



EELEGAL 7/11/19:13

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: August 5, 2025

RE: Transmittal of New Claims Against Erie County

ACT/aa

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), please find attached 17 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Denita Jones v. County of Erie;
2. Daniel Insalaco v. County of Erie;
3. Jason Enders v. ECDSS;
4. Robbins Disaster Recovery, Inc. v. ECC and County of Erie;
5. Amelia VanDusen v. County of Erie, et al.;
6. New York Times Company, et al. v. ECSO;
7. Kimberly Jordan v. County of Erie, et al.;
8. Joseph Gephart v. County of Erie;
9. Ali Lazik v. County of Erie, et al.;
10. Estate of Kimberly Kloc v. ECMCC, et al.;
11. Arthur Urbanczyk v. County of Erie;
12. Daniel Sojcik v. County of Erie;
13. Estate of Sean Quinn v. County of Erie;
14. Peter Masak v. County of Erie, et al.;
15. Katie Wetzler/PNG of EJW v. County of Erie, et al.;
16. Ramere McIlwain v. County of Erie, et al. and
17. Lynn May v. County of Erie;



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

May 21, 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>Jones, Denita v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Denita D. Jones PO Box 190 Buffalo, New York 14215
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

DENITA D JONES,

Complainant,

v.

ERIE COUNTY, SHERIFF'S OFFICE,

Respondent.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10243571

Federal Charge No. 16GC502004

I, Denita D. Jones, charge the above-named respondent, whose address is One Sheriff's Drive, Orchard Park, NY, 14127 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 opposed discrimination/retaliation, disability.

Date most recent or continuing discrimination took place is 2/16/2024.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of opposed discrimination/retaliation, disability, 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 the Americans with Disabilities Act (ADA) (covers disability 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

Denita

Middle Initial

D

Last Name

Jones

Street Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip

[REDACTED]

Are you completing this form for someone else?

No

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

by a Labor Organization

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

Yes

Date of hire

08/06/2018

Position held or applied for

Shift supervisor

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

20 or more

RECEIVED

NOV 19 2024

Buffalo EFA/INBOX

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

Demoted me
Suspended me
Denied my request for an accommodation for my disability, or pregnancy-related condition
Harassed or intimidated me on any basis indicated here
Other - Write In (Required): discriminatory practices

Basis

Basis of alleged discrimination in employment:

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)
Disability (a physical or mental condition; includes denial of reasonable accommodation)

Please specify disability:

past injury acquired at work led to many health problems which needs extra medical requirements. Discriminatory acts was terminated in 2016 by now commissioner Maryellen Brockmyre but won my case and took test returning to work 2yrs later and she has been retaliation mpractices against me every since i returned.

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

You are filing a complaint against

Entity that discriminated against you:

Name of entity

Erie County Detention Facility

Street Address

810 E Ferry

City

Buffalo

State

NY

Zip

14215

In what county or borough did the violation take place?

Erie

Phone Number

[REDACTED]

Email address

[REDACTED]

Fax Number

Company Website

Date of the most recent act of alleged discrimination

02/16/2024

Description of discrimination

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 recently sent three emails to my supervisor asking for a later shift. My current shift is 6:30-2:30pm Tuesday to Saturday. I am a shift supervisor which is a non-mandated position at Erie County detention. I recently contacted the office of disabilities regarding my medical conditions which require meds. I was hurt during a physical restraint at work in 2020 and i have a lifelong back injury that i will not have surgery on. The comp case is closed but i have physical therapy and medication to take. I also went through a domestic violence case which ended a divorce 2023 and i am on anti-depression meds. I have explained to my supervisor how i wake up in pain some morning and i have to take Motrin to move around. As everyone knows you cannot take without something on your stomach so i eat 2 slices of toast then take Motrin 800. I was requesting to come in at 7:30 instead of 6:30 am this way i am not using my fmla being late but my supervisor has an excuse every time or just simply ignores my emails. The person from office of disabilities told me to request a third time then contact him back but i decided to add in my complaint. I feel it is discriminatory practices because there is a shift supervisor who is not permeant as i am on probation who has been granted an educational shift where she does not work the shift 2-10pm she has her own shift 4-12pm and everyone in the county has 2 days off back-to-back but Kisa Walker is off tues/thurs. I am simply asking for an hour, and it will not affect anyone there is another shift supervisor working at 6:30 and an intake supervisor working until 8am. I was terminated from the county in 2016 and i fought my case through unemployment after coming to division of human rights and not being helped. I won my case and was able to re-apply for work but i waited until an exam to not return provisional and be a target. I passed my exam and returned in 2018 to the same title YDW. I worked my way to being promoted to shift supervisor in 2020 provlional until the exam was offered. I was harassed by the last Deputy Commision Paul K, on several occasion but nothing never done due to Maryellen Brockmyre being the new commissioner of personal. This being who was behind my termination in 2016. So, any complaint i put in got denied or ignored. An incident took place in which i was demoted and received a 5-day suspension. The staff Marquan Dean, that i recently was made aware doing a restraint i assisted in she was seen abusing/ physically fighting a youth received no discipline still to this day. I was given a hearing where the personal supervisor stated she watched the video where i left the YDW alone with the youth in danger which was a complete lie. I lost my position for about 6 weeks and i filed a grievance which was just recently given a date to appear and a lawyer assigned to me. I feel myself and 6 others being discipline but the staff that was causing physical harm to the youth not receiving anything is discriminatory practices. I am waiting to view the incident with my attorney. The shift supervisors have complete control over the building maintaining every shift but remains at a level 10 with no raise in 5 years, but a position was just created called training manager/Quality Assurance Nicole Brancato, started at a level 10 without an exam and the supervisor of the JJC counselors Katie Walker-Brown, a level 12 and this person supervised a staff of 6 the shift supervisors have a shift of 23 or more with three times the duties. This is discriminatory practices as well. This new budget for 2025 has given the new Nicole Brancato, position a step and it has not even been a year it has exist. I have more with details, but all have to be organized and written out.

Declaration

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:

DJ

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.


Denita Jones

Enter today's date.

11/19/2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 9, 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>Insalaco, Daniel v. County of Erie and Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	Daniel J. Insalaco 896 Harvard Street Rochester, New York 14610
Claimant's attorney:	Randy C. Mallaber, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221-5986

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 circular stamp.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

IN THE MATTER OF THE CLAIM OF:

DANIEL J. INSALACO

896 Harvard Street
Rochester, NY 14610

Claimant,

-against-

NOTICE OF CLAIM

COUNTY OF ERIE

95 Franklin Street
Buffalo, NY 14202

ERIE COUNTY SHERIFF

134 West Eagle Street
Buffalo, NY 14202.

Respondent.

PLEASE TAKE NOTICE that **DANIEL J. INSALACO**, hereby makes claim against **COUNTY OF ERIE** and **ERIE COUNTY SHERIFF** and in support thereof Claimant alleges:

1. That the undersigned Claimant, **DANIEL J. INSALACO**, residing at 896 Harvard Street, Rochester, NY 14610, by and through his attorney, **RANDY MALLABER**, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the **COUNTY OF ERIE** and **ERIE COUNTY SHERIFF**, for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.
2. That the said injuries were sustained by **DANIEL J. INSALACO** on December 22, 2024 at approximately 7:45 PM on that day when he was walking in a coned off pedestrian

walkway after a Buffalo Bills game, said walkway that is owned by COUNTY OF ERIE, and monitored by ERIE COUNTY SHERIFF, their servants, agents or employees.

