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## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

### MEMORANDUM

*JCT/dld*

TO: Olivia Owens, Clerk, Erie County Legislature  
FROM: Jeremy C. Toth, Erie County Attorney  
DATE: March 4, 2025  
RE: Transmittal of New Claims Against Erie County

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), please find attached eight (8) new claims brought against the County of Erie. The claims are as follows:

#### **Claim Name**

1. Alysia Tuck o/b/o A.W., a Minor, v. County of Erie, et al.;
2. Ashley & Andrew Debbins v. County of Erie;
3. Tyrina Kapinski v. County of Erie;
4. Genoveffa Vaccaro-Ballarín, Ind & as PNG of C.B. v. County of Erie, et al.;
5. Markita Copeland v. County of Erie, et al.;
6. Lauren Hall v. County of Erie;
7. Derek Koonce v. Anwar Shamim; and
8. James Allen v. County of Erie, et al.

JCT:dld  
Attachments



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 4, 2025

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

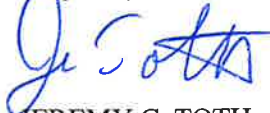
Dear Ms. Owens:

In compliance with 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>Tuck, Alysia o/b/o A.W., a Minor v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Alysia Tuck (PNG of A.W., a Minor) 55 Girard Place Buffalo, New York 14211
Claimant's attorney:	Cortney Peterkin, Esq. Cantor, Wolff, Nicastro & Hall LLC 959 Kenmore Avenue Buffalo, New York 14223

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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A.W., an Infant, by and through her Parent and  
Natural Guardian, ALYSIA TUCK, Individually,

Claimants,

vs.

CITY OF BUFFALO;  
SENECA-BABCOCK COMMUNITY  
ASSOCIATION, INC.;  
THE COMMUNITY ACTION ORGANIZATION  
OF ERIE COUNTY, INC. a/k/a  
THE COMMUNITY ACTION ORGANIZATION  
OF WESTERN NEW YORK, INC.;  
COUNTY OF ERIE; and  
SENECA BABCOCK EARLY  
CHILDHOOD ACADEMY,

Respondents.

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

**SENECA-BABCOCK COMMUNITY  
ASSOCIATION, INC.  
1168 Seneca Street  
Buffalo, New York 14210**

**THE COMMUNITY ACTION ORGANIZATION  
OF ERIE COUNTY, INC. a/k/a  
THE COMMUNITY ACTION ORGANIZATION  
OF WESTERN NEW YORK, INC.  
45 Jewett Avenue  
Buffalo, New York 14214**

**VERIFIED NOTICE  
OF CLAIM**

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

**SENECA BABCOCK EARLY**  
**CHILDHOOD ACADEMY**  
**24 Ludington Street**  
**Buffalo, New York 14206**

Claimants, A.W., an Infant, by and through her Parent and Natural Guardian, ALYSIA TUCK, Individually, by and through their attorneys, Cantor, Wolff, Nicastro & Hall, as and for their Verified Notice of Claim against the Respondents herein, CITY OF BUFFALO, SENECA-BABCOCK COMMUNITY ASSOCIATION, INC., THE COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC. a/k/a THE COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC., COUNTY OF ERIE, and SENECA BABCOCK EARLY CHILDHOOD ACADEMY, states as follows:

1. The names and post office addresses of the Claimants and their attorneys are as follows: A.W. and Alysia Tuck, 55 Girard Place, Buffalo, New York 14211; Cantor, Wolff, Nicastro & Hall, 959 Kenmore Avenue, Buffalo, New York 14223.

2. That on or about November 27, 2024, at approximately 2:00 p.m., while the infant claimant, A.W., was on the playground, she/he was caused to sustain serious personal injuries when she slid down a poll, striking the ground below, and causing the infant claimant to fracture her right ankle.

3. That the incident described above was caused through the negligence of the Respondents, CITY OF BUFFALO, SENECA-BABCOCK COMMUNITY ASSOCIATION, INC., THE COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC. a/k/a THE COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC., COUNTY OF

ERIE, and SENECA BABCOCK EARLY CHILDHOOD ACADEMY, by their authorized agents, servants, representatives and/or employees, were careless, reckless and/or negligent in that they did not take all adequate, reasonable, and necessary steps to provide for the safety of the infant claimant, A.W. That more specifically, the Respondents, CITY OF BUFFALO, SENECA-BABCOCK COMMUNITY ASSOCIATION, INC., THE COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC. a/k/a THE COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC., COUNTY OF ERIE, and SENECA BABCOCK EARLY CHILDHOOD ACADEMY, by their authorized agents, servants, representatives and/or employees, were careless, reckless and/or negligent in failing to monitor their students, including the infant claimant, A.W., at the time at which the incident occurred and/or the time period leading thereto, causing the incident to occur.

Further, the Respondents, CITY OF BUFFALO, SENECA-BABCOCK COMMUNITY ASSOCIATION, INC., THE COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC. a/k/a THE COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC., COUNTY OF ERIE, and SENECA BABCOCK EARLY CHILDHOOD ACADEMY, by their authorized agents, servants, representatives and/or employees, were careless, reckless and/or negligent in permitting and/or allowing their students, including the infant claimant, A.W., to participate in inherently dangerous activities; in permitting and/or allowing their students, including the infant claimant, A.W., to use play equipment and/or an apparatus for which they were not developmentally appropriate; in failing to warn of a dangerous, hazardous and treacherous condition(s); in failing to adequately inspect the premises, school and/or playground for dangerous, hazardous and treacherous condition(s); failing to correct or otherwise remedy the dangerous, hazardous and treacherous condition(s) which then and there existed; in maintaining

