



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

## DEPARTMENT OF LAW

### MEMORANDUM

TO: Olivia Owens, Clerk, Erie County Legislature  
FROM: Jeremy C. Toth, Erie County Attorney  
DATE: December 6, 2024  
RE: Transmittal of New Claims Against Erie County

*JCT/dld*

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 12 new claims brought against the County of Erie. The claims are as follows:

#### Claim Name

1. Niko Carter v. County of Erie, et al.;
2. Arnav Matta v. County of Erie, et al.;
3. Salvatore Sperando v. County of Erie, et al.;
4. Nicole Cardinale v. County of Erie, et al.;
5. Darlene Robak v. County of Erie, et al.;
6. Lynne & Gerard Logan v. County of Erie, et al.;
7. Rebecca Richiazzi v. County of Erie, et al.;
8. Alex Migliore v. County of Erie, et al.;
9. Karen Koziol v. ECMCC, et al.;
10. Joseph Allegue v. County of Erie;
11. Shaniah Paige v. Janet Stachura, et al.; and
12. Malik Hunter v. County of Erie.

JCT:dld  
Attachments





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 7, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Carter, Niko v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Niko Carter 123 Meadow Place, Apt. A Cheektowaga, New York 14225
Claimant's attorney:	David S. Stern, Esq. Elliott Stern Calabrese, LLP 45 Exchange Boulevard, Suite 400 Rochester, New York 14614

Should you have any questions, please call.

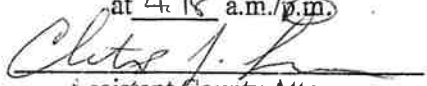
Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK SUPREME COURT  
COUNTY OF ERIE

This paper received at the  
Erie County Attorney's Office  
from Chris Monna on  
the 26 day of Sept., 2024  
at 4:15 a.m./p.m.  
  
Assistant County Attorney

**In the Matter of**

NIKO CARTER,

**Claimant,**

-vs-

**NOTICE OF CLAIM**

COUNTY OF ERIE, ERIE COUNTY SHERIFF'S  
DEPARTMENT, ERIE COUNTY DISTRICT and  
ATTORNEY'S OFFICE,

**Defendants**

**PLEASE TAKE NOTICE**, that the undersigned Claimant hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, and ERIE COUNTY DISTRICT ATTORNEY'S OFFICE as follows:

**1. The name and post office address of each claimant and claimant's attorney is:**

**Claimant:** Niko Carter  
123 Meadow Place, Apt. A  
Cheektowaga, New York 14225

**Attorneys:**

David S. Stern, Esq.  
ELLIOTT STERN CALABRESE LLP  
45 Exchange Boulevard, Suite 400  
Rochester, New York 14614  
Tel.: (585) 232-4724  
Email: [dstern@elliottstern.com](mailto:dstern@elliottstern.com)

Christopher D. Monna, Esq.  
45 Exchange Boulevard, Suite 400  
Rochester, New York 14614  
Tel.: (585) 698-6951  
Email: [chris@monnalaw.com](mailto:chris@monnalaw.com)

**2. Nature of the claims:** Claimant hereby makes claim for unlawful employment actions and violations of Claimant's civil rights including but not limited to false arrest, false imprisonment, malicious prosecution, abuse of process, assault and battery, intentional infliction of emotional distress, unintentional infliction of emotional distress, violation of civil rights pursuant to 42 USCA §1981, 1983 and 1985 (3), retaliation, defamation, libel, slander, violation of New York Civil Service Law §75, gross

negligence, negligence, negligence in hiring and retaining of incompetent and unfit police officers, and investigators, negligence in the training and instruction of its police officers, and negligence in the systemic failures in the performance of its police duties. The time when, the place where and the manner in which the claims arose:

On or about October 2, 2023, Claimant was falsely arrested and wrongfully charged with multiple felonies by the Erie County Sheriff and Erie County District Attorney's office charging Claimant with false allegations including allegations of importing contraband into the Erie County Jail. At the time of his arrest Claimant was a Sheriff's Deputy employed by the Erie County Sheriff.

Upon information and belief, Claimant asserts that his prosecution was solely motivated by his prior complaint against a superior officer for creating a hostile work environment at the Erie County Jail. The officer engaged in a racially charged rant directed at African American inmates and made other derogatory remarks, which Claimant found highly inappropriate and in violation of the Erie County Sheriff's Department policies and procedures. Claimant also found the behavior personally offensive as he is a person of color.

The day after filing a complaint about the officer's racial language, the Claimant was effectively demoted and removed from his position. Despite this, the Claimant continued working at the Erie County Sheriff's department throughout July, August, and September 2023. During this period, various government agencies were actively seeking evidence against the Claimant through search warrants and subpoenas, in an apparent attempt to retaliate against Claimant for reporting the racist officer.

Before the Claimant's arrest, the Erie County Sheriff's Department obtained and executed multiple search warrants based upon the statements of an unreliable witness, an inmate at the Erie County Jail. However, no physical evidence was collected from any of these searches. The warrants were based on allegations from an Erie County Jail inmate who, it is believed, was promised favorable treatment by sheriff's deputies regarding his own criminal charges, as well as other forms of

compensation for his 'cooperation.' Throughout the investigation and prosecution of Mr. Carter, no contraband was ever recovered or presented as evidence, nor was there any corroborating proof of the crimes the Sheriff's Office was attempting to convict Claimant of. The indictment relied solely on the statements of an unreliable criminal who was being coached and influenced by the Erie County Sheriff's Department.

The investigating and arresting officers of the Erie County Sheriff's deputies and the Erie County District Attorney's Office did intentionally and/or negligently misrepresent and falsify facts and evidence and withheld information of facts in the following manner:

- a) Failure to conduct proper investigation of this matter;
- b) In failing properly to vet witnesses used in the prosecution of this matter;
- c) Failing to allow Claimant opportunity to present exculpatory proof prior to his arrest;
- d) Continued prosecution when it became abundantly clear continuation of prosecution continued without probable cause;
- e) Continuation of prosecution despite exculpatory evidence;
- f) In actively pursuing proceeding after learning it lacks merit;
- g) Proceeding in prosecution of matters after acquiring knowledge of intervening facts exonerating claimant;
- h) Failing in disclosing all matters within the knowledge that a person of ordinary intelligence would believe material on the question of guilt or innocence;
- i) Claimant believes these proceedings were commenced based upon a wrong or improper motive other than a desire to see the ends of justice served;

The Defendants herein purposefully retaliated against Plaintiff for complaining about the conduct of his superior officer.

On or about October 2, 2023, Claimant was arraigned on the original accusatory instrument and charged with at least one felony. On October 26, 2023, Claimant was arraigned before Erie County Court on a total of four (4) felonies.

On June 28, 2024, all criminal charges were dismissed against Claimant.

On August 19, 2024, Claimant was wrongfully terminated by the Erie County Sheriff's Office.

As a result of the action of the COUNTY OF ERIE by and through its ERIE COUNTY SHERIFF'S OFFICE officers, agents, investigators and employees of these Defendants and the ERIE

COUNTY DISTRICT ATTORNEY'S office, Claimant suffered shame, humiliation, indignity, damage to reputation and credit, violation of his civil rights, mental anguish, emotional distress and suffering and psychological injuries, all of which, upon information and belief, are permanent in nature. Claimant expended large sums of money for counsel fees and the cost of defense. Claimant also suffered lost wages. Claimant was detained, against her will, and deprived of her liberty. Claimant has also lost faith in his former employer and the government in administering justice.

The Claimant enjoyed a high reputation in the community in the business community and a high personal and social reputation in the community; and by reason of the premises, Claimant's reputation has been irreparably impaired, his good name and standing in the community and good name and reputation in connection with his business and occupation has been greatly impaired and damaged.

Claimant suffered and continues suffering great mental distress by reason of the said wrongful acts of these Erie County Sheriff's deputies.

Claimant was compelled to employ counsel for his respective defenses and incurred great expense for his counsel and incurred and paid other expenses by reason of said proceedings all to his damage for a monetary sum that exceeds the jurisdictional limitations of all lower courts.

As a result of the action of the County of Erie by and through its Erie County Sheriff's officers, agents, investigators and employees of these Defendants, Claimant suffered shame, humiliation, indignity, damage to reputation and credit, violation of his civil rights, mental anguish, emotional distress and suffering and psychological injuries, all of which, upon information and belief, are permanent in nature. Claimant expended large sums of money for counsel fees and the cost of defense. Claimant also suffered lost wages. Claimant was detained, against his will, and deprived of his liberty. Defendant has also lost faith in police agencies and the government in administering justice.

As a result of these failures, acts and omissions this case remained pending against the Claimant for nearly eight (8) months, and each and every day a feeling of anxiety race through Claimant about his fate in a system that he knew first hand was unfair and flawed towards him from the moment he was illegally demoted



and then falsely arrested and accused by the Erie County Sheriffs Department and Erie County District Attorney's office.

The total sum claimed exceeds the jurisdictional limits of any lower courts.

This Notice of Intention to File a Claim is filed within the time constraints set forth in §50-e of the General Municipal Code and §11(b) of the New York State Court of Claims Act.

**PLEASE TAKE FURTHER NOTICE** that by reason of the foregoing, in default of the ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE and/or ERIE COUNTY DISTRICT ATTORNEY'S OFFICE to pay Claimant in her claim within the statutory period provided, Claimant intends to commence an action against each of the above, their agents and employees to recover damages with interest and costs of action.

**Dated: Buffalo, New York  
September 22, 2024**

  
**NIKO CARTER**

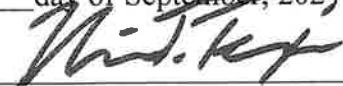
**INDIVIDUAL VERIFICATION**

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

NIKO CARTER, being duly sworn, deposes and says that deponent a Claimant in the within matter. Deponent has read the within Notice of Claim and knows the contents this thereof; that the same is true to deponent's knowledge except as to matters this therein stated to be alleged upon information and belief and that as to such matters deponent believes it to be true.

  
\_\_\_\_\_  
NIKO CARTER

Sworn to before me this  
26 day of September, 2024

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





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 15, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Matta, Arnav v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Arnav Matta 199 East Avenue, Apt. 3 Akron, New York 14001
Claimant's attorney:	Richard A. Nicotra, Esq. Nictora Law Firm, PC 487 Main Street Buffalo, NY 14203

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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**ARNAV MATTA**  
199 East Avenue, Apartment 3  
Akron, New York 14001

Claimant,

**NOTICE OF CLAIM**

vs.

**COUNTY OF ERIE**  
95 Franklin Street  
Buffalo, New York 14202

**VILLAGE OF AKRON**  
21 Main Street  
Akron, New York 14001

**VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**  
21 Main Street  
Akron, New York 14001

**TOWN OF NEWSTEAD**  
5 Clarence Center Road  
P.O. Box 227  
Akron, New York 14001

Respondent.

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**PLEASE TAKE NOTICE** that the Claimant, **ARNAV MATTA**, hereby intends to file a claim against the, **COUNTY OF ERIE, VILLAGE OF AKRON the VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**, and the **TOWN OF NEWSTEAD**, and in support of said claim states the following:

1. The Post Office address of the Claimant, **ARNAV MATTA** is 199 East Avenue, Apartment 3, Akron, New York 14001.
2. The attorneys for the Claimants are The Nicotra Law Firm, P.C., 561 Franklin Street, Buffalo, New York 14202, Telephone (716) 333-3000.
3. The Claim arose as follows: On June 4th, 2024 at approximately 5:30 P.M.,

Claimant, **ARNAV MATTA**, was riding his bike on the sidewalk of a bridge, over Murder Creek, on Parkview Drive, near East Avenue in the Village of Akron, Town of Newstead, County of Erie, and State of New York 14001, when he was caused to be thrown off of his bike due to an upheaved slab of sidewalk. Photographs of the upheaved sidewalk are attached hereto as **Exhibit A**.

