 24





JEREMY C. TOTH  
COUNTY ATTORNEY

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 18, 2022

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

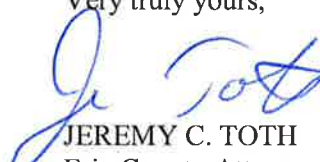
Dear Mr. Graber:

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>Toomer, Tina v. County of <sup>Erie</sup> <del>Buffalo</del>, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Tina Toomer 104 Best Street Lower Buffalo, New York 14209
Claimant's attorney:	Robert J. Maranto, Jr., Esq. Andrews, Bernstein, Maranto & Nicotra PLLC 420 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : ERIE COUNTY

---

TINA TOOMER  
104 Best Street Lower  
Buffalo, NY 14209

Claimant,

**NOTICE OF CLAIM**

CITY OF BUFFALO  
65 Niagara Square  
1100 City Hall  
Buffalo, New York 14202

County of Erie  
95 Franklin Street, Room 1634  
Buffalo, NY 14202

ERIE COUNTY PUBLIC WORKS  
95 Franklin St #1400  
Buffalo, NY 14202

ERIE COUNTY WATER AUTHORITY  
295 Main St #350  
Buffalo, NY 14203

DIVISION OF SEWERAGE MANAGEMENT  
95 Franklin St, Room# 1034  
Buffalo, NY 14202

BUFFALO WATER DEPARTMENT  
281 Exchange St  
Buffalo, NY 14202

CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS  
65 Niagara Square  
Buffalo, NY 14202

BUFFALO SEWER AUTHORITY OFFICE  
65 Niagara Square # 1038  
Buffalo, NY 14202

Respondents.

---

**PLEASE TAKE NOTICE**, that the Claimant TINA TOOMER, hereby intends to file a claim against the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE, and in support of said Claim states the following:

1. The Post Office address of the Claimant is 104 Best Street Lower, Buffalo, NY 14209.
2. The attorneys for the Claimant are Andrews, Bernstein, Maranto & Nicotra, PLLC, 420 Franklin Street, Buffalo, New York 14202, Telephone (716) 842-2200.
3. The Claim arose as follows: On or about July 18, 2022, Claimant, TINA TOOMER was walking down the street near the intersection of East Amherst Street and Poultney Avenue. Upon information and belief, both East Amherst Street and Poultney Avenue are maintained by the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE. The Claimant, TINA TOOMER fell due to an uneven water main. Upon information and belief, the water main is maintained by the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, CITY OF

BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE.

4. This incident was caused by the negligence, carelessness, and recklessness of the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE and/or their agents, servants and/or employees as follows:

- a. Improperly maintained and repaired the water main in question.
- b. Negligently failed to inspect the roadway, sidewalk, and water main in question.
- c. Negligently and carelessly failed to inspect the roadway, sidewalk, and water main in question for any defect.
- d. Negligently and carelessly created a hazardous condition.
- e. Negligently used improper materials to construct and/or repair the roadway, sidewalk, and water main which caused a dangerous threat and created a hazardous condition; and,
- f. Respondents were otherwise negligent.

5. By virtue of the negligence, carelessness and recklessness of the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER

DEPARTMENT, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE and/or their agents, servants and/or employees, Claimant, TINA TOOMER, was caused to suffer serious, significant and permanent injuries from this incident.

6. Claimant, TINA TOOMER, also suffered other injuries and complications as yet undetermined as a result of this accident and, by reason of the same, Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

7. This claim is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages.

8. By virtue of the negligence and carelessness of the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS , ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE and/or their agents, servants and/or employees, Claimant has also incurred medical expenses and other necessary related expenses, and the amount of which is undetermined to date.

**WHEREFORE**, Claimant requests that the CITY OF BUFFALO, COUNTY OF ERIE, ERIE COUNTY PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS and/or the BUFFALO SEWER AUTHORITY OFFICE compensate her for her injuries.



DATED: Buffalo, New York  
October 5, 2022

**ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC**

By: s/ Robert Maranto, Jr.  
Robert J. Maranto, Jr.  
*Attorney for Claimant*  
420 Franklin Street  
Buffalo, New York 14202  
(716) 842-2200


**VERIFICATION**

STATE OF NEW YORK :  
COUNTY OF ERIE : ss.  
CITY OF BUFFALO :

TINA TOOMER, for herself being duly sworn, deposes and says that she is the Claimant in this action, that she has read the foregoing Notice of Claim in this action and know the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, she believes them to be true.