the premises, school and/or playground in which a dangerous, hazardous and treacherous condition(s) to persons lawfully thereupon, including the infant claimant, that it rendered the premises, school and/or playground not reasonably safe for the infant claimant or others, and Respondents knew, or by the exercise of due and reasonable care should have known, that the unsafe and hazardous condition(s) then and there existed; in failing to exercise reasonable and proper care and control of the premises, school and/or playground, specifically, including without limitation, the immediate general vicinity of the area whereat Respondents knew of in the exercise of reasonable and due care should have known there would be small children like the infant claimant; in failing to fulfill the Respondents' obligation and duty to properly maintain said premises, school and/or playground in a reasonably safe condition(s) for persons lawfully upon said premises, including persons such as the infant claimant, whose presence upon the premises could reasonably be foreseen and/or was actually known to the Respondents at all times; in failing to erect any barriers or other warning device to apprise persons, including but not limited to persons such as the infant claimant of the dangerous, hazardous and treacherous condition(s) which then and there existed, thereby endangering the safety and welfare of the infant claimant and others lawfully upon said premises, school and/or playground; failing to properly supervise the infant claimant failing to properly staff the preschool; failing to properly provide fully appropriate, competent and qualified staff to supervise the infant claimant; failing to provide adequate guardianship; failing to properly ensure the infant claimant's safety while under the care, custody, supervision and control of the Respondents and on the Respondents' premises; in failing to properly and timely notify the infant claimant's parent and the proper reporting authorities following the incident, including but not limited to The New York State Office of Children and Family Services; failing to provide proper services to the infant claimant;

failure to properly staff the preschool; failing to provide adequate staffing; willful and wanton disregard for the safety and well-being of the infant claimant; failing to meet basic human needs; failing to enact proper and adequate procedures; causing the infant claimant to suffer a fractured ankle while an attendee at the Respondents' preschool; failure to enact appropriate policies to prevent injuries to their students/attendees; allowing the infant claimant to suffer with extreme pain due to injury; failing to properly train and/or instruct its agents, employees and/or servants with regard to proper injury protocol, as well as to properly and/or adequately supervise preschool students/attendees, including but not limited to the infant claimant; to ensure that proper procedures were being followed; failing to discover, prevent, and properly treat the infant claimant's fracture in a timely manner; failing to discover, prevent, manage, and properly treat the infant claimant's fracture; failing to call 911 and/or other emergency medical personnel in a timely manner; failing to notify the infant claimant's parents and/or guardians of the incident in a timely manner; denying emergency and medical personnel immediate access to the infant claimant; and Respondents were otherwise careless, reckless and negligent in the ownership, maintenance, upkeep, operation and/or management of the premises, school and/or playground, and in particular, that portion of the premises where the incident complained of occurred, in and where persons (including the infant claimant) could reasonably be expected to be and/or have access to if not properly blocked off, all of which proximately caused and/or was a substantial factor in bringing about the incident and resulting serious injuries and damages suffered by the Claimants.

4. The time when, the place where, and the manner in which the claim arose is as follows: On November 27, 2024, at or around 2:00 p.m., while on the playground located at or near 24 Lungington Street, Buffalo, New York 14206.

5. That as a result of this incident, the infant claimant sustained serious permanent injuries, which include but are not limited to an ankle fracture.


6. That the Claimants have incurred various medical expenses and that the infant claimant is continuing to treat with various physicians.

7. That the claimants, A.W., an Infant, by and through her Parent and Natural Guardian, ALYSIA TUCK, Individually, hereby make a claim against the Respondents, CITY OF BUFFALO, SENECA-BABCOCK COMMUNITY ASSOCIATION, INC., THE COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC. a/k/a THE COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC., COUNTY OF ERIE, and SENECA BABCOCK EARLY CHILDHOOD ACADEMY, for the infant's personal injuries and permanency incurred as a result of her injuries, for her past and future pain and suffering, and for all the medical expenses that have been incurred, and for future expenses that will be incurred.

8. 8. The Claimants respectfully reserve the right to amend this Notice of Claim, if necessary.

**PLEASE TAKE NOTICE**, that in the events that the Respondents fail to resolve this matter, the Claimants intend to commence an action in the Supreme Court of the State of New York, County of Erie, to recover damages in an amount which is currently undermined, together with the costs and disbursement of this action, and for such other and further relief as the Court deems just and proper.

DATED: Buffalo, New York  
January 17, 2025

  
\_\_\_\_\_  
Courtney A. Peterkin, Esq.  
Cantor, Wolff, Nicastro & Hall  
*Attorneys for Claimants*



959 Kenmore Avenue  
Buffalo, New York 14223  
(716) 848-8000


**VERIFICATION**

STATE OF NEW YORK                    )  
COUNTY OF ERIE                    )       ss:

CORTNEY A. PETERKIN, ESQ., being duly sworn, deposes and says that she is the attorney for the Claimants herein; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matter he believes them to be true.

  
\_\_\_\_\_  
CORTNEY A. PETERKIN, ESQ.

Sworn to before me this  
17<sup>th</sup> day of January, 2025.

  
\_\_\_\_\_  

JENNIFER MARIE WINTER NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01WI0015672 Qualified in Erie County Commission Expires November 4, 2027
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## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

February 10, 2025

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>Debbins, Ashley and Andrew v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Ashley M. Debbins 58 Park Boulevard Lancaster, New York 14086
Claimant's attorney:	Andrew M. Debbins, Esq. Connors LLP 1000 Liberty Building 424 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 written over a faint, larger blue ink signature.

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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ASHLEY M. DEBBINS, and  
ANDREW M. DEBBINS,

**NOTICE OF CLAIM**

Claimants,

- vs. -

COUNTY OF ERIE,

Respondent.

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TO: Jeremy C. Toth  
Erie County Attorney  
County of Erie  
95 Franklin Street ,  
Buffalo, New York 14202

PLEASE TAKE NOTICE that the Claimants, ASHLEY M. DEBBINS and ANDREW M. DEBBINS, hereby give Notice of a Claim against the COUNTY OF ERIE, (hereinafter "Respondent,") and its agents, employees, and others for whom Respondent is vicariously and/or contractually liable, for the injuries and damages suffered by the Claimants as a result of an incident that occurred on September 8, 2024.

In support of this Notice of Claim, the Claimants state the following:

1. The post office address of Claimant, ASHLEY M. DEBBINS, is 58 Park Blvd, Lancaster, New York 14086.

2. The post office address of Claimant, ANDREW M. DEBBINS, is 58 Park Blvd, Lancaster, New York 14086.

3. The attorneys for the Claimants are CONNORS LLP, 1000 Liberty Building, Buffalo, New York 14202; telephone number (716) 852-5533.

4. Unless otherwise indicated, the facts set forth in this Notice of Claim are based upon information and belief, the source of which includes investigation into this matter.