4. Upon information and belief, the, **COUNTY OF ERIE** and/or the **VILLAGE OF AKRON**, and/or the **VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**, and/or the **TOWN OF NEWSTEAD**, owns, controls, maintains and/or regularly inspects the sidewalk on Parkview Drive, Akron, New York 14209.

5. This incident was caused by the negligence, carelessness, and recklessness of the, **COUNTY OF ERIE** and/or the **VILLAGE OF AKRON**, and/or the **VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**, and/or the **TOWN OF NEWSTEAD**, and/or their agents, servants and/or employees as follows:

- a. Negligently creating or maintaining a dangerous condition in the subject area, to wit: failing to properly caution and/or failing to warn the Claimant of the dangerous and hazardous conditions in the subject area;
- b. Negligently failing to maintain the sidewalk and subject area in a reasonably safe condition;
- c. Negligently failing to recognize a known dangerous and hazardous condition;
- d. Negligently failing to take proper measures to correct the dangerous and hazardous condition regarding the sidewalk and the subject area;
- e. Negligent inspection and maintenance of the sidewalk and the subject area;

- f. Negligent supervision of the sidewalk and the subject area; and,
- g. The Respondents were otherwise negligent;

6. This Claim is for personal injuries, conscious physical and emotional pain and suffering of Claimant, **ARNAV MATTA**, as well as medical expenses and consequential damages incurred by Claimant, **ARNAV MATTA**.

7. By virtue of the negligence and carelessness of the, **COUNTY OF ERIE** and/or the **VILLAGE OF AKRON**, and/or the **VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**, and/or the **TOWN OF NEWSTEAD**, Claimant, **ARNAV MATTA**, was caused to suffer serious, significant and permanent injuries, including but not limited to his shoulders, due to this incident. Claimant, **ARNAV MATTA**, also suffered other injuries and complications as yet undetermined as a result of this accident and, and by reason of the same, Claimant, **ARNAV MATTA**, sustained damages in an amount which cannot be reasonably calculated at this time.

8. By virtue of the negligence and carelessness of the, **COUNTY OF ERIE** and/or the **VILLAGE OF AKRON**, and/or the **VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**, and/or the **TOWN OF NEWSTEAD**, Claimant, **ARNAV MATTA**, has also incurred hospital and medical expenses and other necessary related expenses, the amount of which is undetermined to date.

**WHEREFORE**, Claimant, **ARNAV MATTA**, requests that the, **COUNTY OF ERIE** and/or the **VILLAGE OF AKRON**, and/or the **VILLAGE OF AKRON DEPARTMENT OF PUBLIC WORKS**, and/or the **TOWN OF NEWSTEAD**, compensate him for his injuries and loss.

Dated: Buffalo, New York  
August 5, 2024

Yours, etc.,

**THE NICOTRA LAW FIRM, P.C.**



By:

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Richard A. Nicotra, Esq.  
**THE NICOTRA LAW FIRM, P.C.**  
*Attorney for Claimant*  
561 Franklin Street  
Buffalo, New York 14202  
(716) 333-3000



**VERIFICATION**

STATE OF NEW YORK :  
COUNTY OF ERIE : ss.  
VILLAGE OF AKRON :

**ARNAV MATTA**, being duly sworn, deposes and says that he is the Claimant in this action for himself; that he has read the foregoing Notice of Claim in this action and knows 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.



\_\_\_\_\_  
**ARNAV MATTA**

Sworn to before me this 9<sup>th</sup> day of  
August, 2024



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

SARAH L. SPOTH  
Notary Public State of New York  
Qualified in Erie County  
Commission Expires March 12, 2026  
#01SP4963565





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 15, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Sperandeo, Salvatore v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Salvatore Sperandeo 245 West Avenue Buffalo, New York 14201
Claimant's attorney:	David J. Wolff, Jr., Esq. Cantor Wolff Nicastro & Hall LLC 2140 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is positioned above the printed name of the sender.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

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SALVATORE SPERANDEO,  
245 West Avenue  
Buffalo, New York 14201

Claimant,

**NOTICE OF CLAIM**

vs.

COUNTY OF ERIE,  
95 Franklin Street  
Room 1415  
Buffalo, New York 14202

SENECA BABCOCK COMMUNITY ASSOCIATION  
1168 Seneca Street  
Buffalo, New York 14210

Respondents.

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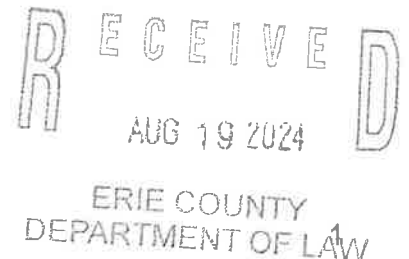
**PLEASE TAKE NOTICE**, that the Claimant claims damages against the above-named Respondent in accordance with the requirements of General Municipal Law § 50-e and states as follows:

1. The name and address of the Claimant is:

SALVATORE SPERANDEO,  
245 West Avenue  
Buffalo, New York 14201

2. The Claimant is represented herein by:

David J. Wolff, Esq.  
Cantor Wolff Nicastro & Hall  
350 Main Street, Suite 2140  
Buffalo, New York 14202  
(716) 848-8000



### **NATURE OF CLAIM**

3. The nature of the claim is a personal injury/damages claim as a result of the County of Erie's negligence.

### **TIME AND LOCATION AND MANNER IN WHICH CLAIM AROSE:**

4. The time this incident occurred was 11:50 a.m. on July 24, 2024 (according to the attached Police Report).

5. The location of the incident was the intersection of North Oak Street and East Tupper Street in the City of Buffalo, County of Erie. See the attached Police Report.

6. The manner in which the claim arose was when upon information and belief, a vehicle being driven by Patrick Prim drove negligently and ran a red light. Claimant, Salvatore Sperandeo, was a passenger in a motor vehicle being operated by Robert Brown and owned by the County of Erie. The Respondent's agent, Robert Brown, operated the vehicle in an unsafe and negligent manner. In particular, it is alleged that the respondent agent, Robert Brown, ran a red light and failed to properly yield to the vehicle being driven by Patrick Prim.

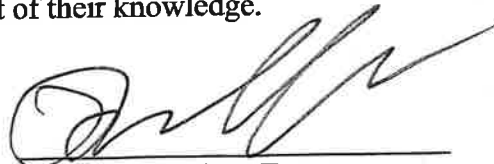
7. We have been informed that there is video surveillance of the incident and this will be released in the coming months by the police after they have completed their investigation.

### **DAMAGES CLAIMED**

8. Claimant has suffered severe injuries including but not limited to lumbar fracture(s) and a brain bleed. Claimant has been caused to seek medical care as a result of the defendant's negligence.

The above Notice of Claim is sworn to on behalf of the Claimant by the undersigned attorney. The undersigned attorney hereby affirms the above under the penalty of perjury that the above information is true and correct to the best of their knowledge.

DATED: Buffalo, New York  
August 13, 2024



David J. Wolff Jr., Esq.  
*Attorneys for Claimant*  
Cantor Wolff Nicastro & Hall  
350 Main Street, Suite 2140  
Buffalo, New York 14202  
(716) 848-8000

CC: County of Erie  
95 Franklin Street  
Room 1415  
Buffalo, New York 14202

Seneca Babcock Community Association  
1168 Seneca Street  
Buffalo, New York 14210

Page 1 of 1  
 Local Codes  
 24-206-0496  
 1065

NEW YORK STATE DEPARTMENT OF TOWNSHIP VEHICLES  
**POLICE ACCIDENT REPORT**  
 MV-104A (8/22)

B-1065

AMENDED REPORT

1	Accident Date Month: 07, Day: 24, Year: 2024 Day of Week: Wednesday Military Time: 1850	No. of Vehicles: 2	No. Injured: 2	No. Killed: 0	Not Investigated at Scene: <input type="checkbox"/> Accident Reconstructed: <input type="checkbox"/>	Left Scene: <input type="checkbox"/>	Police Photos: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2	VEHICLE 1 Driver License ID Number: 237 890 406 Driver Name: Prim, Patrick J Address: 97 E. Amherst St City/Town: Buffalo, NY, Zip Code: 14214	VEHICLE 2 Driver License ID Number: 252 849 295 Driver Name: Brown, Robert Address: 27 Maryon Dr. City/Town: Buffalo, NY, Zip Code: 14220						
3	Date of Birth: 10/27/2005, Sex: M, Unlicensed: <input type="checkbox"/> Name: Contract, Auto, Sales Address: 2687 Bailey Ave, City/Town: Buffalo, NY, Zip Code: 14215	Date of Birth: 07/28/1951, Sex: M, Unlicensed: <input type="checkbox"/> Name: Eric, Lunta Address: 95 Franklin St, Rm 1415, City/Town: Buffalo, NY, Zip Code: 14202						
4	Plate Number: LK5378, State of Reg: NY, Vehicle Year & Make: 2007 Jeep	Plate Number: BE3648, State of Reg: NY, Vehicle Year & Make: 2017 Ford						

6	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.
7	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact: 1, 2 Box 2 - Most Damage: 2, 2 Enter up to three more Damage Codes: 3, 4, 5 Vehicle By: Elite Towing Towed: To 870 Geneva St. Garay	VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact: 1, 2 Box 2 - Most Damage: 11, 11 Enter up to three more Damage Codes: 3, 4, 5 Vehicle By: Montgomery's Service Towed: To 105 Center Rd. West Seneca	ACCIDENT DIAGRAM #4 Cost of repairs to any one vehicle will be more than \$1000. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Reference Marker	Coordinates (if available) Latitude/Northing: Longitude/Easting:	Place Where Accident Occurred: County: Erie, City: Buffalo Road on which accident occurred: N. Oak St at 1) intersecting street: E. Tupper St. or 2) Feet: _____ Miles: _____
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Accident Description/Officer's Notes  
 Veh-1 was traveling south on N. Oak Street. Veh-2 was traveling east on East Tupper St. witness states Veh-1 ran the red light and hit Veh-2. Veh-2 came to rest east of the intersection and on its side.  
 VIN of Veh-1: 1J4RR4666BL55B774  
 witness: Mark Zembra, 808 7/21/82 716-570-2574

BY	TO	Names of all involved	Date of Death Only
A 1	1	Prim, Patrick	
B 2	1	Brown, Robert	
C 2	6	Speranza, Salvatore	

Officer's Rank and Signature: S. Aldinger	Badge/ID No.: 175090	NCIC No.: 01401	Precinct/Post Troop/Zone: B	Station/Beat/Sector: 3	Reviewing Officer: [Signature]	Date/Time Reviewed: 7/24/24 1527
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# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Cardinale, Nicole v. City of Buffalo, County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Nicole R. Cardinale 60 Hamlin Square, Apt. 5 Buffalo, New York 14221
Claimant's attorney:	Anthony J. Zitnik, Jr., Esq. Law Office of J. Michael Hayes 69 Delaware Avenue, Suite 1111 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 : COUNTY OF ERIE

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NICOLE R. CARDINALE,

Claimant,

**VERIFIED  
NOTICE OF CLAIM**

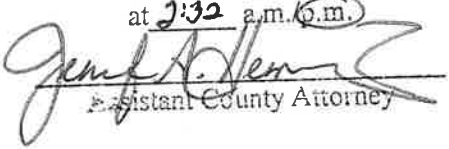
vs.

CITY OF BUFFALO,  
COUNTY OF ERIE, and  
THE BUFFALO OLMSTEAD  
PARKS CONSERVANCY,

Respondents.

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This paper received at the  
Erie County Attorney's Office  
from Jodi Williams on  
the 17<sup>th</sup> day of September, 2024  
at 2:32 a.m. (p.m.)