  
TINA TOOMER

Sworn to before me this 11<sup>th</sup>  
day of October, 2022

  
Notary Public

Jeremy P Crance  
Notary Public, State of New York  
Qualified in Erie County  
No. 01CR6348681  
Commission Expires October 3, 2024



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 24, 2022

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>Echols, Steven v. County of Erie and Erie County Sheriff's Department</i>
Document Received:	Notice of Claim
Name of Claimant:	Steven Echols 240 Davey Street Buffalo, New York 14206
Claimant's attorney:	Richard A. Nicotra, Esq. Andrews, Bernstein, Maranto & Nicotra PLLC 420 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



**STATE OF NEW YORK  
SUPREME COURT : ERIE COUNTY**

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STEVE ECHOLS  
240 Davey St  
Buffalo, NY 14206

vs. Claimant,

**NOTICE OF CLAIM**

COUNTY OF ERIE  
95 Franklin Street, Suite 1634  
Buffalo, New York 14202

ERIE COUNTY SHERIFF'S OFFICE  
10 Delaware Ave  
Buffalo, NY 14202

Respondent.

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**PLEASE TAKE NOTICE**, that the Claimant, STEVE ECHOLS, hereby intends to file a claim against the COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE, and in support of said claim states the following:

1. The Post Office address of the Claimant is 240 Davey St Buffalo NY 14206.
2. The attorneys for Claimant are Andrews, Bernstein, Maranto & Nicotra, PLLC, and their post office address is 420 Franklin Street, Buffalo, New York 14202, Telephone: (716) 842-2200.
3. The Claim arose as follows: On June 12<sup>th</sup>, 2022, Claimant was the operator of a motor vehicle which was traveling Northbound on Portage Road, and while attempting to proceed forward, a vehicle owned and operated by Respondents, their agents, servants and/or employees, while traveling Northbound on Portage Road in the left most lane, near the intersection of Portage Road and Pine Avenue, did attempt to pass in front of Claimant to make a right hand turn Eastbound onto Pine Avenue, causing a collision between the two

vehicles and causing Claimant to sustain serious injuries to his neck, back, and wrist.

4. This incident was caused by the negligence, carelessness, and recklessness on the part of the COUNTY OF ERIE, the ERIE COUNTY SHERIFF'S OFFICE, and/or their agents, servants and/or employees as follows:

- a. the defendants and/or its agents, servants, or employees were negligent in failing to keep a proper lookout for other users of the roadway;
- b. the defendants and/or its agents, servants, or employees were negligent in failing to heed and observe the conditions then and there existing upon the aforesaid street and driving a vehicle in accordance therewith;
- c. the defendants and/or its agents, servants, or employees were negligent in that she failed to have and keep the vehicle under proper and adequate control or under such control as to stop the vehicle to avoid the collision;
- d. the defendants and/or its agents, servants, or employees were negligent in failing to slow down or stop the vehicle with reasonable care and diligence on approaching the place where the accident occurred so as to avoid injuring the plaintiff;
- e. the defendants and/or its agents, servants, or employees were negligent in that they failed to operate the vehicle in a reasonably safe manner and under proper control and they operated the said vehicle in a reckless and negligent manner in the circumstances then and there existing;
- f. the defendants and/or its agents, servants, or employees were

negligent in failing to exercise due care in operating the vehicle in accordance with the conditions prevailing then and there existing;

- g. the defendants and/or its agents, servants, or employees were negligent in her driving of said vehicle without keeping a proper lookout ahead and to the sides, and without observing and heeding the roadway and traffic conditions then and there existing;
- h. that the defendants and/or its agents, servants, or employees were negligent by failing to observe the rules of the road governing the movement of travelers on the roadway; and
- i. that the defendants and/or its agents, servants, or employees were otherwise negligent.

5. The claim for STEVE ECHOLS is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages.

6. By virtue of the negligence, carelessness and recklessness of the COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE, Claimant, STEVE ECHOLS, was caused to suffer serious, significant and permanent serious injuries from this incident, including neck, back, and wrist injuries. Claimant, STEVE ECHOLS, also suffered other serious injuries and complications as yet undetermined as a result of this accident and, and by reason of the same, Claimants sustained damages in an amount which cannot be reasonably calculated at this time.

7. By virtue of the negligence, carelessness, and recklessness of the COUNTY OF ERIE and the ERIE COUNTY SHERIFF'S OFFICE, Claimant has also incurred hospital and medical expenses, loss of income and other necessary related expenses, the amount of which is undetermined to date

**WHEREFORE**, Claimant requests that the COUNTY OF ERIE compensate  
Claimant, STEVE ECHOLS, for his serious injuries.

Dated: Buffalo, New York  
August 9, 2022



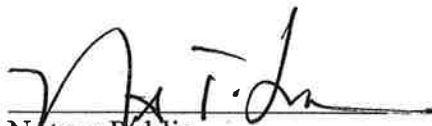
**VERIFICATION**

STATE OF NEW YORK :  
COUNTY OF ERIE : ss.  
CITY OF BUFFALO :

STEVE ECHOLS, being duly sworn, deposes and says that he is the Claimant in this action; that he has read the foregoing Notice of Claim in this action and know the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes them to be true.