5. This claim arises out of an incident that occurred at approximately 4:30 p.m. on Sunday, September 8, 2024, on the sidewalk at a driveway at 3807 Southwestern Boulevard in the Town of Orchard Park, County of Erie, and State of New York, SBL 161.09-5-7.

6. This is a claim for personal injuries as well as other damages and losses suffered by the Claimants, ASHLEY M. DEBBINS and ANDREW M. DEBBINS, as a result of the acts, omissions, and negligence, and violations of Respondent, its agents, and/or employees.

7. Upon information and belief, at the date and time above, the Claimants were lawfully walking northeast on the sidewalk at a driveway at 3807 Southwestern Boulevard when an unidentified vehicle collided with a wooden object obstructing the sidewalk and caused it to strike the Claimant, ASHLEY M. DEBBINS.

8. Upon information and belief, the sidewalk, roadway, and public right-of-way where the incident occurred are owned, maintained, and/or controlled by the Respondent.

9. Upon information and belief, the Respondent created the defect and hazard through an affirmative act and a special use conferred a special benefit upon the Respondent.

10. Upon information and belief, the Respondent owed a special duty to Claimants by statute, voluntary assumption of a duty, and because it took positive control of a known and dangerous safety condition at 3807 Southwestern Boulevard.

11. Upon information and belief, the above incident was due to, among other things, an unsafe sidewalk condition, an unsafe road condition, an unsafe obstruction of the sidewalk, unsafe debris, an unsafe driveway, improper roadway and driveway design, lack of sufficient traffic controls, lack of sufficient controls to prevent vehicles from posing a danger to pedestrians, lack of sufficient care and maintenance for the sidewalk in the area, failure to correct a known or recurrent unsafe sidewalk condition, and failure to maintain the sidewalk in a condition free and clear of hazards for pedestrians.

12. Upon information and belief, at the date and time noted above, the Respondent was reckless, careless, and negligent in: designing, constructing, and maintaining the sidewalk, roadway, and/or driveway; failing to inspect the condition and safety of the sidewalk, roadway, and/or driveway; failing to discover the unsafe condition of the sidewalk, roadway, and/or driveway; failing to provide a safe

sidewalk for pedestrian; failing to provide a safe means of egress from the football stadium; failing act to prevent the sidewalk, roadway, and/or driveway from being unsafe; failing to act to prevent the sidewalk, roadway, and/or driveway from being unsafe for pedestrians; and by being otherwise careless, reckless, and negligent.

13. As a result of the acts and/or omissions described above, the Claimant, ASHLEY M. DEBBINS, sustained serious and permanent injuries, including but not limited to serious injury to her left upper extremity.

14. As a result of the acts and/or omissions described above, Claimant, ANDREW M. DEBBINS, was deprived of the services of his wife and of the comfort and happiness of his wife's society.

15. The incident alleged herein was the result of the negligence, carelessness, and recklessness of Respondent and/or its agents, employees, and others for whom Respondent is vicariously and/or contractually liable, without any negligence on the part of the Claimants, ASHLEY M. DEBBINS and ANDREW M. DEBBINS.

WHEREFORE, the Claimants, ASHLEY M. DEBBINS and ANDREW M. DEBBINS, respectfully request that this claim be allowed and paid by Respondent, COUNTY OF ERIE. You are hereby notified that unless it is adjusted and paid

within thirty (30) days from the date of this presentation to you, the Claimants intend to commence an action on this matter.

DATED: Buffalo, New York  
December 5, 2024

A handwritten signature in black ink, appearing to read "Andrew M. Debbins", written over a horizontal line.

Andrew M. Debbins, Esq.  
CONNORS LLP  
*Attorneys for the Claimants*  
1000 Liberty Building  
Buffalo, New York 14202  
(716) 852-5533  
amd@connorsllp.com



VERIFICATION

STATE OF NEW YORK            )  
COUNTY OF ERIE            ) ss.  
VILLAGE OF LANCASTER       )

ASHLEY M. DEBBINS, being duly sworn, deposes and says that she is a Claimant in the within action, that she has read the foregoing Notice of Claim, and knows the contents thereof; that the same is true to her knowledge except as to those matters therein alleged upon information and belief, and as to those matters, she believes them to be true.

A. Debbins  
Ashley M. Debbins

Sworn to before me this  
27<sup>th</sup> day of November, 2024

Michael E. Stegmeier  
Notary Public

MICHAEL E. STEGMEIER  
NOTARY PUBLIC, STATE OF NEW YORK  
REGISTRATION No. 01ST6156616  
QUALIFIED IN ERIE COUNTY  
My Commission Expires November 13, 2026

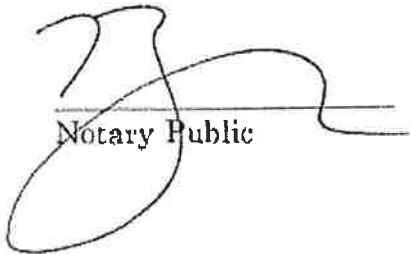
VERIFICATION

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

Andrew M. Debbins, being duly sworn, deposes and says that he is a Claimant in the within action, that he has read the foregoing Notice of Claim, and knows the contents thereof; that the same is true to his knowledge except as to those matters therein alleged upon information and belief, and as to those matters, he believes them to be true.

  
Andrew M. Debbins

Sworn to before me this  
3rd day of December, 2024

  
Notary Public

BRYAN P. KROETSCH  
No. 02KR6376516  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires June 11, 2026



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

February 11, 2025

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>Kapinski, Tyrina v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Tyrina Kapinski 4272 South Park Avenue Buffalo, New York 14219
Claimant's attorney:	Brian K. Towey, Esq. Towey Law, PLLC 403 Main Street, Suite 715 Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.

In the Matter of the Claim of  
TYRINA KAPINSKI

**NOTICE OF CLAIM**

-against-

COUNTY OF ERIE

**TO: COUNTY OF ERIE**  
**Department of Law**  
**Edward A. Rath County Office Building**  
**95 Franklin Street, Room 1634**  
**Buffalo, NY 14202**

This paper received at the  
Erie County Attorney's Office  
from Munique Geising on  
12 23 day of December, 2024

at 2:26 a.m.