  
Assistant County Attorney

TO: CITY OF BUFFALO  
1100 City Hall  
Buffalo, New York 14202

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

THE BUFFALO OLMSTEAD  
PARKS CONSERVANCY  
84 Parkside Avenue  
Buffalo, New York 14214

**PLEASE TAKE NOTICE**, that NICOLE R. CARDINALE (“Claimant”), by and through her attorneys, LAW OFFICE OF J. MICHAEL HAYES, hereby gives Notice of a Claim against the CITY OF BUFFALO, COUNTY OF ERIE, and THE BUFFALO OLMSTEAD PARKS CONSERVANCY (collectively, “Respondents”) for negligence and demands damages in a sum to be determined after proper adjudication of the above claim, for personal injuries sustained by Claimant by reason of the wrongful, negligent, and careless acts and omissions of the Respondents,

LAW OFFICE OF

**J. MICHAEL HAYES**

69 Delaware Avenue, Suite 1111 | Buffalo, New York 14202 | T: (716) 852-1111 | F: (716) 852-0711  
*Service not accepted by facsimile or electronic mail.*

including Respondents' agents, servants, volunteers, and/or employees. In support thereof, Claimant states:

1. Name and post-office address of the Claimant: Nicole R. Cardinale, 60 Hamlin Square, Apt. 5, Buffalo, New York 14221.

2. Name and post-office address of the Claimant's attorneys: LAW OFFICE OF J. MICHAEL HAYES, Anthony J. Zitnik, Jr., Esq., *of counsel*, 69 Delaware Avenue, Suite 1111, Buffalo, New York 14202.

3. Nature of Claim and Damages / Injuries Claimed: This is a claim for money damages due to physical and economic injuries sustained by Claimant based on a dangerous, hazardous, or otherwise defective condition, including a hole / depression therein which was covered and hidden, as evidenced in **Exhibit A** attached hereto, on premises and sidewalk owned, leased, or otherwise maintained by Respondents, which, due to the negligence, carelessness, and/or recklessness of Respondents, caused the Claimant to sustain injuries to her head, neck, shoulders, left knee, and left side of her body, together with associated economic damages resulting from said injuries. The extent of the Claimant's bodily and economic damages is presently unknown and subject to further evaluation, treatment, and recommendations by her medical providers.

4. Time, Place, and Manner in which the Claim Arose: It will be claimed that Plaintiff was caused to fall at the premises at or about a covered hole in the sidewalk that was negligently, carelessly, and/or recklessly maintained by Respondents on July 21, 2024 at or about 5:10 p.m. at


LAW OFFICE OF

**J. MICHAEL HAYES**

69 Delaware Avenue, Suite 1111 | Buffalo, New York 14202 | T: (716) 852-1111 | F: (716) 852-0711  
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or near the entrance area to The Terrace at Delaware Park formerly known as the Marcy Casino,  
199 Lincoln Parkway, Buffalo, New York 14222.

DATED: BUFFALO, NEW YORK  
September 12, 2024



Anthony J. Zitnik, Jr., Esq.  
LAW OFFICE OF J. MICHAEL HAYES  
*Attorneys for Claimant*  
Office and P.O. Address:  
69 Delaware Avenue, Suite 1111  
Buffalo, New York 14202  
T: (716) 852-1111

LAW OFFICE OF

**J. MICHAEL HAYES**

69 Delaware Avenue, Suite 1111 | Buffalo, New York 14202 | T: (716) 852-1111 | F: (716) 852-0711  
*Service not accepted by facsimile or electronic mail.*

VERIFICATION

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

NICOLE R. CARDINALE, being duly sworn, deposes and says that she is the Claimant named in this Notice of Claim; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of deponent, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters she believes them to be true.

*Nicole R. Cardinale*  
\_\_\_\_\_  
NICOLE R. CARDINALE

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

On the 24<sup>th</sup> day of September, 2024, before me personally appeared the above-named signatory, 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 who acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



*Kristy L. Wawat*  
\_\_\_\_\_  
Notary Public

LAW OFFICE OF  
**J. MICHAEL HAYES**  
69 Delaware Avenue, Suite 1111 | Buffalo, New York 14202 | T: (716) 852-1111 | F: (716) 852-0711  
*Service not accepted by facsimile or electronic mail.*



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

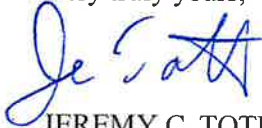
Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Robak, Darlene v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Darlene Robak 45 Ward Park, Left Apt. Grand Island, New York 14072
Claimant's attorney:	Christopher M. Pannozzo, Esq. O'Brien & Ford, P.C. 4549 Main Street, Suite 201 Buffalo, New York 14226

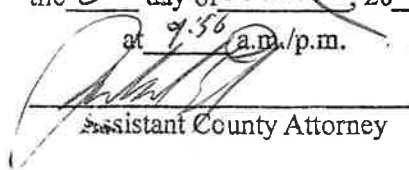
Should you have any questions, please call.

Very truly yours,  
  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.





This paper received at the  
Erie County Attorney's Office  
from John MacCannella  
the 30<sup>th</sup> day of October, 2024  
at 9:56 a.m./p.m. September  
  
Assistant County Attorney

STATE OF NEW YORK

---

DARLENE ROBAK,

Claimant,

vs.

NOTICE OF CLAIM

COUNTY OF ERIE,  
ERIE COUNTY DIVISION OF  
SEWERAGE MANAGEMENT,  
ERIE COUNTY WATER AUTHORITY,  
TOWN OF NEWSTEAD, and  
VILLAGE OF AKRON

Respondent.

---

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

ERIE COUNTY DIVISION OF SEWERAGE  
MANAGEMENT  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, New York 14202

ERIE COUNTY WATER AUTHORITY  
295 Main Street, Room 350  
Buffalo, New York 14203

TOWN OF NEWSTEAD  
5 Clarence Center Road  
Akron, New York 14001

VILLAGE OF AKRON  
21 Main Street  
Akron, New York 14001

PLEASE TAKE NOTICE that DARLENE ROBAK and O'BRIEN & FORD P.C.  
(Christopher M. Pannozzo, Esq., of Counsel), in accordance with General Municipal  
Law Section 50-e, hereby makes a claim and demand against the COUNTY OF ERIE,

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT, ERIE COUNTY WATER AUTHORITY, TOWN OF NEWSTEAD, and VILLAGE OF AKRON, (hereinafter "Respondents") as follows:

1. The name and post office address of Claimant is DARLENE ROBAK, (hereinafter "Claimant"), 45 Ward Park, Left Apartment, Grand Island, New York 14072.

2. The attorneys for the Claimant are O'BRIEN & FORD P.C. (Christopher M. Pannozzo, Esq., of Counsel, 4549 Main Street, Suite 201, Buffalo, New York, 14226, Telephone Number (716) 907-7777.

3. This is a negligence case stemming from Claimant's fall in an area owned, controlled, maintained or repaired by the Respondents herein. The facts and circumstances of this claim are as follows: On July 5, 2024, at approximately 12:45 a.m., Claimant, while walking, was caused to fall as a result of a property/sewer cover defect, specifically a water/sewer cover located in Section 03-377 of the Leisurewood Campground, 5720 Cummings Road, Akron, New York 14001 (Photos of the defect is attached hereto as "Exhibit A").

4. As a result of the fall, Claimant sustained severe and permanent injuries, including but not limited to a Fractured Neck and Left Shoulder fracture. As hereinafter set forth, such severe and permanent injuries were due to the negligence, carelessness and recklessness of the Respondents herein.

5. Upon information and belief, and at all times hereinafter mentioned, Respondents owned, maintained, serviced and controlled the aforementioned area where Claimant fell.

6. Among other things, there existed a defective water and sewer area, which was actually and affirmatively created by the Respondents.

7. Upon information and belief, and at all times hereinafter mentioned, Respondents either created the aforementioned dangerous conditions which Claimant encountered, or had actual, constructive notice and prior written notice of the aforementioned dangerous conditions and failed to remedy such defects in a timely manner.

8. Furthermore, upon information and belief, and at all times hereinafter mentioned, Respondents were negligent, carelessness and reckless in, among other things: failing to properly maintain the area where Claimant fell; creating dangerous condition(s); failing to timely remove a dangerous condition from the premises; failing to warn of dangerous conditions in an area known to be traversed by pedestrians, including Claimant; failing to properly maintain the property; failing to properly supervise and/or monitor the actions of third parties contracted to maintain the area; for having notice, either actual or constructive, of the dangerous conditions and failing to remedy such conditions before Claimant's fall; and for other careless, negligent and reckless acts.

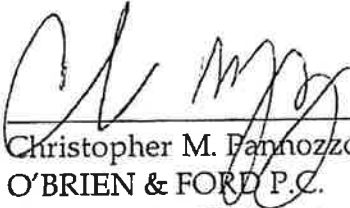
9. This Notice is made and served on behalf of Claimant in compliance with the provisions of the General Municipal Law Section 50-e and such other laws as may be relevant.

10. At all times hereinafter mentioned, as a result of the negligence, carelessness and recklessness of Respondents, the Claimant suffered serious and permanent injuries, internal as well as external, including, but not limited to: fractured neck and fractured left shoulder; and as a result of the negligence, carelessness and recklessness of the Respondents, the Claimant was caused to incur certain medical expenses and, upon information and belief, will continue to incur medical expenses in the future; has been caused to sustain a loss of wages and other economic loss and, upon information and belief, will sustain future loss of wages and other economic loss; has been caused to sustain pain and suffering as a result of her injuries and, upon information and belief, will continue to sustain pain and suffering as a result of her injuries in the future; has been and will be incapacitated from performing her usual and customary duties for a long period of time, all to her damage in a sum which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

**WHEREFORE**, Claimant requests these claims be allowed and paid for by Respondents herein.

**DATED:** Buffalo, New York  
September 27, 2024

  
\_\_\_\_\_  
DARLENE ROBAK

  
\_\_\_\_\_  
Christopher M. Fanno, Esq.  
O'BRIEN & FORD P.C.  
Attorneys for Claimant  
4549 Main Street, Suite 201  
Buffalo, New York 14226  
(716) 907-7777





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Logan, Lynne and Gerard v. Town of Amherst and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lynne and Gerard Logan 655 Hopkins Road Williamsville, New York 14221
Claimant's attorney:	Dale J. Bauman, 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

LYNNE M. LOGAN and  
GERARD J. LOGAN, Her Spouse,

Claimants,

- against -

TOWN OF AMHERST and  
ERIE COUNTY,

Respondents.

---

TO: TOWN OF AMHERST and  
ERIE COUNTY

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from Lucas Zendevo on  
the 10 day of September 2024  
at 10:56 a.m./p.m.