  
\_\_\_\_\_  
STEVE ECHOLS

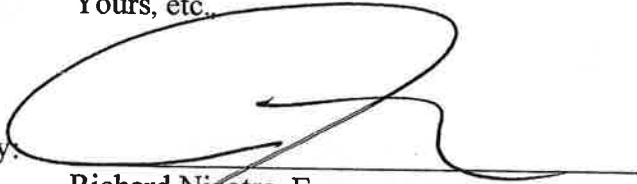
Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_

  
\_\_\_\_\_  
Notary Public

NORTON T LOWE  
NOTARY PUBLIC, STATE OF N.Y.  
COUNTY OF ERIE  
MY COMM EXPIRES 10/22/24

Yours, etc.

By:

A large, stylized handwritten signature in black ink, appearing to be 'R. Nicotra', written over a horizontal line.

Richard Nicotra, Esq.

**ANDREWS, BERNSTEIN & MARANTO, LLP**

*Attorneys for Claimant*

420 Franklin Street

Buffalo, New York 14202

(716) 842-2200



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

DEPARTMENT OF LAW

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 24, 2022

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>Jassem, Joseph v. County of Erie, Erie County Sheriff's Office and Sheriff John Garcia, individually and in Official Capacity</i>
Document Received:	Notice of Claim
Name of Claimant:	Joseph Jassem 360 White Deer Run Road Allenwood, Pennsylvania
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over a blue circular stamp.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of

JOSEPH JASSEM

NOTICE OF CLAIM

Claimant,

vs.

COUNTY OF ERIE  
ERIE COUNTY SHERIFF'S OFFICE,  
ERIE COUNTY SHERIFF JOHN GARCIA, individually and in official capacity

Respondents.

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TO: COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, and ERIE COUNTY SHERIFF JOHN GARCIA, individually and in his official capacity

PLEASE TAKE NOTICE, that JOSEPH JASSEM, has and hereby makes claim against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, and ERIE COUNTY SHERIFF JOHN GARCIA, and in full support of said claim states the following:

1. The post office address of the Claimant is 360 White Deer Run Road, Allenwood, Pennsylvania.
2. The attorneys of the Claimant are PENBERTHY LAW GROUP LLP, and their post office address is 227 Niagara Street Buffalo, New York 14201.
3. The claim of JOSEPH JASSEM, is for personal injuries, generally.
4. The claim arose at Erie County Correctional Facility, 11581 Walden Avenue Alden, Village of Alden, County of Erie and State of New York.
5. The claim arose in substance as follows: On or about July 12, 2022, the Claimant was caused to slip and fall on water left on the floor within Erie County Correctional Facility. The

exact date of which is known by Respondents herein having provided treatment to Claimant immediately following the incident.

6. Upon information and belief, the incident herein described and the resultant injuries sustained were caused as a result of the negligence, carelessness, reckless disregard and/or on the part of the agents, servants and/or employees of the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, and ERIE COUNTY SHERIFF JOHN GARCIA.

7. Upon information and belief, as a result of the aforesaid incident, JOSEPH JASSEM sustained serious bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, Claimant requests that COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, and ERIE COUNTY SHERIFF JOHN GARCIA honor and pay the claims of JOSEPH JASSEM.

DATED: Buffalo, New York  
August 22, 2022

PENBERTHY LAW GROUP LLP

By: s/ Brittany L. Penberthy, Esq.  
Brittany L. Penberthy, Esq.  
Attorneys for Claimant  
Office and P.O. Address  
227 Niagara Street  
Buffalo, New York 14201  
(716)803-8402

**VERIFICATION**

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of

JOSEPH JASSEM

**ATTORNEY VERIFICATION**

Claimant,

vs.

COUNTY OF ERIE  
ERIE COUNTY SHERIFF'S OFFICE,  
ERIE COUNTY SHERIFF JOHN GARCIA, individually and in official capacity

Respondents.

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BRITTANY L. PENBERTHY, ESQ., being duly sworn, deposes and says that she is an attorney for the claimant specified in the above Notice of Claim who resides in a different county than which this attorney maintains an office; and pursuant to CPLR 3020(d)(3), states that as such is familiar with the facts and circumstances surrounding this action. She has read the foregoing NOTICE OF CLAIM and, upon information and belief, believes the contents in the Notice of Claim to be true.

DATED: Buffalo, New York  
August 22, 2022

PENBERTHY LAW GROUP LLP

By: s/ Brittany L. Penberthy, Esq.  
Brittany L. Penberthy, Esq.  
Attorneys for Claimant  
Office and P.O. Address  
227 Niagara Street  
Buffalo, New York 14201  
(716)803-8402







# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

DEPARTMENT OF LAW

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 24, 2022

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>Jones, Samuel v. County of Erie and Erie County Department of Public Works Division of Highways</i>
Document Received:	Notice of Claim
Name of Claimant:	Samuel Jones 377 Cambridge Avenue Buffalo, New York 14215
Claimant's attorney:	Cassidy M. Martin, Esq. Dolce Panepinto, P.C. 1260 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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SAMUEL JONES

Claimant,

v.