*[Handwritten signature and scribbles over the text "Erie County Attorney"]*

**PLEASE TAKE NOTICE** that TYRINA KAPINSKI, hereby claims and demands from the COUNTY OF ERIE, damages for personal injuries she sustained by reason of the wrongful, negligent, and careless acts and omissions of the COUNTY OF ERIE, its agents, servants, or employees, and in support thereof Claimant states:

1. Claimant, TYRINA KAPINSKI, resides at and has a post office address of 4272 South Park Avenue in the City of Buffalo, County of Erie, State of New York, 14219.
2. The name and post office address of Claimant's attorneys is TOWEY LAW, PLLC, 403 Main Street, Suite 715, Buffalo, NY 14203.
3. Upon information and belief, the time of the happening of the incident in which the injuries were sustained and the time when the claim arose, was on or about September 26, 2024, at approximately 1:30 p.m. thereof.
4. Upon information and belief, the place of the happening of the incident resulting in the injuries hereinafter alleged, and in the claim, was on the floor within the Erie County Family Court building, which is located within the premises located at 1 Niagara Street, in the City of Buffalo, County of Erie, State of New York, 14202.
5. Upon information and belief, the claim arose in the following manner: On or about

September 26, 2024, at approximately 1:30 p.m., the Claimant, TYRINA KAPINSKI, was lawfully on the premises of the Erie County Family Court building, and exercising that degree of care for her own safety that a reasonably prudent person would have exercised under the same circumstances, was slowly and carefully walking on the floor surface just beyond the security checkpoint. At said time and place, the Claimant was caused to slip and fall on a dangerous and hazardous liquid condition of said premises.

6. Said incident and the injuries resulting therefrom to the Claimant, TYRINA KAPINSKI, were caused by reason of the negligent, careless and reckless acts and/or omissions of the COUNTY OF ERIE, its agents, servants, employees, subcontractors and/or representatives and without any negligence on the part of the claimant, TYRINA KAPINSKI, contributing thereto.

7. The allegations of negligent, careless and reckless acts and/or omissions against the COUNTY OF ERIE, its agents, servants, employees, subcontractors and/or representatives, who were acting within the course and scope of their employment, are as follows: failing to mop and/or remove the liquid on the floors at the premises set forth herein; failing to dry the wet floor surfaces where employees and pedestrian citizens walk and work; creating a hazardous and dangerous condition that impeded the use of the floor by not treating the liquid on said surface; creating a hazardous and dangerous condition by leaving said surface unattended and untreated that allowed said liquid to accumulate on the surface; failing to address and/or remediate the liquid condition on the floor allowing the dangerous and hazardous liquid conditions to exist while on notice that the surface was slippery; failing to maintain surface in a safe condition for normal use by persons lawfully on said surface; maintaining the surface of the premises in such a dangerous condition to persons lawfully using it; failing to take reasonable safety measures; failing to warn persons lawfully on premises of fall hazards; thereby constituting a dangerous condition to Claimant, TYRINA KAPINSKI, workers, and pedestrians, and knew, or by exercise of due care should have known, of the dangerous conditions; and otherwise

acting negligently, carelessly, and recklessly. The Claimant, TYRINA KAPINSKI, suffered personal injuries and conscious pain and suffering as a result of the acts and/or omissions as described above.

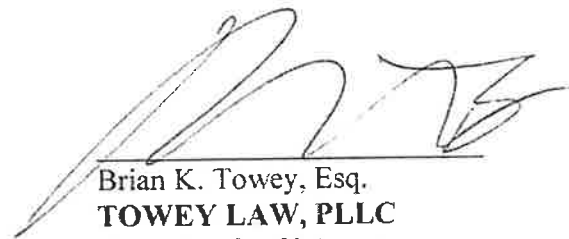
8. As a result of the incident, the Claimant, TYRINA KAPINSKI, suffered severe and serious injuries and was rendered sore, lame, disabled, and so remains having suffered, among other things: right knee injury, including a torn ACL; injuries to her right knee; injuries to her left hand; sustaining sharp, shooting, sore, throbbing pain; severe pain and suffering; inability to attend to her usual duties for a considerable time; including inability to work; requiring medical treatment and attention; incurring expenses and costs; suffering loss of enjoyment of life; suffering physical pain and mental anguish and will continue to suffer pain for a considerable time to come.

9. By the injuries aforesaid, the Claimant, TYRINA KAPINSKI, claims damages in a sum to be determined at a later date.

10. This notice is made and served on behalf of the Claimant, TYRINA KAPINSKI, in compliance with the provisions of N.Y. Gen. Mun. Law § 50-e and such other laws and statutes as are in the case made and provided.

**YOU WILL TAKE FURTHER NOTICE** that Claimant demands payment of the claim, and unless the claim is paid within a reasonable time it is the intention of Claimant to commence suit against the COUNTY OF ERIE.

Dated: Buffalo, New York  
December 11<sup>th</sup>, 2024



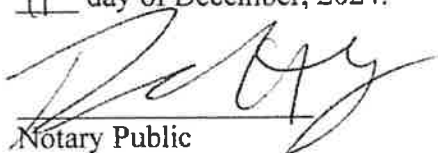
Brian K. Towey, Esq.  
**TOWEY LAW, PLLC**  
*Attorneys for Claimant*  
403 Main Street, Suite 715  
Buffalo, NY 14203  
(T): (716) 300-8232  
[brian@briantoweylaw.com](mailto:brian@briantoweylaw.com)

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

TYRINA KAPINSKI, being duly sworn, deposes and says: That she is the Claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

  
TYRINA KAPINSKI

Sworn to before me this  
11<sup>th</sup> day of December, 2024.

  
Notary Public

Brian K. Towey  
Reg. No. 02TO6336085  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 2/16/ 2028



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

February 11, 2025

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>Vaccaro-Ballarin, Genoveffa, Individually and as PNG of C.B., an Infant</i>
Document Received:	Notice of Claim
Name of Claimant:	Genoveffa Vaccaro-Ballarin 6334 Pine Cone Court Clarence Center, New York 14032
Claimant's attorney:	Kathryn C. Monbaron, Esq. Cellino Law 800 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.



This paper received at the  
Erie County Attorney's Office  
from Joe Sanabara on  
the 27<sup>th</sup> day of Jan, 2025  
at 11:45 am/pm.  
[Signature]  
Assistant County Attorney

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

.....  
GENOVEFFA VACCARO-BALLARIN, INDIVIDUALLY and  
as PARENT AND NATURAL GUARDIAN OF C.B., an  
INFANT

Claimant,

v.