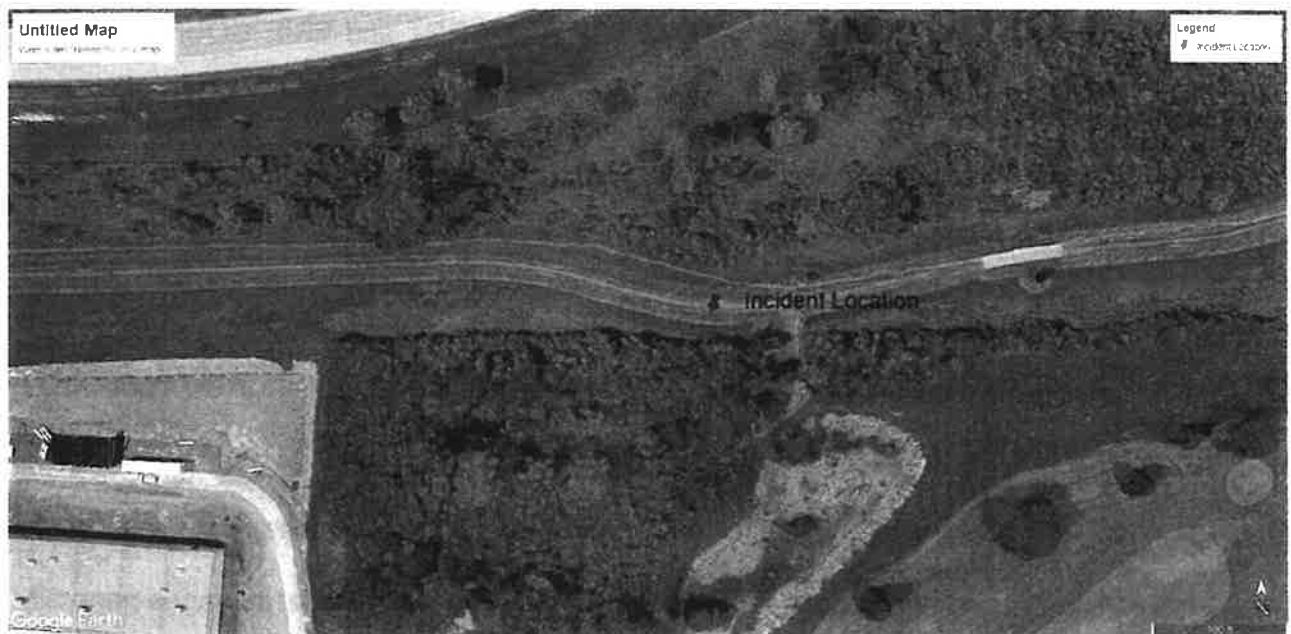
  
Assistant County Attorney

PLEASE TAKE NOTICE, that LYNNE M. LOGAN and GERARD J. LOGAN, have and hereby make claim against the TOWN OF AMHERST and ERIE COUNTY, and in support of said claim state the following:

1. The Post Office address of the claimants is 655 Hopkins Road, Williamsville, New York 14221.
2. The attorneys for the claimants are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.
3. The claim of LYNNE M. LOGAN is for personal injuries, including without limitation, loss of income and medical expenses, and for consequential damages generally.
4. The claim of GERARD J. LOGAN is for loss of services, society, companionship and consortium as a result of his wife's accident, and for consequential damages generally.

5. The claim arose on a bike path commonly known as the Ellicott Creek Bike Path a/k/a Ellicott Creek Trail Way, located in the Town of Amherst, County of Erie and State of New York.

6. The claim arose in substance as follows: On the 15<sup>th</sup> day of June, 2024, between approximately 12:00 p.m. and 1:00 p.m., the claimant, LYNNE M. LOGAN, while lawfully riding her bicycle on the bike path was caused to contact a height differential between the bike path surface and the adjacent soil resulting in serious injuries to the claimant. The location of the incident was at approximate GPS coordinates 42°59'47.1" N, 78°46'35.7" W, and approximately 1,250 feet east along the bicycle path from that path's intersection with North Maplemere Road, and approximately 50 feet west along the path from an intersecting spur of the bike path, and on the south edge of the bike path as shown in the aerial photograph below:



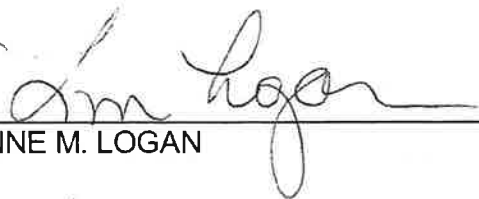
7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of the TOWN OF AMHERST and ERIE COUNTY, and more particularly, among other things, in creating the hazard, in failing and omitting to make sure the pavement was even and contained a smooth transition from pavement to grass for individuals to traverse; in failing to give the claimant and others any notice and/or warning of the said dangerous and hazardous condition thereby created; in allowing and permitting the bike path to remain in a uneven, raised, hazardous and dangerous condition; in failing and omitting to reasonably anticipate that persons traversing the area could sustain physical injury by reason of the aforesaid hazardous condition; in failing and omitting to use proper maintenance and care of the bike path at the aforesaid premises; in failing and omitting to provide a safe means to traverse the aforesaid bike path and in failing and omitting to avoid the incident, which in the exercise of reasonable care, could and should have been avoided. Without limitation, Claimants may assert that the Respondents' use of the above premises constituted a special use. Without limitation, Claimants may assert that the Respondents created the hazardous condition or had notice, actual or constructive, of its existence.

8. Upon information and belief, as a result of the aforesaid incident, the claimant, LYNNE M. LOGAN, 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, LYNNE M. LOGAN, sustained injuries

in the nature of two pelvic fractures and a torn retina. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimants request that the TOWN OF AMHERST and ERIE COUNTY honor and pay the claim on behalf of LYNNE M. LOGAN and GERARD J. LOGAN.

DATED: Buffalo, New York  
September 3, 2024

  
\_\_\_\_\_  
LYNNE M. LOGAN

  
\_\_\_\_\_  
GERARD J. LOGAN

**LIPSITZ GREEN SCIME CAMBRIA LLP**

By:   
\_\_\_\_\_  
DALE J. BAUMAN, ESQ.

Attorneys for Claimants  
Office and P.O. Address  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333  
[dbauman@lglaw.com](mailto:dbauman@lglaw.com)

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

LYNNE M. LOGAN and GERARD J. LOGAN, being duly sworn, depose and say that they are the claimants above named; and make this claim on behalf of themselves; they have read the foregoing claim and know the contents thereof; the same is true to the knowledge of the claimants except for the matters herein alleged upon information and belief, and as to those matters, they believe them to be true.

  
\_\_\_\_\_  
LYNNE M. LOGAN

  
\_\_\_\_\_  
GERARD J. LOGAN

Sworn to before me on this 3  
day of September, 2024.

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

**DALE JAMES BAUMAN**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 09/29/2024





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Ricchiazzi, Rebecca v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Rebecca Ricchiazzi 2800 Homeyer Road North Tonawanda, New York 14120
Claimant's attorney:	Brian R. Wood, Esq. Law Offices of Robert D. Berkun 501 John James Audubon Parkway, Suite 300 Amherst, New York 14228

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:**

---

**REBECCA RICCHIAZZI,**

Claimant,

v.

**ERIE COUNTY,**

Respondent.

---

**NOTICE OF CLAIM**

TO: Jeremy C. Toth, Esq.  
ERIE COUNTY Attorney  
Edward A. Rath County Office Building  
95 Franklin Street, Rm 1634  
Buffalo, New York 14202

Michael P. Kerns  
ERIE COUNTY Clerk  
92 Franklin Street  
Buffalo, NY 14202

***PLEASE TAKE NOTICE***, that the Claimant, REBECCA RICCHIAZZI, by and through their attorneys, the Law Offices of Robert D. Berkun, 501 John James Audubon Parkway, Suite 300, Amherst, New York 14228, hereby makes a claim against the Respondent, ERIE COUNTY, as follows:

1. The Claimant's full name is REBECCA RICCHIAZZI, and their date of birth is October 26, 1982.
2. The Claimant resides at 2800 Homeyer Road, North Tonawanda, New York 14120.
3. That on or about the 19<sup>th</sup> day of June, 2024, the Claimant was caused to trip and fall on an uneven, unlevel, raised, and negligently maintained sewer/man hole cover protruding from the sidewalk in front of and/or adjacent to the real property located at 565 Abbott Road, Buffalo, New York, specifically the southern corner of the intersections of Abbot Road, Cazenovia Street, and Lorraine Avenue.

4. Upon information and belief, said property is owned by the Respondent, ERIE COUNTY.
5. That the incident described above was caused by the negligence of the ERIE COUNTY, its agents, servants, employees and/or contractors, in that the ERIE COUNTY did not take all adequate, reasonable, and necessary steps to provide for the safety of the Claimant. That, specifically, the ERIE COUNTY, its agents, servants, employees and/or contractors, were careless, negligent and reckless in the following ways: Causing and/or creating and/or contributing to the uneven, unlevel, raised, and negligently maintained sewer/man hole cover protruding from the sidewalk in front of and/or adjacent to the real property located at 565 Abbott Road, Buffalo, New York, specifically the southern corner of the intersections of Abbot Road, Cazenovia Street, and Lorraine Avenue failing to warn Plaintiff of the dangerous/hazardous condition of the aforementioned sidewalk and surrounding area when the ERIE COUNTY, its agents, servants, employees, and/or contractors, knew, or should have known in the exercise of reasonable care, that people lawfully on the premises would walk on said sidewalk and surrounding area which was then dangerous/hazardous due to uneven, unlevel, raised, and negligently maintained sewer/man hole cover protruding from the sidewalk in front of and/or adjacent to the real property located at 565 Abbott Road, Buffalo, New York, specifically the southern corner of the intersections of Abbot Road, Cazenovia Street, and Lorraine Avenue; failing to correct the condition of the aforementioned sidewalk and surrounding area which was in existence for hours and/or days prior to Plaintiff's fall; the ERIE COUNTY, its agents, servants, employees, and/or contractors, knew, or should have known in the exercise of reasonable care, of the uneven, unlevel, raised, and negligently maintained sewer/man hole cover protruding from the sidewalk in front of and/or adjacent to the real property located


at 565 Abbott Road, Buffalo, New York, specifically the southern corner of the intersections of Abbot Road, Cazenovia Street, and Lorraine Avenue on the aforementioned sidewalk and surrounding area and failed to take any measures to block access to the dangerous/hazardous area to prevent injury to those lawfully thereon; Plaintiff was injured as a result of the dangerous condition which was allowed to occur and continue on the premises due to the action and/or inaction of the ERIE COUNTY, its agents, servants, employees, and/or contractors; the ERIE COUNTY, its agents, servants, employees, and/or contractors, had a duty to properly inspect and maintain the premises, and keep same in a reasonably safe condition to prevent foreseeable injury to other persons on the premises; the ERIE COUNTY, its agents, servants, employees, and/or contractors, knew, or should have known in the exercise of reasonable care, of the existence of the dangerous/hazardous condition consisting uneven, unlevel, raised, and negligently maintained sewer/man hole cover protruding from the sidewalk in front of and/or adjacent to the real property located at 565 Abbott Road, Buffalo, New York, specifically the southern corner of the intersections of Abbot Road, Cazenovia Street, and Lorraine Avenue; failing to exercise ordinary and reasonable care in that the ERIE COUNTY, its agents, servants, employees, and/or contractors, were generally careless and negligent, causing injury to the Plaintiff, who was lawfully on the premises.

6. Attached hereto and made a part hereof are six (6) color photographs depicting the area of the subject fall.
7. That as a result of this fall, the Claimant, REBECCA RICCHIAZZI, sustained serious personal injuries, including, but not limited to, a fracture of the left knee, and tearing of blood vessels requiring surgical intervention.

8. That the Claimant, REBECCA RICCHIAZZI, has incurred various medical expenses and is continuing to treat with medical providers for the injuries they sustained due to the negligence of the Respondent, ERIE COUNTY.
9. That the Claimant, REBECCA RICCHIAZZI, hereby makes a claim against the Respondent, ERIE COUNTY, for their personal injuries, medical expenses, past, present and future pain suffering and loss of enjoyment of life suffered as a result of the incident that occurred on or about June 19, 2024, on the uneven, unlevel, raised, and negligently maintained sewer/man hole cover protruding from the sidewalk in front of and/or adjacent to the real property located at 565 Abbott Road, Buffalo, New York, specifically the southern corner of the intersections of Abbot Road, Cazenovia Street, and Lorraine Avenue.
10. That the Claimant, REBECCA RICCHIAZZI, respectfully reserves the right to amend this Notice of Claim if necessary.

***PLEASE TAKE NOTICE***, that in the event that the Respondent fails to resolve the matter, the Claimant intends to commence an action in the Supreme Court of the State of New York, REBECCA RICCHIAZZI, to recover damages in an amount which is currently undetermined, together with the costs and disbursements of this action, and for such other and further relief as the Court deems just and proper.

DATED: September 16, 2024  
Amherst, New York,



Brian R. Wood, Esq.  
LAW OFFICES OF ROBERT D. BERKUN  
*Attorneys for Claimant*

501 John James Audubon Parkway, Ste. 300  
Amherst, New York 14228  
(716) 855-3255

IN THE MATTER OF THE CLAIM OF:

REBECCA RICCHIAZZI.