COUNTY OF ERIE and  
ERIE COUNTY DEPARTMENT  
OF PUBLIC WORKS DIVISION  
OF HIGHWAYS

Respondents.

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TO: COUNTY OF ERIE  
95 Franklin Street  
16<sup>th</sup> Floor  
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT  
OF PUBLIC WORKS DIVISION  
OF HIGHWAYS  
95 Franklin Street, 14<sup>th</sup> Floor  
Buffalo, New York 14202

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from Dave Kohler on  
the 16<sup>th</sup> day of August, 2022  
at 2:22 a.m./p.m.  
[Signature]  
Assistant County Attorney

PLEASE TAKE NOTICE, that the claimant, SAMUEL JONES, hereby files a claim against the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, as follows:

1. The claimant SAMUEL JONES resides at 377 Cambridge Avenue, Buffalo, NY 14215.
2. The attorney for the claimant herein is Cassidy M. Martin, Esq., Dolce Panepinto, P.C., with a post office address of 1260 Delaware Avenue, Buffalo, NY 14209, and telephone number of (716)852-1888.

3. The time when, the place where and the manner in which the claim arose are as follows: Upon information and belief, the claim arose on or about May 19, 2022, at approximately 11:00 a.m., the claimant, SAMUEL JONES, was driving a bus while in the scope of his employment for the Niagara Frontier Transportation Authority on Wehrle Drive, Town of Amherst, County of Erie and State of New York. On the aforementioned date, time, and place the claimant was in the process of pulling over to a bus stop near or around 1100 Wehrle Drive, when the roadway or abutting area underneath the bus collapsed, causing the back wheel of the bus to fall into the hole created by the collapse and causing the bus to become stuck in the hole. The claimant suffered injuries to his low back, neck, both shoulders and wrists as a result.

4. Upon information and belief, at all times herein mentioned, the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, was the owner and/or responsible party of the public roadway and abutting area, located therein on Wehrle Drive near or by the bus stop in front of 1100 Wehrle Drive, located in the Town of Amherst, County of Erie and State of New York.

5. The claimant alleges that the incident herein described and the resulting injuries and damages sustained were caused as a result of negligence, carelessness, recklessness and/or unlawful conduct on the part of agents, servants, and/or employees of the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, furthermore, the incident and resulting injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, in violation of the regulations, rules and standards promulgated thereunder.

6. More specifically, the claimant alleges the respondent was negligent, careless and/or reckless in allowing and permitting the existence of a hazardous, dangerous, and unsafe condition in the roadway and abutting area; in failing and omitting to ensure the roadway and abutting area was maintained, constructed, and repaired so as to be kept in safe condition; in creating the hazardous, dangerous, and unsafe condition; in failing and omitting to prevent the subject incident which in exercise of due care and reasonable inspection could and should have been avoided; in failing to warn of the hazardous, dangerous, and unsafe condition; and in creating an unreasonable risk of causing bodily harm to another.

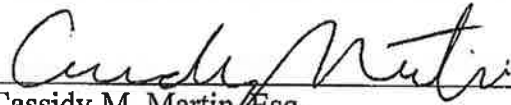
7. As result of the subject incident, the claimant has sustained injury to his person, including but not limited to, his low back, neck, shoulders and wrists. In addition, the claimant has and will sustain damages including medical expenses, lost income, diminished wage-earning capacity, loss of work life expectancy, pain and suffering.

8. As a result of the forgoing, the claimant demands money damages from the COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, for injuries sustained in the subject incident of May 19, 2022, which amount shall be supplemented at a later date consistent with the nature, extent, treatment, duration, and/or permanency of the injuries sustained.

9. This claim is hereby presented for adjustment and payment.

WHEREFORE, the claimant respectfully demands that this claim be adjusted and paid by the TOWN OF AMHERST, and further sets forth his intent to commence and action thereon if said claim is not adjusted and paid.

Dated: Buffalo, New York  
August 12, 2022

  
Cassidy M. Martin, Esq.  
DOLCE PANEPINTO, P.C.  
Attorneys for Claimant  
1260 Delaware Avenue  
Buffalo, NY 14209  
(716) 852-1888

VERIFICATION

STATE OF NEW YORK  
COUNTY OF )

) ss:

SAMUEL JONES, 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 on information and belief, and that as to those matters, deponent believes to be true.

  
SAMUEL JONES

Sworn to before me this  
12<sup>th</sup> day of August, 2022.