**NOTICE OF CLAIM**

COUNTY OF ERIE, CLARENCE CENTRAL SCHOOL  
DISTRICT, ERIE 1 BOARD OF COOPERATIVE  
EDUCATIONAL SERVICES ("BOCES"), ERIE 1 BOCES  
EDUCATIONAL FOUNDATION, INC., and ERIE 1 BOCES  
HARKNESS CAREER & TECHNICAL EDUCATION  
CENTER

Respondent,

\*\*\*\*\*

**PLEASE TAKE NOTICE**, that the above named claimant claims and demands from the respondents, COUNTY OF ERIE, CLARENCE CENTRAL SCHOOL DISTRICT, ERIE 1 BOARD OF COOPERATIVE EDUCATIONAL SERVICES ("BOCES"), ERIE 1 BOCES EDUCATIONAL FOUNDATION, INC., and ERIE 1 BOCES HARKNESS CAREER & TECHNICAL EDUCATION CENTER, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, the claimant states:

1. Claimant's address is c/o Genoveffa Vaccaro-Ballarín, 6334 Pine Cone Court Clarence Center, NY 14032.

2. The claimant is represented by Cellino Law LLP with offices located at 800 Delaware Avenue, Buffalo, New York, 14029, telephone (888) 888-8888.

3. The incident in which personal injuries were sustained by the claimant occurred on or about October 31, 2024.

4. The incident in which personal injuries were sustained by the Infant claimant occurred on or about October 31, 2024 at the Harkness Career & Technical Education Center located at 99 Aero Drive Cheektowaga, NY 14225. At said time, the Infant was a student within the ERIE 1 BOCES Harkness Career & Technical Education Center. Upon information and belief, the instructor of this class was Roman Kulik. Infant claimant was instructed to put a blade on a piece of machinery when the machine was caused to turn on, injuring his left middle finger.

5. By virtue of the negligence of the employees, agents or servants of COUNTY OF ERIE, CLARENCE CENTRAL SCHOOL DISTRICT, ERIE 1 BOARD OF COOPERATIVE EDUCATIONAL SERVICES ("BOCES "), ERIE 1 BOCES EDUCATIONAL FOUNDATION, INC., and ERIE 1 BOCES HARKNESS CAREER & TECHNICAL EDUCATION CENTER, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

6. Upon information and belief, claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

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

DATED: Buffalo, New York  
January 27, 2025

Yours, etc.,

**CELLINO LAW LLP**

By:   
Kathryn C. Monbaron  
Attorney for Claimant  
800 Delaware Avenue  
Buffalo, NY 14209  
(888) 888-8888

**TO:**

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, New York 14202

CLARENCE CENTRAL SCHOOL DISTRICT  
9625 Main Street  
Clarence, NY 14031

ERIE 1 BOARD OF COOPERATIVE EDUCATIONAL SERVICES ("BOCES")  
355 Harlem Road  
West Seneca, New York 14224

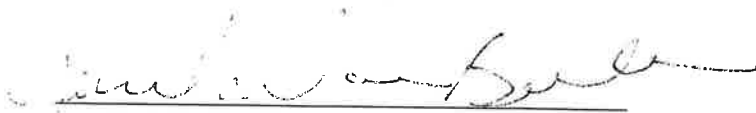
ERIE 1 BOCES EDUCATIONAL FOUNDATION, INC.  
355 Harlem Road  
West Seneca, New York 14224

ERIE 1 BOCES HARKNESS CAREER & TECHNICAL EDUCATION CENTER  
99 Aero Drive  
Cheektowaga, NY 14225

**VERIFICATION**

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

**Genoveffa Vaccaro-Ballarín, as Parent and Natural Guardian Of C.B., an Infant** being duly sworn, deposes and says that she is the claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

  
\_\_\_\_\_  
Genoveffa Vaccaro-Ballarín

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

On the 27<sup>th</sup> day of January, in the year 2025 before me, the undersigned, personally appeared GENOVEFFA VACCARO-BALLARIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public/Commissioner of Deeds

JOSEPH PAUL SANABRIA  
No. 01SA6211924  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 09/28/2025



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

February 11, 2025

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

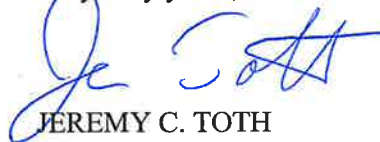
Dear Ms. Owens:

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>Copeland, Markita v. ECMC, ECMCC and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Markita Copeland 4104 Pale Moon Court Glen Allen, Virginia 23059
Claimant's attorney:	R. Colin Campbell, Esq. Campbell & Associates 38 Lake Street Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

IN THE MATTER OF THE CLAIM OF  
MARKITA COPELAND,

**NOTICE OF CLAIM**

Claimant,

-VS-

ERIE COUNTY MEDICAL CENTER,  
ERIE COUNTY MEDICAL CENTER CORPORATION,  
and COUNTY OF ERIE

Respondents.

---

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

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

TO: COUNTY OF ERIE  
Erie County Attorney  
95 Franklin Street  
Room 1634  
Buffalo, New York 14202

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

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

Markita Copeland  
4104 Pale Moon Court  
Glen Allen, Virginia 23059

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

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

(3) Upon information and belief, the date, time and location of the happening of the occurrence wherein the Claimant sustained injury was on or about November 25, 2024, at approximately 12:00 p.m. at ERIE COUNTY MEDICAL CENTER, 462 Grider Street, City of Buffalo, County of Erie, State of New York.

(4) On or about November 25, 2024, the Claimant was visiting a patient at ERIE COUNTY MEDICAL CENTER, a facility owned and operated by ERIE COUNTY MEDICAL CENTER CORPORATION. The Claimant entered the hospital on the ground floor, rode up the escalator to what was designated as the first floor and was walking towards the elevator to get on when she slipped on a wet floor. The aforementioned dangerous conditions were believed to have been created by ERIE COUNTY MEDICAL CENTER, ERIE COUNTY MEDICAL CENTER CORPORATION and COUNTY OF ERIE, and/or their agents in the course of attempting to mop the floor.