3. That the subject incident occurred on Abbott road approximately 100 feet north of E. Abbott Grove Ave, in the Town of Orchard Park, County of Erie, State of New York. A copy of the Police Accident Report (MV-104A), regarding the subject incident is attached hereto as **Exhibit "A"**.

4. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, DANIEL J. INSALACO, by COUNTY OF ERIE and ERIE COUNTY SHERIFF, their servants, agents or employees in, in failing to provide a safe location to transit, in failing to properly cordon off and secure a pedestrian walkway after a Buffalo Bills game, along with the other acts of negligence, carelessness and recklessness.

5. That the aforesaid COUNTY OF ERIE and ERIE COUNTY SHERIFF by and through their agents, servants and employees had actual or constructive notice of the dangerous condition in that there is an improper pedestrian/traffic plan and/or that they had insufficient and/or improperly or insufficiently trained staff to properly manage said plan.

6. That as a result of the foregoing, the Claimant, DANIEL J. INSALACO, was hit by a motor vehicle while using the pedestrian coned lane created and managed by the COUNTY OF ERIE and ERIE COUNTY HSERRIF, and Claimant sustained very serious injuries, sustaining a traumatic bilateral subarachnoid hemorrhage, right intraparenchymal hemorrhage, fractured foot and severe lacerations. and other injuries. Some of these injuries will be of a permanent or indefinite

duration, and Claimant, DANIEL J. INSALACO, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

7. That the said injuries were occasioned solely and wholly as a result of the negligence of the COUNTY OF ERIE and ERIE COUNTY SHERIFF, and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

DATED: Williamsville, New York
 February 24, 2025



Randy Mallaber, Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street
Williamsville, NY 14221-5986
(716)633-3535

EXHIBIT A

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (3/04)

Local Codes 24-037872
RNTPTXXJVPBT

☐ AMENDED REPORT

1. Accident Date Month: 12, Day: 22, Year: 2024	Day of Week SUNDAY	Military Time 19:45	No. of Vehicles 2	No. Injured 1	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☒	Police Photos ☒ Yes ☐ No
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VEHICLE 1		VEHICLE 2	
1. Driver Name - exactly as printed on license MAYO, ANTHONY R	State of Lic NY	1. Driver Name - exactly as printed on license INSALACO, DANIEL J	State of Lic NY

2. Address (Include Number and Street) 7165 SCHULTZ RD	Apt. No.	2. Address (Include Number and Street) 896 HARVARD ST	Apt. No.
City or Town NORTH TONAWANDA	State NY	City or Town ROCHESTER	State NY

3. Date of Birth Month: 09, Day: 15, Year: 1993	Sex M	Unlicensed ☐	No. of Occupants 04	Public Property Damaged ☐
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4. Name - exactly as printed on registration MAYO, ANTHONY R	Sex M	Date of Birth Month: 09, Day: 15, Year: 1993	Sex M	Date of Birth Month: 02, Day: 22, Year: 1985
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5. Address (Include Number and Street) 7165 SCHULTZ RD	Apt. No.	5. Address (Include Number and Street) 896 HARVARD ST	Apt. No.
City or Town NORTH TONAWANDA	State NY	City or Town ROCHESTER	State NY

6. Plate Number KKS8031	State of Reg. NY	Vehicle Year & Make 2022 DODG	Vehicle Type PICK	Ins. Code 240
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7. Ticket/Arrest Number(s) TPXXJTKQ96 TPXXJTKQ2Q TPXXJTKQDW	1. Violation Section(s) 11923 6002A 306B
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8. Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.	8. Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.
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9. VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage	9. VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage
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10. Enter up to three more damage codes 3.0 4.0 5.0	10. Enter up to three more damage codes 3.0 4.0 5.0
--	--

11. Vehicle By: BANK ST Towed To: BANK ST	11. Vehicle By: BANK ST Towed To: BANK ST
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12. VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED	12. VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT 17. DEMOLISHED 18. NO DAMAGE 19. OTHER
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13. ACCIDENT DIAGRAM See the last page of the MV-104A for the accident diagram.
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14. Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☒ Yes ☐ No
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15. Reference Marker	15. Coordinates (if available) Latitude/Northing: 4743467 Longitude/Easting: 189990
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16. Place Where Accident Occurred: County: ERIE ☐ City ☐ Village ☒ Town of ORCHARD PARK Road on which accident occurred: ABBOTT ROAD at 1) intersecting street or 2) 100 miles ☒ N ☐ S ☐ E ☐ W of E. Abbott Grove Ave (Milepost, Nearest intersecting Route Number or Street Name)
--

17. Accident Description/Officer's notes Vehicle 1 was traveling Northbound on Abbott Rd. Pedestrian was walking Northbound on Abbott Rd in a pedestrian coned lane. Vehicle 1 traveled into the pedestrian coned lane striking the pedestrian causing damage to the front headlight and side mirror of Vehicle 1. Pedestrian did sustain head and foot injuries due to being struck by Vehicle 1. The pedestrian was transported to EOCMC for further treatment. Vehicle 1 left the scene and was located a short distance away by OPPD.
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18. Names of all involved MAYO, ANTHONY R UNKNOWN, UNKNOWN MAYO, VINCENT J MELTON, ERICA M INSALACO, DANIEL J	18. Date of Death Only
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19. Officer's Rank and Signature Print Name In Full: D PURUCKER	19. Badge/ID No. 0084	19. NCIC No. 01460	19. Precinct/Post Troop/Zone	19. Station/Beat Sector	19. Reviewing Officer LAGODA, D	19. Date/Time Reviewed 01/03/2025 11:17
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20. ALL INVOLVED	20. Names of all involved	20. Date of Death Only
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21. 1.0 1.0	21. 3.0	21. 4	21. 1.0 31	21. M	21. -	21. -	21. -	21. -	21. -	21. MAYO, ANTHONY R	21. -
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22. 1.0 3.0	22. -	22. 1.0 -	22. M	22. -	22. -	22. -	22. -	22. -	22. -	22. UNKNOWN, UNKNOWN	22. -
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23. 1.0 4.0	23. 4	23. 1.0 17	23. M	23. -	23. -	23. -	23. -	23. -	23. -	23. MAYO, VINCENT J	23. -
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24. 1.0 5.0	24. 4	24. 1.0 40	24. F	24. -	24. -	24. -	24. -	24. -	24. -	24. MELTON, ERICA M	24. -
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25. P	25. -	25. -	25. 39	25. M	25. 1.0 3.0 3.0	25. 9997	25. 1405	25. -	25. -	25. INSALACO, DANIEL J	25. -
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New York State Department of Motor Vehicles

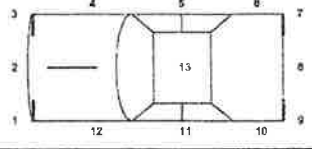
POLICE ACCIDENT REPORT

MV-104A (3/04)