  
Notary Public

LINDA M. WORONIECKI  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires August 28, 2025







# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 24, 2022

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>White, David v. County of Erie, Erie County Sheriff's Office, Deputy John Doe and Sheriff Garcia, Individually and in His Official Capacity</i>
Document Received:	Notice of Claim
Name of Claimant:	David White c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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SEP 30 2022

DAVID WHITE,

Claimant

-vs-

**NOTICE OF CLAIM**

COUNTY OF ERIE  
ERIE COUNTY SHERIFF'S OFFICE  
ERIE COUNTY DEPUTY JOHN DOE  
ERIE COUNTY SHERIFF, JOHN C. GARCIA, individually and in his official capacity.

Respondents

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TO: COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, ERIE COUNTY DEPUTY JOHN DOE, and SHERIFF JOHN C. GARCIA, individually and in his official capacity

**PLEASE TAKE NOTICE** that DAVID WHITE hereby claims and demands against the above-named Respondents damages for personal injuries sustained by him and for medical and hospital expenses incurred and/or to be incurred together with permanent, disfiguring and debilitating injuries as a result of the negligent, careless and reckless acts and omissions of the above-named Respondents, its agents, servants and/or employees, appointees, designees, departments or divisions thereof and in support thereof, the Claimant states the following:

1. The post office address of the Claimant, is Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202; the name and post office address of Claimant's

attorney is Brittanylee Penberthy, Esq., of Penberthy Law Group LLP, 227 Niagara Street, Buffalo, New York 14201.

2. That the nature of this claim is for the negligent, careless, reckless, and/or intentional acts or omissions of the above-named Respondents their agents, servants and/or employees, appointees, designees, departments and divisions thereof, in that DAVID WHITE was injured when ERIE COUNTY DEPUTY JOHN DOE (upon information and belief known as "Chandler") attacked Claimant, without cause or the protections of any laws, while handcuffed and being escorted by employees of Respondent ERIE COUNTY SHERIFF'S OFFICE. That said claim arose in the morning on/or about the 20<sup>th</sup>-24<sup>th</sup> day of July 2022, the exact date of which is known by Respondent's following an internal affairs investigation; that the manner in which said claim arose was that Claimant, while being escorted back to his cell, handcuffed, was attacked by ERIE COUNTY DEPUTY JOHN DOE, without cause and without protections against such injury, when it was known that the aggressor, ERIE COUNTY DEPUTY JOHN DOE, took issue with Claimant, causing Claimant to sustain serious and permanent injuries, and additional restrictions greatly limiting the activities of Claimant. The attack on Claimant was not properly prevented or ceased by the Respondents herein, nor was Claimant provided protections against retaliation.

3. That so far as now can be determined, the Claimant has sustained multiple extensive serious injuries externally, internally, and permanently in and about the spine, wrists, and nervous system as a result of the aforesaid incident, the full extent of which cannot be fully

assessed at the present time. Further, mental trauma has been inflicted and remains as a result of the incident.

4. That by reason of the foregoing injuries, said Claimant became and will continue to be disabled and will continue to suffer great pain, discomfort and disfigurement and has and may require the services of physicians, surgeons, nurses, hospitals, therapy, prosthetic devices, manipulations and medicines and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and the resulting permanent disabilities said Claimant has been incapacitated from his educational pursuits and/or profession and/or employment and will continue to be incapacitated in the future, and as a result of the aforesaid injuries and permanent disabilities, the future earning capacity of the Claimant and the activities, professional, social and personal endeavors and hobbies of the Claimant and his enjoyment of life will or could be partially and/or totally impaired as a result thereof, all to the damage of said Claimant.

PLEASE TAKE FURTHER NOTICE that the Claimant requests payment of the claims and damages sustained by him as hereinbefore set forth.

DATED: September 26, 2022  
Buffalo, New York

**PENBERTHY LAW GROUP LLP**

By: 

BRITTANYLEE PENBERTHY, ESQ.

Attorneys for Claimant  
Office and P.O. Address  
227 Niagara Street  
Buffalo, New York 14201  
(716) 803-8400

**VERIFICATION**

STATE OF NEW YORK    )

) SS.:


COUNTY OF ERIE        )

**DAVID WHITE**, being duly sworn, deposes and says that he is the claimant above named; he 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 believes them to be true.

  
\_\_\_\_\_  
DAVID WHITE

Sworn to before me this

4<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Notary Public

BRITTANY LEE PENBERTHY  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires August 24, 2025



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 24, 2022

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>Leo, Daniel v. County of Erie, Erie County Department of Public Works Highways Division</i>
Document Received:	Notice of Claim
Name of Claimant:	Daniel Leo 4306 Oakwood Avenue Blasdell, New York 14219
Claimant's attorney:	Lynn M. Bochenek, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue - Suite 120 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.