(5) The nature of the claim is for personal injuries sustained by the Claimant when she slipped and fell causing her to sustain injuries to her lower back and left shoulder. It is alleged, upon information and belief, the incident/accident was caused by the negligence of ERIE COUNTY MEDICAL CENTER, ERIE COUNTY MEDICAL CENTER CORPORATION, and/or COUNTY OF ERIE, by and through their employees, agents, and/or representatives and without any fault on the part of the Claimant herein. It is alleged, upon information and belief, that the aforesaid acted negligently, carelessly and/or recklessly in creating dangerous conditions in the manner in which they mopped the floor and left it wet and

slippery at a time when visitors were walking in the vicinity and attempting to access the nearby elevators; in failing to provide sufficient warnings of the aforementioned conditions; in failing to properly train employees; and in failing to properly supervise employees.

(6) The items of damages and injuries sustained by the Claimant, MARKITA COPELAND, as known at this juncture, include lower back pain and left shoulder pain. Claimant also sustained costs associated with medical care and treatment relating to said injuries. Upon information and belief, the injuries aforementioned are permanent, the full nature and extent of which are unknown at this time.

Dated: 01/02/2025

  
MARKITA COPELAND

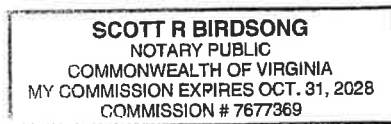
  
R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
Attorneys for Claimant  
38 Lake Street  
Hamburg, New York 14075  
(716) 992-2222



**VERIFICATION**

STATE OF Virginia )  
 )  
COUNTY OF Henrico )

MARKITA COPELAND, being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.



  
MARKITA COPELAND

Sworn to before me this 2<sup>nd</sup>  
day of January, 2025.

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



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

February 11, 2025

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>Hall, Lauren v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lauren Hall 11275 Westwood Road Alden, New York 14004
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.

-----X  
In the matter of  
LAUREN HALL,

*Claimant,*

*-against-*

**NOTICE OF CLAIM**

COUNTY OF ERIE,

*Respondent.*

-----X  
**To: COUNTY OF ERIE**  
**95 Franklin Street**  
**Suite 1634**  
**Buffalo, New York 14202**  
*(Via Certified Mail)*

R E C E I V E D  
DEC 05 2024

ERIE COUNTY  
DEPARTMENT OF LAW

**PLEASE TAKE NOTICE** that the undersigned claimant hereby makes claim and demand against COUNTY OF ERIE as follows:

**1. NAME AND ADDRESS OF CLAIMANT**

Claimant is Lauren Hall, 11275 Westwood Road, Alden, New York 14004.

**2. THE NATURE OF THE CLAIM**

The nature of the claim is for negligence resulting in personal injuries sustained by claimant.

**3. THE TIME WHEN, THE PLACE WHERE, AND THE MANNER IN WHICH THE CLAIM AROSE**

**a. Time**

The claim arose on Thursday, September 5, 2024 at approximately 12:30 p.m.

**b. Place**

The claim occurred at the premises commonly known as Como Lake Park, 2220 Como Park Boulevard, Lancaster, New York 14086. More specifically, the claim occurred at a shelter/pavilion area approximately one-hundred fifty (150) feet to the west of the facility labeled "Restroom C." Annexed hereto is an approximate Google Maps depiction of the location of this claim, as well as a marked depiction on COUNTY OF ERIE's publicly-available official park map, denoted by a red circle made upon said map.

**c. Manner**

Claimant was lawfully traversing at the aforementioned shelter/pavilion area, at which there are publicly-available picnic tables, when she was caused to trip and fall violently to the pavement due to a dangerous, defective, broken, cracked, uneven and unsafe pavement, causing her to sustain serious and permanent personal injuries. Photographs of the dangerous condition are annexed hereto.

The claim is founded in negligence on the part of COUNTY OF ERIE, its agents, servants, employees, contractors and/or sub-contractors, in, including but not limited to: the ownership, monitoring, designing, redesigning, constructing, creating, grading, aligning, realigning, elevating, banking, surfacing, re-surfacing, planning, inspecting, maintaining, controlling, managing, servicing and/or repairing the aforesaid basketball court/ pavement; in creating a defective and deceptive pavement condition; in failing to and/or in failing to adequately and properly monitor, design, re-design, construct, create, grade, align, realign, elevate, bank, surface, re-surface, reclaim, plan, inspect, maintain, control, manage, service and/or repair the aforesaid pavement; in causing, permitting and/or allowing the aforesaid pavement to be, become and/or remain in an uneven, and/or unlevel condition; in causing, permitting and/or allowing the aforesaid pavement to be, become and remain in defective, unsafe and trap-like condition; in failing to and/or in failing to properly manage, maintain and/or operate the subject premises; in permitting and/or allowing the subject premises to be, become and/or remain in a defective, unsafe, hazardous and/or dangerous condition; in creating a defective, deceptive, hazardous, unsafe and/or dangerous condition, when they knew or should have known and did have constructive notice of the condition that could have and did cause Claimant's injuries; in failing to provide a safe area of travel for individuals traversing the aforesaid premises; in failing to properly and adequately maintain and service the premises; in failing to maintain said premises in a safe condition in view of all conditions, including the foreseeable likelihood of injury to those traversing said premises, and specifically to Claimant, in failing to implement the minimal standards necessary to assure the protection and well-being of those individuals lawfully traversing said premises, and specifically, the Claimant; in permitting, maintaining and allowing a dangerous, hazardous, deceptive, defective and unsafe condition to exist and remain on said premises; in permitting the aforesaid premises to be improperly and dangerously maintained and/or inspected and to remain in an unsafe and dangerous condition which caused the Claimant, to violently fall to the ground, causing serious personal injuries; in failing to adequately and properly supervise and assure the safety of those individuals lawfully on said premises, including and specifically, the Claimant; in disregarding the safety and welfare of individuals lawfully on said premises and specifically, the Claimant; in failing to perceive and anticipate possible incidents which may have and did cause the Claimant's injuries; in failing to inspect the premises for said dangerous, hazardous, deceptive, defective and unsafe conditions; in failing to provide appropriate, proper and adequate warning devices which were readily apparent and noticeable to those individuals traversing said premises; in failing to warn of the dangerous, hazardous, deceptive, defective and unsafe conditions when the Respondent, its agents, servants, employees, contractors and/or sub-contractors knew or should have known of said conditions and when they knew or should have had time to ascertain the existence of said dangerous, hazardous, deceptive, defective and dangerous conditions; in failing to have barriers and/or warning devices and/or signs and/or markings which should have been visible and apparent to those individuals

traversing said premises; in failing to have their agents, servants, employees, contractors and/or subcontractors, notify, inspect and/or make known to the general public and specifically to the Claimant, that there were dangerous, defective, hazardous and/or unsafe conditions upon said premises; in allowing to exist and in failing to remove dangerous, defective, hazardous and/or unsafe conditions upon said premises; in negligently and carelessly maintaining the pavement on the premises in a dangerous condition; in breaching their non-delegable duty to provide those individuals lawfully upon said premises with a safe area in which to traverse; and in otherwise being negligent careless and/or reckless.