Local Codes
04-032872

ANTPXXJVPST

☒ **AMENDED REPORT**

1 Accident Date Month <u>12</u> Day <u>22</u> Year <u>2024</u>		Day of Week <u>SUNDAY</u>	Military Time <u>19:45</u>	No. of Vehicles <u>2</u>	No. Injured <u>1</u>	No. Killed <u>0</u>	Not Investigated at Scene ☐ Accident Reconstructed ☐	Left Scene ☒	Police Photos ☒ Yes ☐ No	19	
2 VEHICLE											20
VEHICLE - Driver License ID Number _____ State of Lic _____ Driver Name - exactly as printed on license _____ Address (Include Number and Street) _____ Apt. No. _____ City or Town _____ State _____ Zip Code _____					VEHICLE - Driver License ID Number _____ State of Lic _____ Driver Name - exactly as printed on license _____ Address (Include Number and Street) _____ Apt. No. _____ City or Town _____ State _____ Zip Code _____						21
3 Date of Birth Month _____ Day _____ Year _____ Sex _____ Unlicensed _____ No. of Occupants _____ Public Property Damaged _____ Name - exactly as printed on registration _____ Sex _____ Date of Birth _____ Month _____ Day _____ Year _____ Address (Include Number and Street) _____ Apt. No. _____ Haz. Mat. Code _____ Released _____ City or Town _____ State _____ Zip Code _____					3 Date of Birth Month _____ Day _____ Year _____ Sex _____ Unlicensed _____ No. of Occupants _____ Public Property Damaged _____ Name - exactly as printed on registration _____ Sex _____ Date of Birth _____ Month _____ Day _____ Year _____ Address (Include Number and Street) _____ Apt. No. _____ Haz. Mat. Code _____ Released _____ City or Town _____ State _____ Zip Code _____						22
4 Plate Number _____ State of Reg _____ Vehicle Year & Make _____ Vehicle Type _____ Ins. Code _____					4 Plate Number _____ State of Reg _____ Vehicle Year & Make _____ Vehicle Type _____ Ins. Code _____						23
5 Ticket/Arrest Number(s) _____ Violation Section(s) _____					5 Ticket/Arrest Number(s) _____ Violation Section(s) _____						24
6 Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit. VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact _____ Box 2 - Most Damage _____ Enter up to three more damage codes _____ Vehicle By _____ Towed To _____ VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER					6 Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit. VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact _____ Box 2 - Most Damage _____ Enter up to three more damage codes _____ Vehicle By _____ Towed To _____ 					7 Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. Rear End _____ Left Turn _____ Right Angle _____ Right Turn _____ Head On _____ Sideswipe (same direction) _____ Left Turn _____ Right Turn _____ Sideswipe (opposite direction) _____ ACCIDENT DIAGRAM Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☐ No	25
Reference Marker		Coordinates (if available) Latitude/Northing _____ Longitude/Easting _____		Place Where Accident Occurred: County _____ ☐ City ☐ Village ☐ Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles _____ of _____ (Milepost, Nearest intersecting Route Number or Street Name)							26
Accident Description/Officer's notes Witness #1 - ETHAN J PANKAMO 10 MALLARD TR WATERDOWN ON (289) 838-8142											27

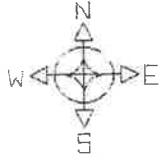
ALL INVOLVED	8 9 10 11 12 13 14 15 16 17 BY TO 18 Names of all involved Date of Death Only										
	A _____ B _____ C _____ D _____ E _____ F _____										
	Officer's Rank and Signature <u>PTLM</u> Print Name in Full <u>D. PURUCKER</u>										
	Badge/ID No. <u>0084</u>		NCIC No. <u>01460</u>		Precinct/Post Troop/Zone _____		Station/Beat Sector _____		Reviewing Officer <u>LAGODA, D</u>		Date/Time Reviewed <u>01/03/2025 11:17</u>

Local Codes
24-037372
RNTFXXJVQPBT

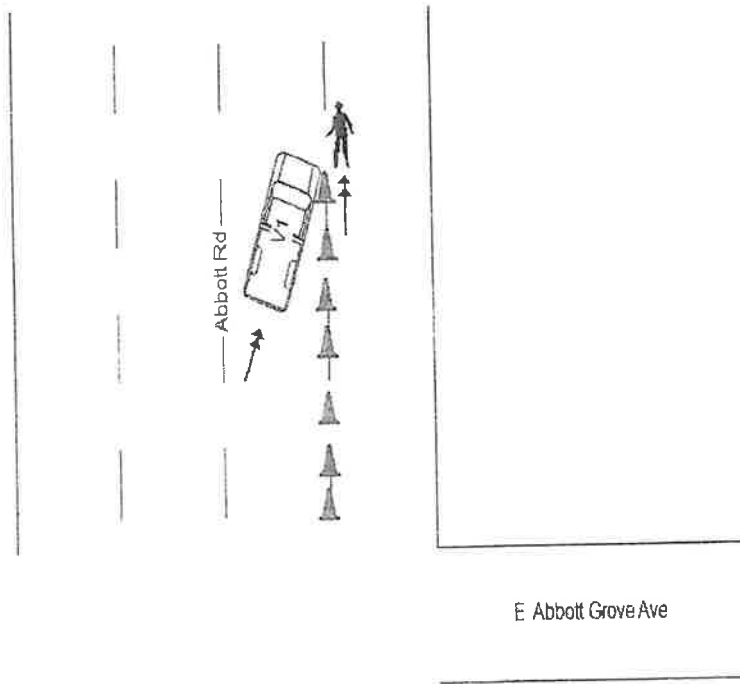
New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
 MV-104A (3/04)

☐ **AMENDED REPORT**

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene	Left Scene	Police Photos
Month	Day	Year						☐	☒	☒ Yes ☐ No
12	22	2024	SUNDAY	19:45	2	1	0	Accident Reconstructed ☐		



Not to Scale



Attorney Verification

Randy Mallaber, Esq., being duly sworn, deposes and says that deponent is an attorney duly licensed to practice law in the State of New York and is the attorney for Claimant in the within action, and that your deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true. Your deponent makes this verification pursuant to the authority of Civil Practice Law & Rules Section 3020 (d)-3, as the Claimant does not reside in the county where your deponent has his office.


Randy Mallaber, Esq.

Sworn to before me this
25th day of February, 2025


Notary Public

Katherine E Brady
Notary Public, State of New York
Reg. No. 01GR6372387
Qualified in Erie County
Commission Expires March 19, 2026



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 17, 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>Enders, Jason v. Erie County Department of Social Services et al.</i>
Document Received:	Order to Show Cause
Name of Claimant:	Jason Enders
Claimant's attorney:	Timothy P. Noonan, Jr., Esq. Neighborhood Legal Services 237 Main Street, Suite 400 Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Je Toth", is written over a faint, larger version of the same signature.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: ERIE COUNTY

Jason Enders.

Petitioner,

Index No. 806492/2025

v.

Erie County Department of Social Services,

Karen Rybicki, as Commissioner of the
Erie County Department of Social Services.