In the Matter of the Claim of

DANIEL LEO,

Claimant,

- against -

ERIE COUNTY, NEW YORK and  
ERIE COUNTY DEPARTMENT  
OF PUBLIC WORKS HIGHWAYS  
DIVISION,

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from Zyana McGarrig on  
the 29<sup>th</sup> day of Aug, 2022  
at 9:51 a.m./p.m.

[Signature]  
Assistant County Attorney

TO: ERIE COUNTY, NEW YORK and  
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS  
HIGHWAYS DIVISION,

PLEASE TAKE NOTICE, that DANIEL LEO, has and hereby makes claim against ERIE COUNTY, NEW YORK and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS HIGHWAYS DIVISION, and in support of said claim states the following:

1. The Post Office address of the claimant is 4306 Oakwood Avenue, Buffalo, New York 14219.
2. The attorneys for the claimant is 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 DANIEL LEO is for personal injuries, including without limitation, loss of income and medical expenses, and for consequential damages generally.
4. The claim arose at or near 2776 Blakely Road a/k/a 2776 Blakely Corners Road, located in the Town of Aurora, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 17<sup>th</sup> day of June, 2022, at approximately 4:00 a.m., the claimant, DANIEL LEO, was operating his vehicle on Blakely Road at a point near 2776 Blakely Road, a public highway located within the Town of Aurora, County of Erie and State of New York, when his vehicle drove over a defect in the pavement, more specifically, portions of the pavement broke away causing areas of the roadway to be missing and uneven 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, NEW YORK and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS HIGHWAYS DIVISION, and more particularly, among other things, in failing and omitting to ensure that defects in the pavement including broken and missing portions of the roadway, are repaired accordingly, therefore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, NEW YORK and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS HIGHWAYS DIVISION, and in violations of the regulations, rules and standards promulgated thereunder.

7. Upon information and belief, as a result of the aforesaid incident, the claimant, DANIEL LEO, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system; and more particularly, DANIEL LEO, sustained injuries in the nature of head, neck, and back. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that ERIE COUNTY, NEW YORK and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS HIGHWAYS DIVISION honor and pay the claim on behalf of DANIEL LEO.

DATED: Buffalo, New York  
August 23, 2022

  
\_\_\_\_\_  
DANIEL LEO

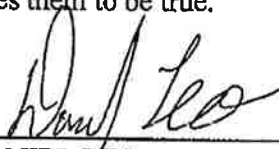
LIPSITZ GREEN SCIME CAMBRIA LLP

By:   
\_\_\_\_\_  
LYNN M. BOCHENEK, ESQ.

Attorneys for Claimant  
Office and P.O. Address  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333  
[LMB : #.0001 ]

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

DANIEL LEO, being duly sworn deposes and says that he is the claimant above named; and makes this claim on behalf of self; he 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 believes them to be true.

  
\_\_\_\_\_  
DANIEL LEO

Sworn to before me on this

23 day of August, 2022.

  
\_\_\_\_\_  
Notary Public

Kelly J. Sullivan  
01SU6276027  
Notary Public, State of New York  
Qualified in Erie County  
My commission expires FEBRUARY 4th, 2025



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

DEPARTMENT OF LAW

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 25, 2022

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>Scanlon, Kara v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Kara Scanlon 39 Cushing Place Buffalo, New York 14220
Claimant's attorney:	William D. Murphy, Esq. Maxwell Murphy, LLC 1230 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over a circular stamp.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of  
KARA A. SCANLON  
39 Cushing Place  
Buffalo, New York 14220,

*Claimant,*

vs.

COUNTY OF ERIE,

*Respondent.*

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from *John Magney* on  
the *11th* day of *oct*, 20*11*  
at *11:25* a.m./p.m.  
*L. Detig - Legg*  
Assistant County Attorney

**TO:** COUNTY OF ERIE  
Mark C. Poloncarz, County Executive  
95 Franklin Street  
Buffalo, New York 14202

**PLEASE TAKE NOTICE**, that the Claimant, KARA A. SCANLON, claims and demands the following against the Respondent, COUNTY OF ERIE, in accordance with the requirements of the New York General Municipal Law §50-e:

1. The name and post office address of the Claimant is:

KARA A. SCANLON  
39 Cushing Place  
Buffalo, New York 14220

The name and post office address of the Claimant's attorney is:

WILLIAM D. MURPHY, ESQ.  
MAXWELL MURPHY, LLC  
1230 Delaware Avenue  
Buffalo, New York 14209

2. The Claim of KARA A. SCANLON is for personal injuries sustained through the negligence and violations of the Respondent, COUNTY OF ERIE, its agents and employees.



3. The time when and place where this Claim arose are as follows: on July 20, 2022 at approximately 9:00 p.m. at the Erie County Public Safety Campus, 45 Elm Street in the City of Buffalo, County of Erie and State of New York.

