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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: April 1, 2025  
RE: Transmittal of New Claims Against Erie County

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Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), please find attached three (3) new claims brought against the County of Erie. The claims are as follows:

**Claim Name**

1. Cabrina Wilkins v. City of Buffalo and County of Erie;
2. Louis Arroyo v. County of Erie; and
3. Ariel Donalson v. County of Erie.

JCT:dld  
Attachments



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 25, 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>Wilkins, Cabrina v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Cabrina Wilkins 57 Cambridge Street Buffalo, New York 14215
Claimant's attorney:	Joseph A. Todoro, Esq. Spadafora & Verrastro, LLP 2 Symphony Circle Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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CABRINA WILKINS  
57 Cambridge Ave.  
Buffalo New York, 14215,

Claimant,

**NOTICE OF CLAIM**

- vs -

CITY OF BUFFALO  
65 Niagara Square  
Buffalo, New York 14202

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

Respondents.

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**PLEASE TAKE NOTICE** that CABRINA WILKINS has claims and hereby makes claims against the CITY OF BUFFALO and COUNTY OF ERIE for personal injuries and damages sustained and in support thereof, states:

1) **NAME AND ADDRESS OF CLAIMANT:** CABRINA WILKINS, is 57 Cambridge Ave., Buffalo, New York 14215.

2) **NAME AND ADDRESS OF CLAIMANT'S ATTORNEYS:** VERRASTRO & TODORO, LLP, Joseph A. Todoro, Esq., 2988 William Street, Cheektowaga, New York 14227; telephone number 716-854-1111.

5) **BASIS OF CLAIM:** That the injuries sustained by the Claimant, CABRINA WILKINS, were sustained as a result of the negligence and carelessness and/or reckless disregard of the CITY OF BUFFALO and COUNTY OF ERIE, its respective officers, agents, servants and/or employees in causing, creating, maintaining or allowing to exist said roadway/highway area used and utilized by members of the public in general and this Claimant in particular for vehicular travel, to be and remain in a dangerous, defective, hazardous and/or unsafe condition for members of the general public to operate a motor vehicle on, over, and/or along said roadway/highway area; and permitting the same to continue and exist for a significant period of time prior to and including November 7, 2024. In allowing, creating, maintaining and/or causing the improper construction which was covered, hidden and/or dangerous, unsafe and/or defective construction at/near the intersection of Filmore Avenue and Northland Avenue, where there were no work trucks with amber lights in the intersection, no work zone signs, and the construction workers did not utilize flags, stop signs or reflective vests when controlling said intersection, among other careless, negligent, and/or reckless disregard for vehicles being operated on the roadway at the above-referenced intersection, which was enhanced by the absence of proper, adequate and/or sufficient warning signage, flags, personnel, so that the same was not in a normal, safe and proper condition as to be expected as to a roadway/highway kept in a normal, safe and proper condition.

6) Upon information and belief, the culpable conduct and negligence on the part of the CITY OF BUFFALO and COUNTY OF ERIE, and its officers, agents, servants and/or employees during the course of the performance of their duties, causing, creating and/or contributing to the crash and/or collision and personal injuries of the Claimant, CABRINA WILKINS, and rendering the CITY OF BUFFALO and COUNTY OF ERIE liable for Claimant's damages including, but are not limited to:

a) Improperly designing, constructing and/or maintaining said roadway/highway surface and/or sub-surface support areas in a defective, dangerous, hazardous and unsafe condition in the area of the collision;

b) Failing to provide, post and maintain adequate warnings along said roadway/highway and in the area of the crash;

g) Failed to provide sufficient equipment and personnel properly trained and/or supervised in the maintenance and repair of said roadway/highway in general, as would relate to this roadway/highway surface and/or sub-surface area in particular including the failure to provide work trucks with amber lights in the intersection, work zone signs, construction workers utilizing flags and/or other traffic controlling methods, stop signs or reflective vests when controlling said intersection, and among others, having a regard for vehicles being operated on the roadway at the above-referenced intersection;

h) In allowing vehicle operators on, over and/or along Northland Avenue at or near its intersection with Filmore Avenue, in general, and this Claimant in particular, to utilize said roadway/highway area with notice and knowledge of the defective, unsafe, dangerous, hazardous, condition of said roadway/highway intersection controlled by a traffic control device, without providing proper and/or sufficient notice and/or warning to said motorists in general, and this Claimant in particular, of said dangerous, hazardous and/or defective conditions;

i) In causing, creating and/or maintaining a nuisance to the public; failing to provide adequate lighting and/or streetlight and/or traffic control device and/or traffic control and/or warnings and/or trucks with amber lights and/or reflective vests and/or cones and/or signage, so as to hide or conceal the defective, unsafe, dangerous, and/or hazardous condition of said roadway/highway intersection;

j) In failing to maintain the roadway/highway and/or above referenced intersection, in a condition fit for its intended use and purpose;

k) In failing to provide sufficient equipment and/or personnel properly trained and supervised to control traffic, utilize proper traffic control measures and/or methods, and/or eliminate dangerous, defective, and/or hazardous conditions, and/or utilizing warning signage, which existed and had so existed for a considerable period of time prior to the happening of this collision, or in providing sufficient equipment and properly trained personnel, in failing to supervise and/or monitor their actions and activities so as to insure that said conditions would be detected, removed, remedied, eliminated and/or corrected; and