Respondent, their agents, servants, employees, contractors and/or sub-contractors, acted negligently and carelessly in failing to adequately and/or properly post and erect advisory signs, warning signs, flashing lights, signals and/or special warning signs so as to adequately and properly apprise those using the pavement of the conditions then and there existing which were known to Respondent or in the exercise of reasonable care should have been known to Respondent. Respondent, their agents, servants, employees, contractors and/or sub-contractors, acted negligently and carelessly in failing to repair and/or properly repair the aforesaid pavement due to a lack of study and/or inadequate study and/or due to a study which lacked a reasonable basis; in permitting to exist and in failing to remove an improper, inadequate and/or dangerous condition on the pavement; in permitting to exist dangerous and defective pavement conditions; in failing to adequately and properly monitor, design, re-design, construct, create, align, grade, elevate, bank, surface, re-surface, plan, maintain, control, manage, service and/or repair the aforementioned pavement and in disregarding their duty by negligently and carelessly permitting the pavement to be improperly and dangerously monitored, designed, re-designed, constructed, created, aligned, graded, elevated, banked, surfaced, re-surfaced, planned, maintained, controlled, managed, serviced and/or repaired and remain in an unsafe and dangerous condition; in disregarding their duty by negligently and carelessly failing to remedy a dangerous and defective condition after reasonable notice thereof. Respondent, their agents, servants, employees, contractors and/or sub-contractors., acted negligently and carelessly in failing to use adequate and/or proper materials in covering and/or temporarily covering a significant defect in the pavement at issue; in failing to provide for safe and adequate pedestrian travel and/or special warning signs so as to adequately and properly apprise those using the pavement of the conditions then and there existing which were known to Respondent or in the exercise of reasonable care should have been known to Respondent; the Respondent were negligent and careless when Respondent knew or should have known of the dangerous and defective conditions then and there existing and/or otherwise had prior notice (actual and/or constructive) of same, including prior written notice; in violating statutes, ordinances, rules, orders, requirements and/or other regulations; and in otherwise being careless and negligent. Respondent, their agents, servants, employees, contractors and/or sub-contractors disregarded their duty by negligently and carelessly failing to have a plan and/or adequate plan for the redesign, construction and/or reconstruction and/or repair of the aforesaid pavement; in preparing and/or enacting a plan for redesign, construction and/or reconstruction and/or repair which evolved without study and/or adequate study and/or lacked a reasonable basis; in undertaking and/or performing inadequate studies and/or investigation(s) and/or survey(s) of said pavement; in failing to exercise due care in the preparation of said design and/or redesign and/or reconstruction and/or repair plan; in failing to exercise due care in the preparation of said design and/or redesign and/or reconstruction and/or repair plan; in failing to exercise due care in the

preparation of said plan wherein no reasonable individual could have adopted said plan; in preparing said plan without a sufficient and timely study; in failing to adequately and properly and/or legitimately prioritize their projects including safety projects and more specifically improvements and/or reconstruction of the pavement at issue; in failing to review plans; in failing to implement and/or adequately implement said plan; in unreasonably delaying the improvements and/or construction and/or reconstruction of the aforesaid pavement; in unreasonably delaying said plan to take steps to correct the dangerous and defective conditions as set forth herein; in unreasonably and unjustifiably delaying said plan when Respondent knew or should have known of the dangerous and defective conditions then and there existing which could have and ultimately did cause the serious personal injuries of the claimant herein; in failing to close the aforementioned pavement when Respondent knew or should have known of the dangerous pavement conditions then and there existing; in breaching their responsibility to provide a safe pavement; and in otherwise being careless and negligent. Claimant's incident and injuries would not have happened but for these acts/omissions by Respondent.

#### **4. THE ITEMS OF DAMAGE OR INJURIES CLAIMED**

The items of damage are severe physical injury including, but not limited to, orthopedic injury to her left ankle, along with emotional and psychological trauma and distress on the part of the Claimant. All of the above may be permanent in nature. Claimant claims both past and future medical expenses and/or out-of-pocket costs. Claimant also claims economic losses in the nature of medical expenses and/or lost wages. The full extent of Claimant's injuries and/or economic losses is not yet known.

The undersigned Claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the Claimant intends to commence an action on this claim.

Please feel free to contact Claimant to discuss this matter.

Dated: December 3, 2024  
Alden, New York



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LAUREN HALL

VERIFICATION

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

LAUREN HALL, being duly sworn, hereby states:

I am the claimant herein. I have read the annexed NOTICE OF CLAIM and know the contents thereof, and same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true.



\_\_\_\_\_  
LAUREN HALL

Sworn to me on the  
3<sup>rd</sup> day of December, 2024



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

RYAN GANZENMULLER  
Notary Public, State of New York  
No. 02GA0015973  
Qualified in Westchester County  
Commission Expires November 10, 2027





## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

### DEPARTMENT OF LAW

February 27, 2025

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

Dear Ms. Owens:

In compliance with 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>Koonce, Derek v. Anwar Shamim</i>
Document Received:	Order to Show Cause
Name of Claimant:	Derek Koonce
Claimant's attorney:	Kenneth P. Lowe, Esq. Law Offices of Robert D. Berkun 501 John James Audubon Parkway, Suite 300 Amherst, New York 14228

Please note that this action does not name the County of Erie or the Erie County Sheriff's Office. The County does bear a slight risk of financial exposure here, however, and we are placing the Legislature on notice accordingly. Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



At a Term of Supreme Court, Erie  
County, 92 Franklin Street, Buffalo,  
NY 14202, Part 5, held on  
February 4, 2025.