Claimant,

v.

NOTICE OF CLAIM

ERIE COUNTY and

Respondent.

REBECCA RICCHIAZZI, being duly sworn, deposes and says, that the deponent is the plaintiff in the within action; that the deponent has read the foregoing NOTICE OF CLAIM and knows the contents hereof; that the same is true to the deponent's knowledge, except as to the matters herein stated to be alleged upon information and belief, and that as to those matters the deponent believes them to be true.



REBECCA RICCHIAZZI

Sworn to before me this 16<sup>th</sup> day  
of September, 2024.



NOTARY PUBLIC

Brian R. Wood  
Notary Public, State of New York  
Qualified in Montgomery County  
Reg. No. 02W06274892  
Commission Expires: Jan. 14, 2025



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

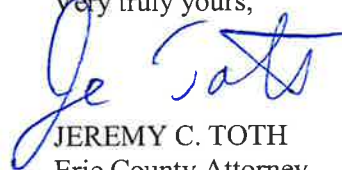
Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Migliore, Alex v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Alex M. Migliore 64 Duerstein Street Buffalo, New York 14212
Claimant's attorney:	John F. Maxwell, Esq. Maxwell Murphy, LLC 1230 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

---

In the Matter of the Claim of  
ALEX M. MIGLIORE  
64 Duerstein Street  
Buffalo, New York 14212,

*Claimant,*

**NOTICE OF CLAIM**

vs.

BUFFALO WATER BOARD,  
BUFFALO WATER AUTHORITY,  
BUFFALO MUNICIPAL WATER FINANCE AUTHORITY,  
CITY OF BUFFALO,  
ERIE COUNTY WATER AUTHORITY, and  
ERIE COUNTY,

*Respondents.*

---

**TO: BUFFALO WATER BOARD**  
Oluwole McFoy, Chairperson  
65 Niagara Square, Room 502  
Buffalo, New York 14202

**CITY OF BUFFALO**  
Cavette Chambers, Esq., Corporation Counsel  
65 Niagara Sq., Room 1100  
Buffalo, New York 14202

**BUFFALO WATER AUTHORITY**  
William Sunderlin, Vice Chairperson  
281 Exchange Street  
Buffalo, New York 14204

**ERIE COUNTY WATER AUTHORITY**  
Mark S. Carney, Esq., General Counsel  
295 Main Street, Room 350  
Buffalo, New York 14203

**BUFFALO MUNICIPAL WATER  
FINANCE AUTHORITY**  
Oluwole McFoy, Chairperson  
65 Niagara Square, Room 502  
Buffalo, New York 14202

**ERIE COUNTY**  
Jeremy C. Toth, Esq., Erie County Attorney  
Department of Law, County Office Building  
95 Franklin Street, Room 1634  
Buffalo, New York 14202

**PLEASE TAKE NOTICE**, that the Claimant, ALEX M. MIGLIORE, claims and demands the following against the Respondents, BUFFALO WATER BOARD, BUFFALO WATER AUTHORITY, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, and ERIE COUNTY, 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:

ALEX M. MIGLIORE  
64 Duerstein Street  
Buffalo, New York 14212

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

JOHN F. MAXWELL, ESQ.  
MAXWELL MURPHY, LLC  
1230 Delaware Avenue  
Buffalo, New York 14209

2. This claim of ALEX M. MIGLIORE is for personal injuries sustained through the negligence and violations of the Labor Law of the State of New York, by the Respondents, their agents, employees and contractors.

3. The time when and place where this Claim arose are as follows: approximately 8:30 a.m. on July 30, 2024, at a construction site at the Buffalo Water Filtration Plant located at 2 Porter Avenue, in the City of Buffalo and State of New York.

4. Claimant ALEX M. MIGLIORE was working for Grove Roofing Services, Inc. with offices located at 131 Reading Avenue, Buffalo, New York 14220, who, upon information and belief, had contracted with the Respondents, their agents and contractors to perform construction activities at the Buffalo Water Filtration Plant in Buffalo, New York. Upon information and belief, the structures and property upon which such construction work was being performed is owned by the Respondents.

5. Upon information and belief, the Respondents were the owners and/or general contractors of the construction site located at the Buffalo Water Filtration Plant in Buffalo, New York on July 30, 2024.

6. At approximately 8:30 a.m. on July 30, 2024 the Claimant ALEX M. MIGLIORE was performing construction work the Buffalo Water Filtration Plant when he was caused to ingest ethylene propylene diene monomer roof cleaner (hereinafter "EPDM cleaner") after it was put in his water bottle



at the construction site work area. Claimant's incident was caused by the Respondents', their agents' and employees' violations of the Labor Laws of the State of New York and the rules and regulations promulgated thereunder, failing to provide, implement and enforce safe working policies and procedures for the work being performed prior to and at the time of Claimant's incident to prevent him and others from ingesting harmful chemicals in his work area upon which the Claimant was required to work.

7. The Claimant ALEX M. MIGLIORE was caused to suffer serious and permanent injuries including injuries to his internal organs, vomiting, diarrhea, dizziness and loss of sleep.

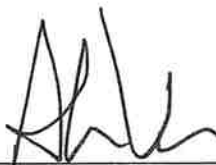
8. The injuries of the Claimant ALEX M. MIGLIORE have resulted and will result in past and future medical expenses including costs for hospitalization, surgeries, medications, physical therapy, rehabilitation, custodial care, diagnostic tests, radiological tests, follow-up medical examinations; medical monitoring; 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.

9. Claimant ALEX M. MIGLIORE was caused to suffer the above-mentioned injuries and damages due to the negligence and unlawful behavior of the Respondents, their agents, employees and contractors in negligently failing to provide Claimant with a safe place to work and in failing to comply with §§200 and 241(6) of the New York State Labor Law when the Claimant ALEX M. MIGLIORE was caused to ingest EPDM cleaner at his work area while in the performance of his duties as a roofer in the employ of Grove Roofing Services, Inc. as a result of the Respondents' failure to provide, implement and enforce safe working policies and procedures for the work being performed prior to and at the time of Claimant's incident to prevent him and others from ingesting harmful chemicals in his work area upon which the Claimant was required to work, as well as their failure to comply with the rules and regulations promulgated under OSHA, the New York Industrial Code and the New York State Labor Laws.



**WHEREFORE**, the Claimant, ALEX M. MIGLIORE, hereby claims and demands from Respondents, BUFFALO WATER BOARD, BUFFALO WATER AUTHORITY, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, and ERIE COUNTY, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondents, their agents, servants and employees.

DATED: August 26, 2024  
Buffalo, New York




---

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

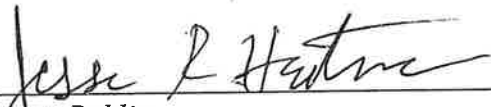


**VERIFICATION**

ALEX M. MIGLIORE, 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.

  
\_\_\_\_\_  
ALEX M. MIGLIORE

Subscribed and sworn to before me  
this 20<sup>th</sup> day of August, 2024.

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







# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

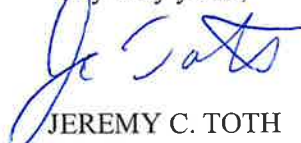
Dear Ms. Owens:

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>Koziol, Karen v. Karen Reed, MD and ECMCC, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Karen Koziol 3670 Sherwood Avenue Niagara Falls, New York 14301
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

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

R E C E I V E D  
AUG 09 2024

KAREN M. KOZIOL  
3670 Sherwood Avenue  
Niagara Falls, New York 14301

ERIE COUNTY  
DEPARTMENT OF LAW  
NOTICE OF CLAIM

Petitioner,

Index No. :

-vs-

KAREN REED, M.D.  
462 Grider Street  
Buffalo, New York 14215

ERIE COUNTY MEDICAL CENTER HEALTH CARE NETWORK  
462 Grider Street  
Buffalo, New York 14215

ERIE COUNTY MEDICAL CENTER CORPORATION  
462 Grider Street  
Buffalo, New York 14215

Respondents.

---

TO THE ABOVE-NAMED RESPONDENTS:

PLEASE TAKE NOTICE that the Claimant herein claims damages in accordance with the Requirements of General Municipal Law Section 50-e, and all other attendant Statutes and Regulations. Claimants allege as follows:

FIRST: The Name and Address of the Claimant is as follows:

KAREN M. KOZIOL  
3670 Sherwood Avenue  
Niagara Falls, New York 14301

SECOND: The Claimant is making this notice pro se

THIRD: These Claims are ones founded in negligence.

FOURTH: These are claims for Money Damages for pecuniary loss for health care, personal care, pain and suffering against Respondents when Claimant was in the care and custody of the Respondents, and/or their Employees, Agents, Servants and/or Contractors of the Respondents, and in an area under the possession, control and ownership of the Respondents.

FIFTH: The Time when the claim arose and the time when the injuries and damages herein alleged were sustained was from July 30, 2024, at approximately 2:00 p.m. through the present and going forward.

SIXTH: The incident occurred in the Erie County Medical Center located at 462 Grider Street, Buffalo, New York, under the possession, control, and ownership of the Respondents.

SEVENTH: That the cause of actions which form the substance of this claim arose in the following manner:

That on July 30, 2024, KAREN KOZIOL the Claimant, was undergoing general endotracheal anesthesia for a gastric sleeve operation at approximately 2:00 p.m. at the Erie County Medical Center. That on July 30, 2024, through July 31, 2024, while the CLAIMANT was lawfully on the premises stated above at the Erie County Medical Center, for the purposes of medical care and attention, KAREN KOZIOL the Claimant received care and treatment which resulted in her injury, namely a gastric esophageal perforation. Said medical treatment was provided by Respondents, and their Employees, Agents, Servants and/or Contractors, causing her grave physical injury, pain and suffering.

EIGHTH: That the aforesaid incident and injuries and damages resulting therefrom occurred by the negligent acts of the Respondents and their Employees, Agents, Servants and/or

Contractors of the Respondents herein, the fault, neglect, and carelessness of the Respondents, their agents, servants and/or employees in that the Respondents, their agents, servants, and/or employees, and contractors, were negligent, wanton and reckless in failing to properly supervise, maintain, operate and control the medical treatment in question; that they allowed other agents, servants, employees and contractors to subject the Claimant to negligent medical care, thus creating a dangerous and hazardous condition, which they knew of, in the exercise of reasonable care, and should have known existed for some period of time; that they failed to provide sufficient and proper protection and safeguards for the Claimant, in hiring such employees that they knew or should have known to be incompetent, unskilled, and inexperienced; that the employees, so employed, were incompetent, unskillful and inexperienced; that the Respondents knew, or should have known of the negligent danger that they subjected the Claimant to; in failing to properly train their employees and enforce proper and adequate techniques for the care and treatment of a patient.

NINTH: a) That by the reason of the aforesaid, the Claimant, KAREN M. KOZIOL, became severely injured as a result of the medical treatment she received while under Respondents' care.

b) Prior to the accident alleged herein, the Claimant was capable of performing, and did perform, all of her usual and customary duties. Solely as a consequence of the culpable conduct of the Respondents and their agents, employees, servants and/or contractors, jointly and severally, the Claimant had resultant injuries, pain and suffering.

c) That as a result of the culpable conduct of the Respondents herein, THE CLAIMANT has suffered a pecuniary loss from the negligent caused injuries herein, in an amount that cannot be determined at the present time.

**WHEREFORE**, the Claimant respectfully prays and requests that these claims, as set forth herein, be paid and allowed by Respondents.

Dated: August 2, 2024  
Niagara Falls, NY



A handwritten signature in cursive script, appearing to read "Karen Koziol", is written over a horizontal line.