9) **INJURIES SUSTAINED:** The Claimant, CABRINA WILKINS, has sustained, without limitation, numerous injuries, the majority, if not all, of which were severe, painful and permanent in nature primarily in, to and about her head, neck and low back, sustaining, among other injuries, shock, to the nerves and nervous systems, circulatory systems, bones, nerves, tendons, muscular systems and skeletal systems; was otherwise rendered sick, sore, lame and disabled and was prevented from following her usual duties and activities for a period of time following said collision; may suffer and sustain loss of earnings and/or loss of future earning potential; has incurred, or may incur medical expenses as to past, present or future as would relate to the care, treatment and attempted cure of the injuries sustained; has suffered serious injury as so defined under the Insurance law of the State of New York, has and/or may suffer loss in excess of basic economic loss, and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries as to the past, present and upon information and belief into said future years, together with any and all other special and general damages as they manifest themselves subsequent to the date of this Notice of Claim.

10) That upon your failure to pay such claim within the statutory period provided therefore, it is the intention of the Claimant to commence an action against the CITY OF BUFFALO and COUNTY OF ERIE and such other entity as may be liable therefore to recover damages sustained by this Claimant as hereinbefore set forth.

STATE OF NEW YORK     )  
COUNTY OF ERIE        ) ss:

I, CABRINA WILKINS, being duly sworn, depose and say: That she is the Claimant, above-named in the within action; that she had read the foregoing NOTICE OF CLAIM and knows the contents thereof; that same is true to her own knowledge except as to those matters stated to be alleged on information and belief, and as to those matters, she believes it to be true.

Cabrina Wilkins  
Claimant - CABRINA WILKINS

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

M. B. Weir

MARY B. WEIR  
Notary Public, State of New York  
Registration No. 01WE6444040  
Qualified in Erie County  
Commission Expires 11/14/2026



## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 25, 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>Arroyo, Louis v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Louis M. Arroyo 163 Fargo Avenue Buffalo, New York 14201
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

LOUIS M. ARROYO,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF PUBLIC  
WORKS,

Respondent.

COMPLAINT

Pursuant to Executive Law,  
Article 15

Case No.

**10243814**

Federal Charge No. 16GC502162

I, Louis M. Arroyo, residing at 163 Fargo Ave., Buffalo, NY, 14201, charge the above-named respondent, whose address is 95 Franklin Street, 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 race/color, national origin.

Date most recent or continuing discrimination took place is 12/17/2024.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, national origin, 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).

**Basis of alleged discrimination in employment:**

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

**Please specify race/color:**

Hispanic

**You are filing a complaint against**

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**Entity that discriminated against you:**

**Name of entity**

Erie County DPW

**Street Address**

95 Franklin Street

**City**

BUFFALO

**State**

NY

**Zip**

14202

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

Erie

**Phone Number**

**Email address**

**Fax Number**

**Company Website**

Erie County DPW

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

12/17/2024

**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 am one of a couple Hispanics that works in the department as a snow plow driver. I have been there for over 4 years. Whenever it comes to taking time off I keep getting rejected and the engineer Joseph Donolon claims it's based on seniority or the weather because of snow. There is no policy on how many people can take time off. He has approved snow plow drivers who are caucasian and have less Seniority yet he continues denying my time off. He doesn't speak to me like he speaks to all the caucasian employees and treats me differently, as if I don't exist. A prior employee litterily took off two weeks without informing anyone and he didn't get fired but the Union cut him a deal. I have been threatened and told I will be fired if I take time off and it is not approved - the union said they would support me but no guarantees. How can this be when I have been a model employee? It's always about race. Rules don't seem to apply to people he likes and apply to me regardless of the situation - I am Puerto Rican and not a Mexican as they like to refer to me when they claim they are joking.

**Declaration**

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## COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 31, 2025

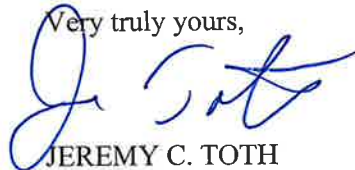
Ms. Olivia Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

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>Donalson, Ariel v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Ariel Donalson 30 Alpine Place #203 Cheektowaga, New York 14225
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

ARIEL DONALSON,

Complainant,

v.

ERIE COUNTY,

Respondent.

COMPLAINT

Pursuant to Executive Law,  
Article 15

Case No.

**10246079**

Federal Charge No. 16GC503357

I, Ariel Donalson, residing at 30 Alpine Place #203, Cheektowaga, NY, 14225, charge the above-named respondent, whose address is 95 Franklin St., 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 race/color, opposed discrimination/retaliation, sex.

Date most recent or continuing discrimination took place is 10/22/2024.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, opposed discrimination/retaliation, sex, 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).

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

Fired me/laid me off  
Demoted me  
Denied me training  
Sexual harassment  
Harassed or intimidated me on any basis indicated here  
Denied services or treated differently by a temp or employment agency  
Other - Write In (Required): Racially segregated me

**Basis**

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**Basis of alleged discrimination in employment:**

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

**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 race/color:**

African American

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

Told them directly to stop & I'm uncomfortable, Reported to manager; some discrimination afterwards came from manager and requested assistance from union/personnel

**You are filing a complaint against**

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**Entity that discriminated against you:**

**Name of entity**

Erie County Department of Health

**Street Address**

503 Kensington Avenue

**City**

Buffalo

**State**

NY

**Zip**

14214

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

Erie

**Phone Number**

**Email address**

**Fax Number**

**Company Website**

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

10/22/2024

**Description of discrimination**

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