**P R E S E N T:**

Hon. Catherine Nugent Panepinto  
New York State Supreme Court Judge

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

DEREK KOONCE,

Plaintiff,

v.

ANWAR SHAMIM,

Defendant.

---

**AMENDED ORDER TO SHOW  
CAUSE WITH TRO**

Index No.: 802840/2020

**UPON** the Affirmation of Anwar Shamim, dated January 16, 2025 and the Affirmation of Daniel J. Bobbett, dated January 16, 2025, and the exhibits annexed thereto, and upon all the pleadings and proceedings heretofore herein;

**LET** the Erie County Sheriff, plaintiff Derek Koonce, and John Doe (being the person/entity that submitted the winning bid at the Sheriff Sale held on January 8, 2025), or their attorneys, show cause before this Court on March 11, 2025 at 2:00 p.m. or as soon thereafter as counsel may be heard, at the Courthouse, 92 Franklin Street, Part 5, Buffalo, NY 14202, why an order should not be entered granting the following relief: pursuant to CPLR 2003, CPLR 5240, and other applicable law, setting aside the Sheriff Sale of the property located at 12 Parker Avenue, Buffalo, New York held on January 8, 2025; (B) pending a determination of the instant motion, imposing a temporary restraining order against the Erie County Sheriff that immediately enjoins the Erie County Sheriff from signing or delivering a deed that purports to transfer title of the property located at 12 Parker Avenue, Buffalo, New York or taking any other action to dispossess Anwar Shamim from said

property; and (C) such other and further relief the Court deems just and proper.

**SUFFICIENT CAUSE APPEARING THEREFOR**, it is hereby

**ORDERED**, that pending the hearing and determination of the within Order to Show Cause, Plaintiff and the Erie County Sheriff, and John Doe (being the person or entity that submitted the winning bid at the subject Sheriff Sale who is represented by Michael Paskowitz, Esq.), together with their representatives and agents, are immediately enjoined and stayed from pursuing any course of action that would dispossess Anwar Shamim of title of the subject premises located at 12 Parker Avenue, Buffalo, NY; and it is further

**ORDERED**, that pending the hearing and determination of the within Order to Show Cause, the Erie County Sheriff is stayed from executing or otherwise carrying out the property execution concerning the subject premises located at 12 Parker Avenue, Buffalo, NY or otherwise enforcing a judgment against said parcel of real property including by, among other things, delivering a deed for said property to John Doe (being the person or entity that submitted the winning bid for said property at the Sheriff's Sale held on January 8, 2025) or his representative; and it is further

**ORDERED**, that pending the hearing and determination of the within Order to Show Cause, any purchaser of or party who otherwise acquired 12 Parker Avenue, Buffalo, NY at the Sheriff's Sale held on January 8, 2025 be and hereby is stayed from transferring or encumbering the said real property; and it is further

**ORDERED**, that service of a copy of this Order and accompanying papers to:

1. Kenneth Lowe, Esq., 501 John James Audubon Parkway, Suite 300, West Amherst, NY 14228;
2. John C. Garcia, Sheriff, Erie County Sheriff's Office, Civil Enforcement Division, 134 West Eagle St., 4<sup>th</sup> Floor, Buffalo, NY 14202; and
3. Michael Paskowitz, Esq. 403 Main Street, Buffalo, NY 14203

on or before the 10th day of February, 2025 by personal delivery and certified mail be deemed good and sufficient service.

Dated: February 4th, 2025

*Catherine Nugent Parepinto*

Enter:



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 28, 2025

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

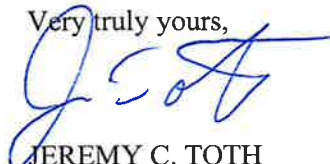
Dear Ms. Owens:

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>Allen, James v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	James Allen ICN #73250 Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

JAMES ALLEN,

Claimant

-vs-

NOTICE OF CLAIM

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

Respondents

---

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

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

1. The post office address of the Claimant, JAMES ALLEN, is Erie County Correctional Facility, located at 11581 Walden Avenue, Alden, New York 14004; the name and post office address of Claimant's attorney is Brittanylee Penberthy, Esq., of Penberthy Law Group LLP, 227 Niagara Street, Buffalo, New York 14201.

2. That the nature of this claim is for the negligent, careless and reckless acts or omissions of the above-named Respondents their agents, servants and/or employees, appointees, designees, departments and divisions thereof, in that JAMES ALLEN was injured when an Erie County Sheriff's vehicle transporting inmates was involved in a motor vehicle accident, injuring the occupant(s), including Claimant JAMES ALLEN. That said claim arose on/or about the 13 day of January 2025, in the County of Erie, State of New York, with the aforementioned subject vehicle traveling on or about 90 off ramp/Walter Rd. Town of Cheektowake, NY; that the manner in which said claim arose was that the Claimant was a handcuffed, un-seatbelted passenger in Respondent's vehicle when it collided with another, and in that as a result of said collision the Claimant sustained serious and permanent injuries.

3. That so far as is now able to be determined, the Claimant has sustained multiple extensive serious injuries externally, internally, and permanently in and about the head, neck, spine, body, limbs and nervous system as a result of the aforesaid accident, the full extent of which cannot be fully assessed at the present time.

4. That by reason of the foregoing injuries, said Claimant became and will continue to be disabled and will continue to suffer great pain, discomfort and disfigurement and has and may require the services of physicians, surgeons, nurses, hospitals, therapy, prosthetic devices, manipulations and medicines and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and the resulting permanent disabilities said Claimant has been incapacitated from his educational pursuits and/or profession and/or employment and will continue to be incapacitated in the future, and as a result of the

aforesaid injuries and permanent disabilities, the future earning capacity of the Claimant and the activities, professional, social and personal endeavors and hobbies of the Claimant and his enjoyment of life will or could be partially and/or totally impaired as a result thereof, all to the damage of said Claimant.

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

DATED: February 4, 2025  
Buffalo, New York

PENBERTHY LAW GROUP LLP

By: 

BRITTANY LEE PENBERTHY, ESQ.

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

VERIFICATION

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

**JAMES ALLEN**, being duly sworn, deposes and says that he is the claimant above named; he has read the foregoing claim and knows the contents thereof: the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

James L Allen  
JAMES ALLEN

Sworn to before me this  
11<sup>th</sup> day of February, 2025.

[Signature]  
Notary Public