ORDER TO SHOW CAUSE

New York State Office of Temporary and
Disability Assistance,

Barbara Guinn, as Acting Commissioner of the
New York State Office of Temporary and
Disability Assistance

Respondents.

On the reading and filing of the Petition of Jason Enders verified on April 16, 2025, with exhibits; the Petitioner's affirmation, the supporting affirmation of Timothy Noonan, Jr., Esq., dated April 16, 2025; and the supporting Memorandum of Law dated April 16, 2025; and after due deliberation,

Let Respondents Erie County Department of Social Services (hereinafter "ECDSS"), Karen Rybicki, New York State Office of Temporary and Disability Assistance (hereinafter "OTDA"), and Barbara Guinn show cause before this Court at a special term, Part

4 to be held at the Erie County Court House, located at 97 Franklin St, Buffalo, New York, on the 1st day of May, 2025, at 2:30 o'clock, or as soon thereafter as counsel can be heard, why an Order should not be entered granting a preliminary injunction prohibiting the

denial of Petitioner's request for a Temporary Housing Assistance (hereinafter "THA") placement with his minor child pursuant to CPLR Article 63; and

It is hereby:

ORDERED, that the Petitioner is granted status to bring this proceeding as a poor person on the ground that Petitioner has insufficient income and property to enable him to pay the costs, fees, and expenses necessary to prosecute this proceeding as attested in his attorney's certification pursuant to CPLR 1101(e).

ORDERED, that it appearing to the satisfaction of the Court that Petitioner has shown he will suffer irreparable injury, is likely to succeed on the merits, and is favored by the balance of equities, pending a hearing and determination of the application and merits of the Petition brought on hereby, Respondents are temporarily restrained from denying Petitioner's request for a THA placement with his minor child.

ORDERED, that pending a hearing and determination on the merits of the Petition brought on hereby, Respondent ECDSS is directed to immediately provide Petitioner with a THA placement for Petitioner and his minor child. Respondent ECDSS is directed to provide Petitioner with said placement until a determination is made on the merits of the Petition. Petitioner shall not be required to present at Respondent ECDSS's office to request an extension of his THA placement at any time prior to a determination on the merits of the Petition.

ORDERED, that pursuant to CPLR 6313(c), Petitioner does not need to give an undertaking.

ORDERED, sufficient reason appearing therefore, let service of a copy of this Order along with a copy of the papers on which it is granted be deemed good and sufficient service as follows:

(1) Service made personally upon Respondents ECDSS and Karen Rybicki by personal delivery to someone authorized to accept service at their offices located at 95 Franklin Street, Buffalo, New York on or before April 21, 2025;

(2) Service made personally upon Letitia James, New York State Attorney General, as counsel to Respondents OTDA and Barbara Guinn, by personal delivery to someone authorized to accept service at their offices located at 350 Main Street, #300a, Buffalo, New York 14202, on or before April 21, 2025.

(3) Service made by mail upon Respondents OTDA and Barbara Guinn by mailing in accordance with the provisions of CPLR 307(2) to Respondent OTDA's offices located at 40 North Pearl Street, Albany, New York 12207, on or before April 17, 2025.

ORDERED, that Respondents' answering papers be served upon counsel for Petitioner and provided to the Court on or before April 28, 2025.

ORDERED, that Petitioner's reply papers, if any, shall be served on counsel for Respondents and provided to the Court on or before April 30, 2025.

Signed this 16 day of April, 2025, at Buffalo, New York.



Honorable New York State Supreme Court Justice

GRANTED: APR 16 2025



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

May 8, 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>Robbins Disaster Recovery, Inc. v. ECC and County of Erie</i>
Document Received:	Summons and Complaint
Name of Claimant:	Robbins Disaster Recovery, Inc.
Claimant's attorney:	David T. Meglino, Esq. Cole Schotz P.C. 1325 Avenue of the Americas 19th Floor New York, New York 10019

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the printed name of Jeremy C. Toth.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

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

ROBBINS DISASTER RECOVERY, LLC,

Plaintiff,

-against-

ERIE COMMUNITY COLLEGE and
COUNTY OF ERIE

Defendants.

Index No.

SUMMONS

Erie County is designated pursuant to CPLR §§
503(a) and 504(1), as the county in which the
causes of action arose.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the claims against you in the Complaint of Plaintiff, a copy of which is herewith served upon you, and to serve copies of your answer upon the undersigned as attorneys for the Plaintiff, Cole Schotz P.C., whose address is 1325 Avenue of the Americas, 19th Floor, New York, New York 10019, within twenty (20) days after service of the Complaint, exclusive of the day of service, or within thirty (30) days if the completion of service is made in any manner other than by personal delivery within the state. In case of your failure to answer the Complaint, judgment will be taken against you by default for the relief demanded therein.

Dated: New York, New York
April 25, 2025

COLE SCHOTZ P.C.

By: Wendy Chavez
David T. Meglino, Esq.
Wendy Chavez, Esq.
Attorneys for Plaintiff
1325 Avenue of the Americas
19th Floor
New York, New York 10019
(212) 752-8000

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

ROBBINS DISASTER RECOVERY, LLC,

Plaintiff,

-against-

ERIE COMMUNITY COLLEGE and
COUNTY OF ERIE,

Defendants.

Index No.**COMPLAINT**

Plaintiff Robbins Disaster Recovery, LLC, doing business as Servpro of the Seacoast (“Servpro”), by and through its attorneys, Cole Schotz P.C., as and for its Complaint against Defendants, Erie Community College (“SUNY Erie”) and County of Erie (“County,” collectively with SUNY Erie, the “Defendants”), states and alleges the following:

INTRODUCTION

1. This action seeks payment owed to Servpro under its contract with SUNY Erie for remediation services performed at SUNY Erie’s campus located at 121 Ellicott Street, Buffalo, New York 14203 (the “Property”). SUNY Erie accepted the remediation work without objection. Despite repeated demands, SUNY Erie has wrongfully withheld payment of at least \$1,577,849.54, demonstrating a clear disregard for its contractual obligations.

2. SUNY Erie’s failure to pay constitutes a material breach of contract. Through this action, Servpro seeks to recover no less than \$1,577,849.54, plus interest, attorneys’ fees, court costs and any other costs incurred in its collection efforts.

THE PARTIES

3. At all times relevant herein, Servpro was and is a business corporation organized and existing under and by virtue of the laws of the State of New Hampshire, with its principal place of

business and post office address at 74 Industrial Park, Dover, New Hampshire, 03820. Servpro is registered and authorized to do business in New York as a foreign limited liability company.

4. Upon information and belief, at all times relevant herein, SUNY Erie is a locally-sponsored community college in Erie County, with an office located at 121 Ellicott Street, Buffalo, New York 14203.

5. Upon information and belief, the County is a municipal corporation duly organized and existing under the laws of the State of New York, with an office located at 95 Franklin Street, Buffalo, New York 14202.

6. Upon information and belief, the County is SUNY Erie's local sponsor.

RELEVANT FACTUAL BACKGROUND

7. Robbins Disaster Recovery, LLC (defined above as "Servpro,") is the owner of a Servpro franchise that does business under the name Servpro of the Seacoast and provides remediation services for commercial and municipal property owners following natural catastrophes and large-scale commercial losses.