KAREN KOZIOL  
3670 Sherwood Avenue  
Niagara Falls, New York 14301  
7164715194

VERIFICATION

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

KAREN M. KOZIOL, being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing and knows the contents thereof, that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

*Karen M. Koziol*  
KAREN M. KOZIOL

Sworn to before me this  
\_2nd\_ day of August, 2024

*Nicholas D Mansour*  
Notary Public

NICHOLAS D MANSOUR  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02MA6431290  
Qualified in Niagara County  
My Commission Expires \_\_\_\_\_

NICHOLAS D MANSOUR  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02MA6431290  
Qualified in Niagara County  
My Commission Expires 4/4/26





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

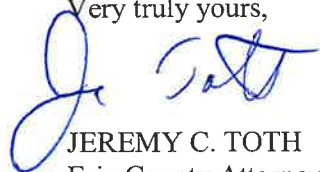
Dear Ms. Owens:

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>Allegue, Joseph v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Joseph Allegue 49 Trinity Place Buffalo, New York 14201
Claimant's attorney:	T. Dylan Collins, Esq. Collins & Collins Attorneys, LLC 267 North Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,



JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.





SUPREME COURT  
STATE OF NEW YORK : COUNTY OF ERIE

JOSEPH ALLEGUE,

RECEIVED  
SEP 30 2024

ERIE COUNTY  
DEPARTMENT OF LAW

**NOTICE OF CLAIM**

Claimant,

vs.

COUNTY OF ERIE,

Respondent,

To: Jeremy C. Toth  
Erie County Attorney  
Department of Law  
Edward A. Rath County Office Building  
95 Franklin Street, Rm 1634  
Buffalo, NY 14202

PLEASE TAKE NOTICE, that the undersigned hereby makes this notice of claim in compliance with the applicable statutes of the State of New York:

1. The claimant herein is Joseph Allegue, 49 Trinity Place, Buffalo, New York 14201.
2. The claimant herein is represented by T. Dylan Collins, Esq., of Collins & Collins Attorneys, LLC, 267 North Street, Buffalo, New York 14201.
3. The subject claim is for personal injuries, lost wages, and medical expenses sustained by the claimant, by reason of the negligence and statutory violations of the respondent, County of Erie and/or their employees, on June 30, 2024, at and near Route 33 Eastbound Best Street exit in the City of Buffalo.

4. The incident giving rise to damages occurred on June 30, 2024, as claimant, Joseph Allegue, was traveling East Bound on Route 33 within Buffalo, New York. At or around the Best Street exit he was hit head on by Isaiah Glover who was traveling West Bound in the East Bound Lanes. Mr. Glover entered on to East Bound traffic by using the Best Street exit which resulted in the head on collision between him and Joseph Allegue due to poorly maintained and/or no road markings, signs, caution tape, proper maintenance, and/or warning. Joseph Allegue sustained serious and permanent injuries as a result of this collision.

5. Attached as **Exhibit A** are photographs depicting East Bound exit to Best Street. Attached as **Exhibit B** is the MV-104A from the incident. Attached as **Exhibit C** are other MV-104As from Route 33 in Buffalo, New York proving that the City of Buffalo has been on notice regarding wrong way drivers and poorly signed entrances and exits.

6. The aforesaid injuries were caused as a result of the negligence of the respondent, County of Erie, by and through its agents, servants, and/or employees, in failing to properly design, construct, repair, and/or maintain said roads and/or exit, failing to properly sign the involved roads and/or exit with proper warning signature, failing to properly notify or warn motorists of oncoming traffic, failing to properly maintain and monitor proper sightlines and sight distances, failing to maintain and monitor vegetation and other obstructions, and failing to undertake any appropriate studies, surveys, repairs, modifications, or reconstruction of the roadway and

signage, and other appurtenances, despite knowing of previous instance of events similar to what is stated here along Route 33 in Buffalo, New York.

7. The claimant, Joseph Allegue, sustained conscious pain and suffering, including but not limited to, crushing injuries, severe trauma, internal injuries, and other severe and permanent injuries.

8. In sum, the said damages for which claim is hereby made arose in the following manner, to wit:

On June 30, 2024, at 2:36 AM, claimant Joseph Allegue was traveling East Bound on Route 33 when he was struck head on by Isaiah Glover who was traveling West Bound in the East Bound Lanes. Before Mr. Glover struck the claimant's vehicle, he entered the roadway via the Best Street exit which had little to no signage advising wrong way traffic and not to enter. The few signs that were posted at the exit were obstructed by foliage, shrubbery, and/or poor lighting. Due to failure to maintain the Route 33 East Bound exit to Best Street, Isiah Glover collided head on with Joseph Allegue. The impact from this event caused him to sustain multiple permanent and disabling injuries, including internal injuries which resulted in multiple surgeries at Erie County Medical Center, including but not limited to colon repair.

9. The subject claim is for a sum to be determined by a jury.



**CERTIFICATION**

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.



---

T. Dylan Collins, Esq.  
COLLINS & COLLINS  
ATTORNEYS, LLC  
*Attorneys for Claimant*  
267 North Street  
Buffalo, New York 14201  
(716) 885-9700





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 22, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Ms. Owens:

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>Paige, Shaniah v. Janet Stachura, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Shaniah Paige 306 Wyoming Avenue Buffalo, New York 14215
Claimant's attorney:	Claimant is <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.







RECEIVED  
OCT 04 2024

ERIE COUNTY  
DEPARTMENT OF LAW

State of New York, County of Erie  
Buffalo City Court Small Claim Part

Index No: SC-001041-24/BU  
11/13/2024 9:30 AM



To all named Defendants:

**Theresa Reagan Also Known As Terry Reagan, at 2815 Union Road Suite 356, Foster Parent Dept of SS, Cheektowaga, NY 14227**

**Janet Stachura, at 2875 Union Road Suite 356, DSS Caseworker, Cheektowaga, NY 14227**

**Molly Pecoraro, at 2875 Union Road Suite 356, DSS Supervisor, Cheektowaga, NY 14227**

**TAKE NOTICE** that: **Shaniah Paige, at 306 Wyoming Avenue, Buffalo, NY 14215; (716) 969-9516** has/have asked judgment in this Court against you for \$712.65 together with costs upon the following claim(s): **Other for \$712.65 Additional detail, if any: Date of incident 12/22/23 to 02/08/24 Plaintiff is Suing Defendant for the Electronics that were supposed to given to her child, but never received Electronics Gifts back from the Department of Social Services.**

There will be a Hearing before the Court on this claim on: **November 13, 2024 at 9:30 AM in Small Claim's Part 3 at the Buffalo City Court located at: Buffalo City Court Building, 50 Delaware Avenue, Buffalo, NY 14202**

You **MUST** appear and present your defense and any counterclaim you may desire to assert at the Hearing at the time and place above set forth (a corporation must be represented by an attorney or any authorized officer, director or employee). **IF YOU DO NOT APPEAR IN PERSON OR BY AN ATTORNEY, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT EVEN THOUGH YOU MAY HAVE A VALID DEFENSE.** If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the Hearing. The Clerk, if requested, will issue subpoenas for witnesses, without charge. However, there may be a fee to serve the subpoena.

NOTE: If you desire a jury trial, (See **Buffalo City Court Info. on the back of this summons**) you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the Clerk a jury fee of \$70 and file an undertaking in the sum of \$50 or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith. Under the law, the Court may award up to \$25, as additional costs to the Claimant if a jury trial is demanded by you and a decision is rendered against you.

If you wish to present a counterclaim against the Claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this Notice of Claim. At the time of such filing you must pay the Clerk a filing fee of \$5 plus the cost of postage to send your counterclaim by first class mail to the Claimant. If you fail to file a counterclaim within this five-day period, you retain the right to file the counterclaim until the time of the Hearing, but the Claimant may request and obtain an adjournment of the Hearing to a later date.

If you admit the claim, but desire time to pay, you must appear personally on the day set for the Hearing and state to the Court your reasons for desiring time to pay.

**Please read the additional information on the back of this notice**

Dated: 09/20/2024

Erika Webb, Chief Clerk





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 23, 2024

Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

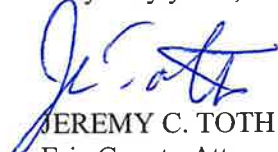
Dear Ms. Owens:

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>Hunter, Malik v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Malik R. Hunter 59 Denrose Drive Buffalo, New York 14228
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

MALIK R. HUNTER,

Complainant,

v.

COUNTY OF ERIE,

Respondent.

COMPLAINT

Pursuant to Executive Law,  
Article 15

Case No.

**10240551**

Federal Charge No. 16GC500209

I, Malik R. Hunter, residing at 59 Denrose Dr., Buffalo, NY, 14228, charge the above-named respondent, whose address is Attn: Jeremy C. Toth, Esq.

First Assistant County Attorney

95 Franklin Street, Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of familial status, pregnancy-related condition, race/color, sexual orientation, opposed discrimination/retaliation, creed.

Date most recent or continuing discrimination took place is 7/30/2024.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of familial status, pregnancy-related condition, race/color, sexual orientation, opposed discrimination/retaliation, creed, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

# New York State Division of Human Rights Complaint Form

## Individual filing the complaint

---

Please provide the information requested below.

**First Name**

Malik

**Middle Initial**

R

**Last Name**

Hunter

**Street Address**

59 Denrose Dr.

**City**

Buffalo

**State**

NY

**Zip**

14228

**Are you completing this form for someone else?**

No

## Your complaint

---

**Jurisdiction**

Employment

## Employment

---

**Please specify where the discrimination occurred**

Employment (including paid internship and domestic workers)

**Are you currently working for the employer you are filing against?**

Yes

**Date of hire**

12/11/2023

**Position held or applied for**

9 months

**For employment and internships, how many employees does this person/company have?**

20 or more

RECEIVED

SEP 21 2024

Buffalo EFAX/INBOX

**Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply**

- Gave me a disciplinary notice or negative performance review
- Gave me different or worse job duties than other workers doing the same job
- Denied my request for an accommodation for my disability, or pregnancy-related condition
- Denied me an accommodation for my religious practices
- Denied me leave time or other benefits
- Discriminatory advertisement or inquiry or job application
- Harassed or intimidated me on any basis indicated here
- Other - Write In (Required): retaliation

**Basis**

---

**Basis of alleged discrimination in employment:**

**Familial Status** (if you are pregnant, have a child, or are in the process of obtaining custody of a child, or have a child or children under age 18 in your household)

**Pregnancy-Related Condition** (a medical condition related to pregnancy or childbirth, including lactation, or denial of reasonable accommodation of such condition)

**Race/Color** (because you are Asian, Black, White, etc.; includes ethnicity; includes traits historically associated with race such as hair texture or hairstyle)

**Sexual Orientation** (heterosexual, homosexual, bisexual, asexual, whether actual or perceived)

**Retaliation** (if you filed a discrimination case before, were a witness or helped someone else with a discrimination case, or opposed or reported discrimination due to category listed on this page)

**Please specify sexual orientation:**

heterosexual

**Please specify race/color:**

Black

**Please specify what you did to oppose discrimination or how you engaged in protected activity.**

July 30,2024

**You are filing a complaint against**

---

**Entity that discriminated against you:**

**Name of entity**

Erie County Detention Center

**Street Address**

810 E Ferry

**City**

Buffalo

**State**

NY

**Zip**

14221

**In what county or borough did the violation take place?**

Erie

**Phone Number**

716-923-4062

**Email address**

Since I started working at Erie County Detention, the environment has been consistently hostile, and it has become significantly worse since my return from paternity leave. I've experienced multiple forms of harassment, including being physically assaulted by staff, retaliated against, and intimidated by supervisors for reporting repeated misconduct. The tension is palpable, and anyone who speaks up is targeted and ostracized. Despite following proper channels, administration does little to address the hostile conditions, leaving me and others exposed to ongoing mistreatment.