4. Claimant KARA A. SCANLON was lawfully on the premises while working as a dispatcher for the City of Buffalo Police Department at the Erie County Public Safety Campus located at 45 Elm Street, Buffalo, New York 14203, when the chair she was sitting on broke and/or collapsed, causing her to fall and suffer injuries to her back, neck and right arm.

5. Claimant KARA A. SCANLON was caused to suffer serious and permanent injuries including injuries to her back, neck and right arm.

6. The injuries to Claimant KARA A. SCANLON have resulted and will result in past and future medical expenses; past and future loss of earnings, fringe benefits, and unemployment compensation; reduced earning capacity; past and future pain and suffering, loss of enjoyment of life; past and future loss of household services; as well as other damages.

7. Claimant KARA A. SCANLON was caused to suffer the above-mentioned injuries and damages due to the negligence and unlawful behavior of the Respondent, its agents, employees and contractors in negligently failing to properly manage and maintain the premises and the subject chair and furniture, failing to warn of the dangerous, defective and hazardous condition, failing to remedy the hazardous condition, and in allowing a dangerous, defective and hazardous condition to exist.

8. The injuries of the Claimant KARA A. SCANLON have resulted and will result in past and future medical expenses including costs for hospitalization, surgery, medications, physical therapy, rehabilitation, custodial care, diagnostic tests, radiological tests, follow-up medical examinations; as well as medical and home equipment and devices; past and future loss of earnings, fringe benefits, Social






Security benefits and unemployment compensation; reduced earning capacity; past and future pain and suffering and loss of enjoyment of life; past and future loss of household services.

**WHEREFORE**, the Claimant, KARA A. SCANLON, hereby claims and demands from Respondent, COUNTY OF ERIE, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondent, its agents, servants and employees.

DATED:      October 12, 2022  
                 Buffalo, New York



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WILLIAM D. MURPHY, ESQ.  
MAXWELL MURPHY, LLC  
*Attorneys for Claimant*  
1230 Delaware Avenue  
Buffalo, New York 14209  
(716) 885-1300

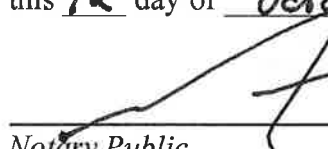


## VERIFICATION

KARA A. SCANLON, being duly sworn, deposes and says: I am the Claimant above named; I have read the foregoing Notice of Claim and know its contents; the same is true to my own knowledge, except as to those matters therein stated to be alleged on information and belief, and, as to those matters, I believe it to be true.

  
KARA A. SCANLON

Subscribed and sworn to before me  
this 12 day of October 2022.

  
Notary Public





## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 27, 2022

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>Snell, Jeffrey N. v. County of Erie</i>
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Jeffrey N. Snell 96 Nadine Drive Cheektowaga, New York 14225
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To:      Agency(ies) Charge No(s):  <div style="display: flex; justify-content: space-between;"> <span>EEOC</span> <span><b>525-2022-01946</b></span> </div> <div style="display: flex; justify-content: space-between;"> <span>FEPA</span> <span></span> </div>	
<b>New York State Division Of Human Rights</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) <b>Mr. Jeffrey N. Sell</b>		Home Phone <b>716-864-5707</b>	
Street Address <b>96 Nadine Dr          CHEEKTOWAGA, NY 14225</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>Eric County Department of Social Services</b>		No. Employees, Members <b>501+ Employees</b>	
Street Address <b>95 FRANKLIN ST          BUFFALO, NY 14202</b>			
Name 		No. Employees, Members 	
Street Address      City, State and ZIP Code 			
DISCRIMINATION BASED ON  <b>Disability</b>		DATE(S) DISCRIMINATION TOOK PLACE  <div style="display: flex; justify-content: space-between;"> <span>Earliest <b>02/16/2022</b></span> <span>Latest <b>06/28/2022</b></span> </div> <div style="text-align: center; margin-top: 20px;"> <b>Continuing Action</b> </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a qualified individual with a disability. Respondent is aware of my disability. I have worked for Respondent since 2009. My current position is Senior Paralegal. On or about February 16, 2022, per my request, I had a meeting with Director Marni Bogart, Emil Cappelli (Senior Counsel) and Natalie Stutz (Attorney) to discuss how Mrs. Bogart would like me to prioritize my work tasks. She accused me of me yelling while I was speaking loudly as it is a trait of my disability. On June 22, 2022, I was called to a meeting with my supervisor, Jamie Seymour and Mrs. Bogart. Ms. Bogart accused me again of yelling. I was issued with an Eric County Record of Counseling. I requested Union representation, but Respondent denied me from having Union representation. At the meeting, I asked questions that Respondent refused to answer, and I was asked to leave. On June 28, 2022, I was placed on paid administrative leave. Currently, I am on involuntary medical leave pending investigation. I believe that I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.  <b>Digitally Signed By: Mr. Jeffrey N. Sell</b>  <b>10/05/2022</b>  <div style="text-align: center; margin-top: 20px;"> <i>Charging Party Signature</i> </div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT   <div style="text-align: center; margin-top: 20px;">         SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE          (month, day, year)       </div>	





# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

DEPARTMENT OF LAW

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

October 31, 2022

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>Dawson, Zackery J. v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Zackery J. Dawson 4316 Beach Road North Tonawanda, New York 14120
Claimant's attorney:	John G. Schmidt, Jr., Esq. Phillips Lytle LLP One Canalside 125 Main Street Buffalo, New York 14203-2887

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jc Toth", is written over a faint, larger blue ink signature that appears to read "Jeremy C. Toth".

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.





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IN THE MATTER OF THE CLAIM OF  
ZACKERY J. DAWSON  
-against-  
COUNTY OF ERIE, NEW YORK

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This paper received at the  
Erie County Attorney's Office  
from Ryan Jenkins on  
the 31<sup>st</sup> day of Oct. 2022  
at 2:17 a.m./p.m.  
L. Pettig - Foggy  
Assistant County Attorney

**PLEASE TAKE NOTICE** that Zackery J. Dawson ("Claimant"), by his attorneys Phillips Lytle LLP, hereby makes a claim against the County of Erie (the "County"), and in support of his claim, states:

1. Claimant's post office address is 4316 Beach Ridge Road, N. Tonawanda, New York 14120. Claimant's attorney is Phillips Lytle LLP, John G. Schmidt Jr., Esq., of Counsel, One Canalside, 125 Main Street, Buffalo, New York 14204.
2. Claimant's claim against the County of Erie is for serious personal injuries sustained by Claimant, as well as medical expenses and other damages incurred and to be incurred by Claimant, all by reason of the negligence of the County of Erie, and its officers, agents, servants and employees. Upon information and belief, the County of Erie was negligent in the repair, design, installation, or construction of a traffic control device, on or near the intersection of Sandhill Road and Hunts Corners Road, Town of Newstead, County of Erie, State of New York, which caused or contributed to a car accident. The County was (a) clearly aware that a dangerous condition was present on this roadway or at this particular intersection; (b) that despite this knowledge, the County either failed to investigate or conduct a traffic study of this condition, or that the study which it performed

was patently insufficient; or in the alternative, (c) that the County had no valid reason for failing to install an appropriate traffic control device at that specific location; and (d) that the County's negligence played a significant role, i.e., reasonable people could consider it an important fact, for causing a car accident on August 13, 2022. The County, through its agents, servants and/or employees had actual or constructive notice of the dangerous and hazardous condition or created or caused the dangerous and hazardous condition referenced herein.

3. Upon information and belief, the claim arose on August 13, 2022 at approximately 10:42 p.m., when the 2021 pickup truck, operated by Mark S. Printup in a southerly direction on Sandhill Road in Newstead, Erie County, New York proceeded into the intersection with Hunts Corner Road and violently collided with the 2010 BMW being operated by Claimant who was proceeding in an easterly direction on Hunts Corner Road in the Town of Newstead, County of Erie and State of New York.


4. As a result of the County's negligence the Claimant sustained severe life altering injuries and great pain and suffering, including, but not limited to, severe brain injuries, collapsed lung, multiple fractures to his pelvis and face requiring various surgeries and is currently in a coma hospitalized in intensive care. Some of these injuries will be of a permanent or indefinite duration and Claimant was and/or will in the future be required to expend considerable sums for medical care and other expenses. The total potential of damages is presently unknown but will include, to the extent proven at trial, past and future medical expenses, economic losses, wages losses, and pain and suffering.

WHEREFORE, the undersigned respectfully requests that this claim be allowed and paid by the said County of Erie. Unless the claim herein is adjusted and paid by the County of Erie within 30 days from the date of service of the Notice of Claim, Claimant intends to commence an action in the Supreme Court of the State of New York against the County seeking a sum which exceeds the jurisdictional limits of all lower courts and which would otherwise have jurisdiction, together with interest, costs and disbursements.

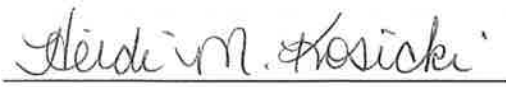
  
John G. Schmidt Jr., Esq.

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

John G. Schmidt Jr., Esq., being duly sworn, deposes and says: That I am the attorney for the claimant herein; that I have read the foregoing Notice of Claim and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

  
John G. Schmidt Jr., Esq.

Sworn to before me this 31<sup>st</sup>  
day of October, 2022.

  
Notary Public

Doc #10697708.3

**HEIDI M. KOSICKI**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 3/25/2026