8. Following a freeze event, on or about December 29, 2022, Servpro and SUNY Erie entered into an Authorization and Service Contract ("Contract") pursuant to which, *inter alia*, Servpro provided water damage loss and remediation services at the Property on a time and material basis ("Work"). A copy of the Contract is attached hereto as **Exhibit A**, the terms of which are incorporated herein by reference.

9. Under Section 4 of the Contract, SUNY Erie explicitly agreed that it would instruct its insurer to pay Servpro directly. However, the Contract unequivocally establishes that SUNY Erie remains fully responsible for payment, regardless of its insurer's involvement. See Exhibit A at ¶ 4.

10. Servpro performed the Work, and SUNY Erie accepted it without objection.

Communications with the Insurer and Charges for Servpro's Work

11. SUNY Erie's insurer for the losses related to the Work is the Hanover Insurance Group ("Hanover").

12. SUNY Erie and its insurer, Hanover, engaged a consultant, Edward Wilson of Loss Management Solutions ("LMS") in connection with the Work, and to review and audit Servpro's bills.

13. On or about February 17, 2023, Servpro issued Invoice 17970 requesting an advance payment of \$1,000,000.00 and tax of \$87,000.00. A copy of Invoice 17970 is attached hereto as **Exhibit B**.

14. On or about February 24, 2023, SUNY Erie issued a payment of \$1,000,000.00.

15. On or about March 8, 2023, Servpro sent SUNY Erie Invoice 18231 for the balance due in the amount of \$1,923,672.96.

16. Along with Invoice 18231, Servpro sent SUNY Erie an initial Summary of Charges ("SOC") for \$2,768,894.68, which detailed all of the Work performed at the Property.

17. A copy of Invoice 18231 dated March 8, 2023, and the SOC for \$2,768,894.68 are collectively attached hereto as **Exhibit C**.

18. On or about May 9, 2023, per LMS's request, Servpro sent SUNY Erie a revised SOC in the amount of \$3,353,242.27 ("Revised SOC") to reflect additional costs for the Work that had not been included in the initial SOC.

19. Servpro also revised Invoice 18231 to reflect the updated outstanding balance of \$2,559,150.97 ("Revised Invoice 18231"). A copy of the Revised Invoice 18231 and Revised SOC are collectively attached hereto as **Exhibit D**.

20. In August 2023, LMS sent Servpro a report evaluating Servpro's bill and requesting additional information to substantiate the charges.

21. On or about August 25, 2023, SUNY Erie made a further payment of \$270,826.67.

22. Over the next 18 months, the parties engaged in further discussions concerning Servpro's charges, with Servpro responding to LMS on multiple occasions with additional information and documentation related to the Work as requested.

23. As part of the discussion between the parties regarding the charges, on or about December 31, 2023, Servpro issued a credit memo to SUNY Erie in the amount of \$247,720.60.

Final Invoice

24. On or about January 7, 2024, after providing additional information to LMS in response to LMS's audit, Servpro sent an email outlining the charges LMS contested and the amounts that Servpro claimed were supported and due. A copy of the email is attached hereto as **Exhibit F**.

25. Thereafter, Servpro issued a final revised invoice to reflect the revised charges, credits and SUNY Erie's interim payments, which resulted in a balance due of \$1,980,640.03 ("Final Invoice"). A copy of the Final Invoice is attached hereto as **Exhibit E**.

26. On February 18, 2025, nearly two years after Servpro completed the Work and several discussions going back and forth, Hanover arbitrarily determined, without justification, that Servpro was owed only a total of \$1,492,464.51 for its Work, despite overwhelming documentation supporting the full amount sought by Servpro.

27. Based on this determination, Hanover issued a payment of \$221,638.00 on or about March 4, 2025, claiming this was the remaining balance owed after deducting prior payments of \$1,000,000.00 and \$270,826.67.

28. Servpro categorically rejects Hanover's findings and asserts that its calculations of the outstanding balance are wholly erroneous.

29. While Servpro agrees that SUNY Erie is tax exempt and that no tax is due, Servpro unequivocally maintains that the total amount due to Servpro is **\$1,577,849.54** ("Final Outstanding Balance").

30. The Final Outstanding Balance is the fair and accurate representation of the amount that is due to Servpro for its Work at the Property.

31. Servpro calculated the Final Outstanding Balance as follows:

Description	Amount	Balance
Final Invoice (see Exhibit E)	\$ 1,980,640.03	\$ 1,980,640.03
Credit for Tax Charges	\$ (181,152.49)	\$ 1,799,487.54
SUNY Erie 3/4/25 Payment	\$ (221,638.00)	\$ 1,577,849.54

32. Defendants and Hanover wrongfully deny any further payment obligations to Servpro.

33. However, under Section 4 of the Contract, SUNY Erie expressly agreed that it "shall remain primarily liable and fully responsible for payment and agrees to make such payment in a timely manner in accordance with the terms of this Contract." See Exhibit A at ¶ 4.

34. Accordingly, Section 4 unequivocally establishes that SUNY Erie is responsible for payments to Servpro, irrespective of whether another person or entity bears legal responsibility for payment or whether SUNY Erie is entitled to reimbursement, including from its insurer. See id.

35. Further, Section 3 of the Contract mandates that SUNY Erie must cover all costs of collection, including reasonable attorneys' fees and interest, if it fails to make timely payments. Id. at ¶ 3.

36. Under these contractual obligations, Defendants are liable to Servpro for the Final Outstanding Balance, which Hanover has unjustifiably refused to pay.

37. Servpro has demanded payment following Hanover's refusal. Yet, Defendants have willfully failed and refused to pay the Final Outstanding Balance, which is lawfully owed for Servpro's Work at the Property.

38. Defendants' blatant failure, refusal and neglect to pay Servpro constitute a clear breach of their contractual obligations, without any justification or excuse.

39. Defendants are also liable for interest at the rate of 1.5% per month, plus Servpro's legal fees and costs for bringing the instant legal action under Section 3 of the Contract, or the maximum lawful interest rate permitted by applicable law.

40. Accordingly, Servpro seeks a judgment against Defendants for the full outstanding balance of at least \$1,577,849.54, plus interest at the maximum legal rate, attorneys' fees and the costs of this action.

FIRST CAUSE OF ACTION
(Breach of Contract)

41. Servpro repeats and realleges each and every allegation as set forth above.

42. Servpro fully and completely performed all of its Work under the Contract, which was fully accepted without objection.

43. However, Defendants have failed and refused to pay the outstanding balance of \$1,577,849.54.

44. Pursuant to Section 4 of the Contract, SUNY ERIE agreed that it "shall remain primarily liable and fully responsible for payment and agrees to make such payment in a timely manner in accordance with the terms of this Contract."

45. As such, SUNY Erie is responsible for payments to Servpro, regardless of whether it or another person or entity was legally responsible for payment or whether it was entitled to reimbursement for the costs for another entity, including its insurer. See id.