A major issue has been the dangerous staffing ratios, especially in the Adolescent Offenders (AO) pods. Staff are frequently out of ratio, sometimes left alone with up to 16 youth when the standard calls for one staff member per six youth, with a minimum of three staff in each pod. I've personally been left alone out of ratio several times, including once with nine AOs. We are also left with 1 cuff and 2 shackles for up to 16 residents. This situation is incredibly unsafe, as these youths often display aggressive behavior. Staff are regularly assaulted, with incidents ranging from physical attacks to urine being thrown on them. Despite these assaults, youth face minimal consequences, often just two hours of room confinement or an early bedtime, which emboldens them further. This puts staff like myself at serious risk, with little support or protection.

Supervisors are largely unresponsive when staff request to be removed from dangerous pods, even after being assaulted. Staff are often forced to stay in pods with youth who pose a threat, despite formal write-ups warning of safety concerns. There is a clear lack of accountability and support for staff, which has created a demoralizing and unsafe work environment.

Staff are also being worked to exhaustion. Many of us are mandated to work shifts lasting up to 17.5 hours, five days in a row. Those who call off due to fatigue on the sixth day face consequences. One staff member, fresh out of training, was mandated for nearly a month and a half straight and eventually passed out on the job due to exhaustion. He had repeatedly informed supervisors about a pre-existing medical condition, but his concerns were ignored, leading to a serious health incident.

The handling of COVID-19 in the facility has only made things worse. Over 20 youth and numerous staff have contracted the virus, yet proper protocols to stop the spread are being ignored. Staff are regularly rotated between COVID-positive and non-COVID pods, causing the virus to spread. When staff, including myself, refused to release youth into common areas until they were tested, management only relented after confirmed positive cases were found—validating our concerns. In one pod, more than half of the 16 youth contracted COVID. Despite the clear danger, management refuses to address the situation, disregarding the health risks to staff and their families.

Supervisors are also ignoring staff members with compromised immune systems or those with family members who are vulnerable. I have personally informed supervisors that I cannot be around COVID-positive youth due to my family's health risks—my wife is recovering from complications from a C-section, and my newborn may need surgery. Despite this, I was still



placed in COVID-positive pods. One supervisor even said, "We're all just going to have to catch it for it to go away," showing a complete disregard for staff and their families' health.

The intake workers are adding to the chaos. They're rotating staff in and out of COVID-positive pods without considering safety, contributing to the continued spread of the virus. They're also mismanaging overtime, leading to missing hours on my overtime sheet, which means I may have been wrongfully mandated. Other staff with fewer hours should have been stuck instead of me.

Perhaps one of the most toxic aspects of this workplace has been the targeting and mockery of staff who use FMLA. On several occasions, intake workers have openly mocked FMLA users. On August 16 and September 20, intake workers were caught on camera mocking employees who use FMLA, referring to it as "Fake FMLA." There was even a list made by an intake worker of all FMLA users, which they derogatorily referred to as a "Fake FMLA List." Staff who exercise their FMLA rights are punished by being stripped of awarded overtime shifts, and in some cases, like one staff member, they are even escorted out of the building by administration or told to leave immediately if it wasn't your scheduled time to leave for using their FMLA time. This behavior has created a culture of stigma around using FMLA, and staff are frequently penalized for utilizing the benefits they're legally entitled to. On September 20, I was verbally attacked by intake worker Don over the phone after I requested to be removed from a COVID pod due to my family's health risks or I would have to use FMLA and go home. He responded aggressively, saying, "You're going to stop talking to me like that in a minute, I'mma f---" and then hung up on me. When I later encountered him in the hallway, he ignored my request to leave and, along with another staff member, physically blocked my path. I wasn't aggressive at all over the phone or in the hallways.

I've been targeted multiple times for using FMLA, despite having approval. One supervisor told me it was okay to use FMLA, but I was later written up for doing exactly what was approved. This is not an isolated incident—other staff members have also reported similar retaliation. The accusation that I abuse FMLA is baseless, as I only use it when necessary to care for my wife and newborn, which is the entire purpose of FMLA. Despite this, I am consistently mandated for overtime, staying longer than scheduled, and being denied the time I need for my family's medical needs. So how am I abusing FMLA?

There are additional privacy concerns surrounding FMLA. Documents containing sensitive information about our medical conditions are often left out in the open at intake for anyone to see. On one occasion, a staff member approached me and mentioned they had seen my FMLA paperwork lying on the intake desk, which compromised my privacy. It's completely unacceptable that such sensitive information is not being properly handled, further adding to the hostile environment.

Intake workers also falsify records, pre-signing the logbook during night shifts so they can sleep instead of conducting mandatory rounds. Staff on the 11 PM to 7 AM shift are regularly out of

ratio, with doors left unsecured. I've personally experienced delays in being let back into the building after my break because central control, which manages all the doors, was asleep. This is not just a violation of protocol; it's a serious safety issue. If an emergency like a fire or a riot occurred, no one would be able to move or exit the building if central control was asleep.

Favoritism in overtime distribution is another major problem. While some staff struggle to get on the overtime list, one employee has accumulated over 600 hours of overtime, while others are denied opportunities. Management's claim that overtime goes to those with fewer hours is clearly false, as the same people keep getting the shifts. This favoritism, combined with retaliation for using FMLA, has made it nearly impossible for me and others to get fair treatment. I believe I am entitled to compensation for lost wages. Despite supervisors refusing to give me and other staff overtime shifts at times, certain employees are given excessive hours all the time. It's unfair and unethical, especially when other Youth Detention Workers (YDW) are actively requesting overtime but are constantly passed over.

.The problems within Erie County Detention are systemic and go beyond just a few bad actors. Supervisors and intake workers are not only ignoring the rules, but they are also actively creating a toxic environment by targeting staff who speak up or use their legal rights like FMLA. The harassment, unsafe conditions, and blatant disregard for both staff and youth's safety have made the work environment unbearable. When these issues are reported, they're either dismissed or treated as gossip, with little to no action taken.

Even when I reported instances of racism, harassment, and misconduct to the county's EEO office, my concerns were dismissed or laughed at. For example, when I reported being called racial slurs like "nigga," "African King," and "Little black man," the EEO officer attempted to justify the behavior instead of taking it seriously. These comments were particularly hurtful because I am not African, yet people assume I am due to the color of my skin. Being subjected to this kind of treatment on top of everything else has made it clear that no one at the administrative level is taking the necessary steps to correct the systemic problems in the building.

In addition to the emotional and psychological toll of working in this environment, U was assaulted by a YDW in Orange pod. When I walked in he grabbed me by my shirt and pulled me to his face and told me I was a "bitch". I was also assaulted by the County Commissioner (Which is detailed in Attached documents).

The systemic failures at Erie County Detention, combined with the targeted harassment, especially over FMLA, have created a toxic and unsafe work environment. Despite reporting these issues through the proper channels, nothing has changed, and the harassment, unsafe conditions, and lack of accountability continue.

## **Federal Violations:**

1. **Family and Medical Leave Act (FMLA) – 29 U.S.C. § 2615(a)(1) & (2):**
    - o **Interference with FMLA Rights:** I have been targeted for using my approved FMLA leave, including being written up and denied overtime. FMLA specifically prohibits interference with or retaliation against employees for using their leave.
    - o **Discrimination for Exercising FMLA Rights:** Staff have mocked FMLA users, and I was verbally attacked by an intake worker for requesting leave. The retaliation violates the protections granted by the FMLA.
  2. **Occupational Safety and Health Act (OSHA) – 29 U.S.C. § 654:**
    - o **Failure to Maintain a Safe Workplace:** Staff are left out of ratio, placed in unsafe conditions, and assaulted by youth. OSHA requires that employers provide a workplace free from recognized hazards, which Erie County Detention has failed to do.
  3. **Fair Labor Standards Act (FLSA):**
    - o **Overtime Violations:** Favoritism in overtime assignments and denying mandated breaks after working extended shifts may constitute violations of federal wage and hour laws.
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## **New York State Violations:**

1. **New York Paid Family Leave Act – N.Y. Workers' Comp. Law § 203 & § 204:**
    - o **Interference with Paid Family Leave:** I and other staff have been harassed for using FMLA leave. The mocking, retaliation, and stripping of overtime shifts for FMLA users violate New York's Paid Family Leave protections.
    - o **Failure to Provide Notice of Rights:** New York law mandates that employees be informed of their Paid Family Leave rights, and the mismanagement of FMLA documentation and failure to process leave requests properly violate this provision.
  2. **New York Labor Law – Article 19:**
    - o **Overwork and Fatigue:** Staff are mandated to work up to 17.5-hour shifts without proper relief. One staff member passed out from exhaustion after supervisors ignored his health concerns. This overwork violates state labor laws concerning rest periods and work hours.
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## **County of Erie Violations:**

1. **FMLA Harassment and Retaliation (Section V of County Policies):**

- **Mocking and Retaliation:** The behavior of intake workers mocking FMLA users and the "Fake FMLA List" violates the County's own rules prohibiting harassment and retaliation for exercising FMLA rights.
  - 2. **Failure to Ensure Adequate Staffing Ratios (Section IV of County Safety Policies):**
    - **Dangerous Staffing Ratios:** Staff are left out of ratio in Adolescent Offender (AO) pods, directly violating the County's policies that require safe staff-to-youth ratios. This endangers both staff and youth, and management's failure to address these safety concerns violates county safety regulations.
  - 3. **Neglect of COVID-19 Protocols:**
    - **Negligent Rotation of Staff in COVID-Positive Pods:** Management has disregarded basic COVID-19 safety protocols, rotating staff between COVID-positive and non-COVID pods, leading to the spread of the virus. This neglect violates public health guidelines and places staff and their families at risk.
  - 4. **Improper Handling of Medical Privacy:**
    - **Violation of Privacy:** Sensitive medical information regarding FMLA usage is left out in the open at intake, violating both County and federal privacy standards under the Health Insurance Portability and Accountability Act (HIPAA).
- 

### **Specific Incidents and Retaliation:**

- **August 16 and September 20, 2024:** Intake workers were caught on camera mocking FMLA users, and on September 20, I was verbally attacked over the phone by intake worker Don when requesting leave. This harassment, coupled with management's failure to address repeated complaints, is a clear violation of my legal rights.
- **Racial Harassment:** I reported being subjected to racial slurs such as "nigga" and "Little black man," yet my complaints were dismissed by the County's EEO office, further contributing to the hostile work environment.
- **Unsafe Work Conditions:** The lack of proper safety measures has led to numerous assaults on staff. The minimal consequences faced by youth for these assaults, such as room confinement for only two hours, emboldens further violence and endangers staff like myself.

The Erie County Detention Center on Ferry Street has become a challenging and distressing workplace environment under the management of Kenneth Simmons, known as "Pastor Kenny." As an employee, I have witnessed and experienced numerous instances of misconduct, harassment, and unprofessional behavior by Mr. Simmons. His actions, which include using offensive language, promoting discriminatory narratives, and intimidating both staff and residents, have created a toxic atmosphere that undermines the integrity and safety of the facility. This introduction outlines the serious concerns and specific incidents that illustrate the deteriorating conditions at the detention center, highlighting the urgent need for intervention and corrective action.

Kenneth Simmons insists that things must be done his way or not at all. He's always boasting about his \$100,000 salary, often under the guise of giving a "motivational speech." However, during these speeches, he simultaneously belittles other staff members while addressing the youth. He frequently brags about his past criminal activities, claiming to have been a killer, robber, pimp, and involved in other illegal acts, and talks about carrying a big black 9mm gun that he locks in a box every morning. He uses these stories to try to connect with the youth, but they still feel a disconnect. He's even gone so far as to threaten to shoot a staff member or throw something at them while entering his office.

Kenneth openly refers to his employees using derogatory terms like "cocksuckers," "faggots," "niggas," "bitches," and "hoes," which is completely unprofessional. It's incredibly uncomfortable to have my boss constantly call me a "nigga" or "little black man," even through text messages. Being constantly referred to as 'African King' is uncomfortable for me, especially because it assumes my heritage based on my darker skin. This often happens in front of youth, which leads to them making African jokes. I find it embarrassing and disrespectful, particularly since my family's lineage in America goes back beyond slavery.