46. Pursuant to Section 3 of the Contract, SUNY Erie agreed it would be responsible to pay all costs of collections, including reasonable attorneys' fees and interest if it did not make timely payments.

47. SUNY Erie breached the Contract, including but not limited to sections 3 and 4 therein, by failing to pay Servpro all amounts due and owing under the Contract for the Work performed at the Property.

48. By reason of the foregoing, Servpro is entitled to a judgment against Defendants in an amount to be determined at trial, but not less than \$1,577,849.54, together with applicable interest, and cost and attorneys' fees related to this action.

SECOND CAUSE OF ACTION
(Quantum Meruit)

49. Servpro repeats and realleges each and every allegation as set forth above.

50. Servpro provided the labor and materials with the express understanding and expectation that it would be compensated for the same.

51. Servpro's labor and materials have a fair and reasonable value estimated to be not less than \$3,353,242.27. Defendants were aware of, and accepted the labor and materials without objection and reaped substantial benefit from the labor and materials.

52. Servpro reasonably notified Defendants, and Defendants were aware, that Servpro expected payment in return for its labor and materials. Defendants knew and/or should have known that payment was reasonably expected for all of the labor and materials provided by Servpro. Defendants failed to remit full payment when demanded and instead have only partially paid for Servpro's Work.

53. The amount currently fully due and owing for the fair and reasonable unpaid labor and materials provided, estimated to be not less than \$1,577,849.54.

54. As a result of the foregoing, principles of equity and good conscience mandate that Defendants pay Servpro the fair and reasonable value of the labor and materials provided which have not yet been paid, estimated to be not less than \$1,577,849.54.

55. Plaintiff has no adequate remedy at law.

56. By reason of the foregoing, Servpro is entitled to a judgment against Defendants in an amount to be determined at trial not less than \$1,577,849.54, together with applicable interest, fees and costs of this action.

THIRD CAUSE OF ACTION
(Unjust Enrichment)

57. Servpro repeats and realleges each and every allegation as set forth above.

58. Defendants benefitted from Servpro's provision of labor and materials, yet have refused to pay Servpro for the labor and materials in the amount of \$1,577,849.54.

59. As an alternative to the theories of recovery plead herein, principles of equity and good conscience mandate that Servpro is entitled to recover from Defendants the reasonable value of the labor and materials which remain unpaid, estimated to be worth not less than \$1,577,849.54.

60. By reason of the foregoing, Servpro is entitled to a judgment against Defendants in an amount to be determined at trial not less than \$1,577,849.54, together with applicable interest, fees and costs of this action.

WHEREFORE, Servpro respectfully demands judgment against Defendants as follows:

- A. On the First Cause of Action, judgment in favor of Servpro and against Defendants in an amount to be determined at trial not less than \$1,577,849.54 together with applicable interest, fees and costs of this action.

- B. On the Second and Third Causes of Action, judgment in favor of Servpro and against Defendants in an amount to be determined at trial not less than \$1,577,849.54 together with applicable interest, fees and costs of this action; and
- C. Granting such other and further relief as to this Court may seem just and proper.

Dated: New York, New York
April 25, 2025

COLE SCHOTZ P.C.

By: Wendy Chavez
David T. Meglino, Esq.
Wendy Chavez, Esq.
Attorneys for Plaintiff
1325 Avenue of the Americas
19th Floor
New York, New York 10019
(212)-752-8000



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 2, 2025

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

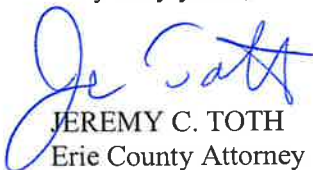
Dear Ms. Owens:

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>VanDusen, Amelia v. County of Erie, et al.</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Amanda E. VanDusen
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

AMELIA E. VANDUSEN,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL
SERVICES; CHOICE HOTELS INTERNATIONAL,
INC.; 'JANE' HARWELL, TRUE FIRST NAME
UNKNOWN; 'JOHN' MURPHY, TRUE FIRST NAME
UNKNOWN,

Respondents.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10242525

I, Amelia E. VanDusen, charge the above named respondents, whose address is 95 Franklin Street, 8th Floor, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to housing in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of creed, disability, race/color, sex, sexual orientation, domestic violence victim status, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 3/25/2024.

The allegations are:

1. I am a white female who is asexual, a victim of domestic violence and practice Wicca. I also live with a disability and experienced retaliation. Because of this, I have been subject to unlawful discriminatory actions.

2. Please see the attached documents for further details.

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to housing because of creed, disability, race/color, sex, sexual orientation, domestic violence victim status, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

Amelia

Middle Initial

e

Last Name

vandusen

Street Address

[REDACTED]

City

[REDACTED]

State

NY

Zip

[REDACTED]

Are you completing this form for someone else?

No

Your complaint

Jurisdiction

Housing

Housing

Who discriminated against you?

Other - Write In (Required): My coworker lived in the same motel as I did next door to our place of employment

What is the address of the property?

Street Address

5442 camp road

City

hamburg

State

ny

Zip

14075

Who owns the property?

First Name

Last Name

Company Name

Kwality Inn

Street Address

5442 camp road

City

hamburg

State

ny

Zip

14228

Email address

What kind of property was involved?

Other - Write In (Required): Motel

Does the owner live on the property?

I don't know

Does this owner own more than one property?

Yes

Was this property being sold or being rented?

Not applicable

Are you currently living there?

No

What did the person/company you are complaining against do? Check all that apply.

Evicted me or attempt to evict me

Sexual harassment

Harassed/intimidated (other than sexual harassment) on any basis indicated here

Basis

Basis of alleged discrimination in housing:

Creed/Religion (religious membership, belief, practice, or observance, including sabbath or holy day observance, or wearing of attire, clothing or facial hair in accordance with your religion; or discrimination because you do not have a religious belief)

Disability (a physical or mental condition; includes denial of reasonable accommodation)

Marital Status (single, married, separated, divorced, widowed)

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

Sex (because of your gender, includes sexual stereotyping, sexual harassment, pregnancy)

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

Victim of Domestic Violence (you or your child was a victim of domestic violence)

Please specify creed/religion:

Roman catholic/ spiritual

Please specify sexual orientation:

Asexual

Please specify sex:

Female

Please specify race/color:

White

Please specify marital status:

Widowed/ divorced

Please specify disability:

PTSD social anxiety, substance use disorder

Housing discrimination based on disability

Have you been treated poorly or differently due to your disability?

Yes

Please explain:

Me and my son were trying to repair our relationship with his now deceased father. I have been asexual since 2/7/2017 and was harassed and intimidated by workers due to my e dual orientation. When I stated I hadn't been sexually active for 7 years my coworker told me he will help me with that.

Did you request a reasonable accommodation or modification for your disability?

Yes

When did you request a reasonable accommodation/modification?

02/22/2024

What was your request?

I explained to the housing authority I was a victim of domestic violence and assault and needed to be put into my own studio or secluded place while I receive mental health treatment and victim services. Instead I was placed at a motel known for drug trafficking and prostitution.

Who did you make the request to?

First Name

Last Name

Harwell

Title

homeless worker

Company Name

Were you granted the accommodation?

No

You are filing a complaint against

Entity that discriminated against you:

Name of entity

Erie county Department of social services

Street Address

158 pearl street

City

buffalo

State

ny

Zip

14202

In what county or borough did the violation take place?

Erie

Phone Number

7168588842

Email address

Fax Number

Company Website

Date of the most recent act of alleged discrimination

03/25/2024

Description of discrimination

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 been battling homelessness since November 2023 when I fell victim to domestic violence with my ex husband. During that time I was forced into a homeless shelter by ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES. It was at that time THEY DETERMINED me and my son didn't qualify for domestic violence housing even with police evidence of crimes committed. I made it clear that I was receiving out patient services for mental health disorders as well as my son. I told them I was a victim of gang violence due to complaints filed while my husband was in prison. I told them I needed a safe place for me and my son to continue treatment and recovery. I was INTENTIONALLY placed in a drug motel that was poorly maintained and I was immediately a victim of sexual harassment and intimidation. On multiple occasions beginning around December 2023 I was approached and solicited by residents at the superb motel where I was placed. I had to call CPS on a child predator living in the building. When CPS arrived they did nothing to protect me or the children in the building and my son was later assaulted by the LATINO resident in room 120. ALL CRIMES WERE REPORTED TO THE HAMBURG police who also did nothing to protect us from predators. I feel extremely ill on 12/22/2023 due to a UNINHABITABLE mold infestation in my assigned room 114. I met someone through the salvation army who let me stay with them until after Christmas. I reported by to Erie county Department of social services on 2/22/2024 and again requested reasonable accomidations and they placed me at the motel next door called Kwalty Inn. It was during this my son was reenrolled into school and I began working at the hotel next door Hampton Inn. One of the workers Mark became friendly with me and I was advised he worked at all 3 hotels. In December 2023 I told him I was homeless and single due to domestic violence and began conversating with him regarding Church and the Bible around Christmas time. When I moved into the Kwalty inn is when he began to make conversation regarding personal sex life matters. I immediately felt uncomfortable at his sexual comments. I told him I hadn't had a boyfriend or any sexual contact since 2017 and he told me he can help with that in a flirtatious manner. I felt awkward, looked at the front desk worker and walked away. At that time I was employed and then targeted by the staff at kwalty inn. I was kicked out of the building and denied housing benefits from Erie Coubty Department of Social Services because of these matters at the hotel. me and my son were told to sleep on the streets by the workers and I had to call 211 for emergency help

Declaration

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:

AV

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.

Amelia Evelyn vandusen

Enter today's date.

11/03/2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 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>New York Times Company and Sammy Sussman v. Erie County Sheriff's Office</i>
Document Received:	Verified Petition
Name of Claimant:	The New York Times Company 620 Eighth Avenue New York, New York 10018
Claimant's attorney:	David E. McCraw, Esq. The New York Times Company - Legal Department 620 Eighth Avenue New York, New York 10018

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth".

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of

THE NEW YORK TIMES COMPANY and
SAMMY SUSSMAN,

Petitioners,

-against-

ERIE COUNTY SHERIFF'S OFFICE,
Respondent.

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules.

Index No. 808556/2025

**NOTICE OF VERIFIED
PETITION PURSUANT TO
CPLR ARTICLE 78**

**ORAL ARGUMENT
REQUESTED**

PLEASE TAKE NOTICE that, upon the annexed Verified Petition, the Affirmation of Alexandra M. Settelmayer and the exhibits attached thereto, and the Memorandum of Law in Support of the Verified Petition, each dated May 16, 2025, Petitioners The New York Times Company and Sammy Sussman will move before the Supreme Court of the State of New York, County of Erie, 25 Delaware Avenue, Buffalo, New York, on June 17, 2025, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order and Judgment pursuant to Article 78 of the Civil Practice Law and Rules ("CPLR"), CPLR 3001, and N.Y. Public Officers Law ("POL") § 84 *et seq.* ("FOIL") declaring that Respondent's failure to conduct a reasonable search of relevant records and Respondent's withholding of all relevant records violates FOIL, directing Respondent to comply with its duty under FOIL to conduct a diligent search and to begin producing all the requested documents within twenty (20) days, awarding attorneys' fees and reasonable litigation costs as required by POL § 89, and granting any further relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804(c), an answer and supporting affidavits, if any, shall be served and filed at least five days before the return date of

this application. A reply, together with supporting affidavits, if any, shall be served at least one day before such time.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: May 20, 2025
New York, New York

Respectfully submitted,

/s/ David E. McCraw
David E. McCraw
Alexandra Settelmayer
Timothy Tai
The New York Times Company
Legal Department
620 Eighth Avenue
New York, New York 10018
Phone: (212) 556-4031
Facsimile: (212) 556-4634
Email: mccraw@nytimes.com

*Attorney for Petitioners The New York Times
Company and Sammy Sussman*

To:

Erie County Sheriff's Office
10 Delaware Avenue
Buffalo, NY 14202

Erie County Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, NY 14202

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of

THE NEW YORK TIMES COMPANY and
SAMMY SUSSMAN,

Petitioners,

-against-

ERIE COUNTY SHERIFF'S OFFICE,
Respondent.

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules.

Index No. _____

VERIFIED PETITION

TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Petitioners The New York Times Company and Sammy Sussman (collectively, "The Times" or "Petitioners") for their verified petition for a judgment pursuant to Article 78 of the New York Civil Practice Law and Rules ("CPLR"), by and through their undersigned counsel, respectfully allege as follows:

INTRODUCTION

1. This proceeding is brought under Article 78 of the CPLR, New York Public Officers Law ("POL") § 84 *et seq.* (the "Freedom of Information Law" or "FOIL"), and CPLR 3001 against Respondent Erie County Sheriff's Office (the "Office" or "Respondent").

2. This action arises out of the refusal of Respondent to produce records responsive to Petitioners' request for public records pursuant to FOIL. Respondent's refusal to produce these records violates the express statutory mandate of FOIL.

3. Having exhausted their administrative remedies, Petitioners now seek (1) an order compelling Respondent to begin producing all records responsive to their requests within twenty

(20) days of the Court's order and (2) an order awarding Petitioners their costs and attorneys' fees and any such other and further relief as the Court deems just and proper.

PARTIES

4. Petitioner The New York Times Company is the publisher of *The New York Times*, the largest continuously published daily newspaper in the United States. *The New York Times* is distributed across the country both in print and digitally via the Internet at www.nytimes.com.

5. Petitioner Sammy Sussman is a Local Investigations Fellow at *The New York Times* and focuses his reporting on police misconduct. Throughout his career as a journalist, Mr. Sussman has reported extensively on New York State law enforcement agencies. As part of his reporting, Mr. Sussman submits FOIL requests to such agencies for public records that document official misconduct. Mr. Sussman has filed more than 500 FOIL requests to various district attorneys' offices, county sheriff's offices, and local police departments and has obtained more than 74,000 pages of disciplinary records in response to these requests.

6. Respondent, the Erie County Sheriff's Office, is an "agency" within the meaning of POL § 86(3).

VENUE

7. Venue is proper in Erie County pursuant to CPLR 506(b) and 7804(b) because this County is within the judicial district where Respondent made its determination to withhold the requested information and thus refused to perform the duty enjoined upon it by law, and because this County is within the judicial district where Respondent's principal office is located.