He brags about all the illegal activities he got away with and how he puts money on his former criminal friends' backs because they never snitched on him when they went to jail. He hires ex-cons, like a certain YDW, who never betrayed him, almost as a quid pro quo. This individual got the job in exchange for not snitching and is now used to monitor other employees and report back to him. He also boasted about how his son got caught with a bunch of guns and drugs and he "Pulled some strings" to get them out of trouble.

Kenneth constantly taunts staff about their race in a building predominantly filled with African American people or about their upbringing if he knows their background. For example, on April 20th, right before lunch, he targeted Darnell, who works the 7-3 shift, calling him out in front of everyone and accusing him of lying about being wealthy. It

was humiliating, and the kids kept talking about it. Darnell was visibly uncomfortable and angry after Kenny left around noon. This is not the first time he has done this.

He continues to harass my colleague, JJC Taylor, (The employee he threatened to shoot). She frequently tells me about his open criticism, where he calls her "soft." We both witnessed him yelling at Ms. Katy in his office about her and me questioning his decision to confine Anthony to his room. It's clear that he wants her gone and replaced with Todd, who is more lenient with the kids. He even removed Ms. Taylor from the pods and replaced her with Todd when he was just a trainee. Kenny constantly criticizes her for not being hard on the YDWs, even though that is the shift supervisor's responsibility. Additionally, he frequently undermines her by reminding her that she is a "white girl trying to fit in, or when a conversation comes up about black people he tells her to, "Close her ears".

He is in the building walking around all day everyday flexing his power and it's really intimidating to some employees to the point where they feel they need to hide or look super busy when he is around. For some reason he feels the need to call employees on off days from his personal cell phone to talk about work related errors, he comes off as very condescending . Tried to intimidate me on our phone call about write ups multiple times saying he is worse than the state when I said I didn't know the state comes to see our write ups. He even belittled me when I asked to have a meeting with him about threats made to my family in the pods, he referred and constantly still refers to me as, "Little Black Man".

When I reported Tina for her negative behavior towards me, he immediately got defensive. Ruby and I had already resolved the issue peacefully, but he sent an aggressive text saying, "Call me now!!!!" I felt uncomfortable calling him, so I didn't. He was CC'd in the email, and we ended up in a heated argument via email because he and other staff kept bullying me, and I was fed up with it. They seemed more concerned about how I reported it than the fact that I was being harassed, even though I followed protocol. He requested a meeting on April 4th, and during the meeting, he got physically aggressive with me in the hallway, constantly bumping into me and talking about how he fights and shoots, saying he's very confrontational. He even said, "We can take this shit outside if you want to." All of this happened because I reported someone for making me uncomfortable? The incident occurred on April 4th, 2024, at 7:00 am in the hallway, and all of this is recorded.

Kenny came into the pod very aggressively, saying, "Y'all better be glad the Lord is in my life." He brings a vibe reminiscent of Rikers Island, telling people to "get with the program," though it's more about mental manipulation than physical intimidation to make people fall in line. He said he "doesn't give a fuck about my rights" and threatened that if I don't stop speaking up about harassment, I'll be fired. He claimed the higher-ups

are all out to get me because I speak up. This is the second time in two weeks that he's brought this up, and he keeps reminding me that I'm provisional, and even if I wasn't it would be nothing to find a way to get rid of me. This all started because I exposed the supervisors in my complaint about another supervisor and my rebuttal to an unfair write-up (attached). On June 21st at 2:30, the situation ruined my entire day, leaving me feeling suicidal. I even had to call the suicide hotline because I can't afford to lose my job, but I'm exhausted from being treated like this. No one ever investigates the problems; they just tell me to stop reporting every time.

Kenny told me that the white employees sabotage others if they complain too much or step out of line. He said this on camera between 2:45-3:00 PM on June 14th walking out the pod. He also told me that I'm "flexing too much" by reporting people and that I'm still a "freshman." He keeps reminding me that just because I get good reviews doesn't mean anything and that I'm still provisional, meaning I could be fired at any time. He brings this up every time I complain about something. I didn't feel comfortable reporting workplace harassment to anyone in this building, so I went outside the organization, and now they're targeting me for it. Kenny was furious that I went over everyone's head to report a supervisor, just like he allows the youth to do with us. I was assured by Deidre Brown that I wouldn't face retaliation, but that's exactly what Kenny did when he found out. He's digging into my record, calling around to other pods forcing Admin Cynthia to do this without her knowledge on what's going on.

He also undermines the youth by reminding them that he has their judges on speed dial, even going so far as to tell one young person that "his life is in his hands" because he writes the recommendations for the judges. He boasts about his connections with specific judges, claiming they visit the jail frequently and know him personally. This behavior has led the youth to become too comfortable at Ferry Street, treating it like a dormitory. They enjoy being in jail, making it unlikely that the detention center will succeed in reducing recidivism. The youth often say things like, "Rob and kill a nigga, come to ECD and get a pizza party," and they brag to their friends on phone calls about how "lit" it is. He even vouches for known gang members in court, despite knowing they're unlikely to change, and many return with more charges.

Kenny knows about Jahod visitor being his guardian and lover. Jahod is 17 years old and has been groomed by this woman since he was 15, he feels on here sexually in the visit area and nothing was done about it. Jahod openly boasts in the pods about how he is sleeping with a 28 year old. It's to the point where Jahod doesn't even know he isn't being taken advantage of. Kenneth even came in the pod and boasted about how he was "young with an old joint too" making it seem to Jahod that it was okay to be molested. This situation contributes to a hostile environment, as Jahod frequently returns to the pod upset if his partner doesn't respond to his inquiries about potential

infidelity. On one occasion, he was visibly agitated and prepared for confrontation after making threats on the county phone. Additionally, the presence of multiple staff and residents engaging in sexual relations with the same individual exacerbates Jahod's distress, leading to frequent outbursts and a sense of unsafety within the facility

Moreover, he frequently talks about God and prays, and when someone doesn't share his beliefs, he tries to persuade them to follow his religion. It's EXTREMELY UNCOMFORTABLE to be pressured into praying at work, especially when I'm not a Christian, I am a Wiccan. On 03/29/24, he baptized kids, and I felt awkward and unsure whether I should participate because I'm at work, not at church. Is he acting as a pastor or a deputy commissioner? If I don't join in, will there be consequences? Being new and feeling uncomfortable I just went along with it. He needs to understand that not everyone shares his religious beliefs and that church and state should remain separate for this reason.

Kenneth consistently undermines the chain of command and disrespects staff in front of the youth. He rarely supports us, and there are residents who verbally threaten and attempt to attack staff on multiple occasions, with only an early lock-in as a response. Once the youth are out of lock-in, they often escalate their behavior. Some residents have even threatened to rob or kill certain staff members if they encounter them outside the center. When staff tries to discipline the youth, Kenneth frequently oversteps, either reversing disciplinary actions or completely ignoring the staff's input. Residents often have to physically attack staff before any action is taken to move them. The night before, they didn't support me; they allowed a resident to throw his entire lunch in a staff room and did nothing beyond an early lock-in, refusing to place disruptive kids in the behavior pod despite multiple fights and aggressive behavior (04/10/2024).

Kenneth makes my job incredibly challenging by constantly undermining staff and ignoring the chain of command. Youth frequently tells the staff things like, "I'll go to Pastor Kenny; I don't have to do anything you say." When Roberto reported me for writing him up for playing in the hall, Kenneth claimed he'd "handled it" and then pulled me aside the next day. He refuses to put kids in confinement because he doesn't want to affect his statistics. Which was stated on Camera when a youth got pink and went into his room. Staff joke that "I'm not Malik, my write-ups stick," making the youth feel they don't have to listen to me as a YDW. Kenneth took me out of the pod after taking my write-up back, letting the whole staff and pod laugh about me, which made me look powerless. This write up is attached; it clearly says, "To be reviewed by deputy commissioner."

He removed resident Anthony B. from a management plan (on multiple occasions) JJC had said it should remain in place until Monday, violating the 7-day plan by allowing the youth a visit and phone call on 05/03-05/04. When the youth asked him about the



management plan he replied, " You ain't gotta serve that shit". The youth has since shown no respect for our authority, even making threats and acting aggressively after throwing chess pieces. This same youth is involved in gang initiation, forcing other residents to fight to join the gang. Whenever they act out, they call Pastor Kenny, who eases their consequences. He pretends to be supportive of staff but always sides with the kids. Kenneth also allows parents to disrespect JJC staff and lets them call him directly on his personal phone to handle staff issues, despite not being their direct supervisor.

Kenneth frequently interferes with administration, often bypassing three administrators to get his way. On May 4th at 11:00 am, when I asked about a resident's plan over the county phone, he reacted aggressively, making threats. He said, 'You know what, Malik? I'm going to come up there and lose my shit on the entire yellow pod staff included.' This was because I questioned his actions regarding Anthony's plan. He regularly undermines our team and reacts aggressively when we point out his actions.

Kenneth acts as if he can do whatever he wants, pressuring Chrissy to put AO and JD in the same pod and going over JJC's head to adjust levels for Messiah and Edris, making JJC so uncomfortable that she refused to sign the level B on the count sheet (7-3) on 04/17. Supervisors have expressed frustration with Kenneth, and on 05/02/2024, he told Val he does what he wants, even when it's against the rules. He admitted to smoking and drinking as a pastor. He took Edris off of room confinement after attacking YDW VAL and gave him a visit. He didn't tell anyone anything, just came in the pod and took him to the visit. JJC and staff were confused. (This is documented in the books dates to come.)

The handling of COVID-19 was also problematic. When a resident was diagnosed, Kenneth did very little to stop the spread, only locking down the pod instead of halting all movement. Staff were shuffled in and out of the pod, which could have caused further spread, and those who were never in the pod were forced to work there. Admin didn't consider staff with vulnerable family members or place staff who had nearly died during the pandemic in a safer environment.

There are also issues with security. Memos are issued about clothing, but nothing about the full magazine found in a locker or the break-in to Renika's car, with no sheriff on site. This building is one of the few county buildings without a sheriff. It took weeks to mail a letter about the bullets, but no alert was given to those who might be at risk. This lack of attention makes me question my safety.

In conclusion, the working conditions at the Erie County Detention Center have become intolerable under Kenneth Simmons' management. His unprofessional behavior, including using derogatory language and promoting a toxic environment, has created a

**hostile workplace that endangers the well-being of both staff and residents. His actions undermine staff authority, promote unsafe practices, and foster a culture of fear and intimidation. The consistent neglect of proper procedures and the disregard for staff and resident safety, particularly during critical situations such as the COVID-19 pandemic, further exacerbate the situation. This environment not only compromises the integrity of the institution but also has significant negative impacts on staff morale and mental health. It is imperative that immediate and thorough action is taken to address these issues, ensuring a safe and respectful workplace for all employees and residents.**

**Fax Number**

**Company Website**

**Date of the most recent act of alleged discrimination**

09/21/2024

**Description of discrimination**

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**Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously. If you have supporting documentation or evidence, you may provide it later.**

I have experienced ongoing harassment at the Erie County Youth Detention Center, primarily from Kenneth Simmons, whose aggressive and unprofessional behavior has created a hostile work environment. This harassment includes physical aggression, verbal threats, the use of racial slurs, and intimidation tactics that undermine my authority in front of colleagues and juveniles. In response to these incidents, I filed a police report to document the severity of the situation. His actions, which often go unchecked by other staff members, have consistently disregarded my contributions and well-being, contributing to a culture of fear and intimidation that has severely impacted my ability to perform my duties effectively.

More documents to come.

**Declaration**

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**Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.**

**I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)**

**Please Initial:**

MH

**I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.**

Malik Hunter

**Enter today's date.**

09/21/2024