JURISDICTION

8. Respondent's actions, which form the basis of this Verified Petition, are final in nature and cannot be adequately reviewed by another court, entity, or officer. Thus, this Court has jurisdiction over this proceeding pursuant to POL § 89(4)(b), CPLR 3001, and CPLR 7801 *et seq.*

FACTS

9. On August 12, 2024, Mr. Sussman filed his FOIL request (the "Request") with the Erie County Sheriff's Office. *See* Affirmation of Alexandra M. Settelmayer, dated May 16, 2025 ("Settelmayer Aff."), Ex. A.

10. The Request sought four categories of records, specifically:

- i) "Brady lists" and/or "Giglio lists" created, edited or otherwise maintained by the Office on or after January 1, 2000;
- ii) lists, spreadsheets, or organized data sets about the Office's employees regarding "potential impeachment and/or disclosure obligations of potential and/or alleged impeachment" created or maintained by the Office on or after January 1, 2000;
- iii) disciplinary files, letters of censure, personnel records, or other records regarding employee conduct from the Office that were provided to local, county, state, or federal prosecutors on or after January 1, 2000; and
- iv) records describing complaints or allegations of wrongdoing, misconduct, or disciplinary proceedings involving any officers, employees or representatives of the Office created or filed on or after January 1, 2000.

Id.

11. “Brady” or “Giglio” lists identify officers who have been disciplined for candor issues or criminally convicted, thereby placing their credibility into question. Impeachment lists likewise identify officers whose conduct raised questions about their ability to testify truthfully.

12. Respondent failed to acknowledge the Request in the time set by FOIL. Respondent subsequently failed to produce records or assert exemptions in the time set by FOIL.

13. On January 23, 2025, Respondent acknowledged receipt of Mr. Sussman’s Request and denied it in its entirety. *See Settlemayer Aff.*, Ex. B. The Office cited to POL § 87(e)(b)(iii)—a non-existent provision of the law—and articulated that the requested records “[could not] be located with reasonable effort” as the Request was “too broad.” *Id.* Respondent provided no further explanation for its denial of the Request.

14. On February 9, 2025, Mr. Sussman filed a timely administrative appeal. *Settlemayer Aff.*, Ex. C. Mr. Sussman pointed to several recent court decisions following New York’s repeal of Civil Rights Law section 50-a, which uniformly affirmed that law enforcement disciplinary records are subject to disclosure under FOIL. *See id.* at 3–4.

15. Respondent failed to decide the appeal within the ten business days set by FOIL.

16. On March 7, 2025, the FOIL Appeals Officer for the Erie County Sheriff’s Office upheld the denial of the Request. *See Settlemayer Aff.*, Ex. D.

17. The Appeals Officer stated that “[u]pon information and belief” the Office did not possess the first two categories of information sought by the Request. *Id.* at 1. Petitioners specifically sought “Brady,” “Giglio,” and impeachment lists, which identify officers who have been subject to disciplinary measures for credibility or candor issues and thereby implicate their ability to testify truthfully in court proceedings.

18. In Mr. Sussman's experience, "Brady," "Giglio," or impeachment lists are maintained by police departments, and he has previously obtained these records from these law enforcement agencies through FOIL.

19. As to the remaining two categories of information requested by Mr. Sussman, the Appeals Officer stated that the materials sought were "beyond burdensome and voluminous in nature." *Id.* The Appeals Officer asserted that, although the agency was statutorily empowered to engage an outside professional service pursuant to POL § 89(3)(a) to assist with the volume or records sought by the Request, it could not do so because the materials would contain "sensitive law enforcement investigative information that would jeopardize officer safety, witness confidentiality, and a host of other legitimate concerns that [were] NOT suitable for [an] outside vendor." *Id.* The Appeals Officer also asserted that these records "would be subject to substantial redactions pursuant to privacy protections, HIPPA, law, and other Statutory exemptions, all of which [could not] be contracted out to an 'outside professional service.'" *Id.* at 1-2.

20. The Appeals Officer also asserted that Mr. Sussman had failed to provide a written certification pursuant to POL § 89(3)(a) that names and addresses would not be used for commercial purposes. *Id.* at 2.

21. The Request did not seek lists of names and addresses. *See Settlemayer Aff., Ex. A.*

CAUSE OF ACTION **WRONGFUL DENIAL OF FOIL REQUEST**

22. Petitioners repeat and reallege paragraphs 1 through 21 as if fully set forth herein.

23. Article 78 is the appropriate method for review of agency determinations on FOIL requests.

24. Under FOIL, and after the Legislature repealed Civil Rights Law section 50-a in 2020, police disciplinary records are presumed to be open and available for inspection by the public.

25. Respondents may deny access to such records only if expressly authorized to do so by one of FOIL's specific exemptions.

26. The limited statutory FOIL exemptions are to be construed narrowly, and the agency bears the burden of demonstrating that documents fall within an asserted exemption.

27. Respondent has failed to conduct a diligent search for the first two categories of documents sought by Petitioners' Request.

28. Respondent may not rely on burden as a basis for withholding all records in response to Petitioners' Request.

29. Respondent cannot invoke POL § 89(3)(a) because this is not a valid exemption under FOIL and, in any event, does not apply to the records sought by The Times.

30. No FOIL exemptions permit the withholding of records responsive to Petitioners' Request.

31. By failing to produce the requested records, the Erie County Sheriff's Office has caused, and continues to cause, immediate and irreparable harm to the rights guaranteed to Petitioners and to the public at large under FOIL.

32. Petitioners have exhausted their administrative remedies and have no other remedy at law.

33. Petitioners are entitled to an order directing Respondent to search for and produce the documents that have been withheld.

34. Petitioners have not made any previous request for the relief requested herein.

RELIEF REQUESTED

WHEREFORE, Petitioners respectfully request this Court to grant judgment:

- a. Declaring that Respondent's failure to conduct a reasonable search of relevant records and Respondent's withholding of all relevant records is a violation of FOIL;
- b. Directing Respondent to comply with its duty under FOIL to conduct a diligent search and to begin producing all the requested documents within twenty (20) days;
- c. Awarding attorneys' fees and reasonable litigation costs as required by POL § 89; and
- d. Granting such other and further relief as the Court deems just and proper.

Dated: May 16, 2025
New York, New York

Respectfully submitted,

/s/ David E. McCraw
David E. McCraw
Alexandra Settelmayer
Timothy Tai
The New York Times Company
Legal Department
620 Eighth Avenue
New York, New York 10018
Phone: (212) 556-4031
Facsimile: (212) 556-4634
Email: mccraw@nytimes.com

*Attorney for Petitioners The New York Times
Company and Sammy Sussman*

VERIFICATION

I, TIMOTHY TAI, affirm the following to be true under penalty of perjury pursuant to CPLR 2106:

1. I am the First Amendment Fellow for the Legal Department at The New York Times Company.

2. I have read the Verified Petition and hereby state that it is true to the best of my knowledge, information, and belief.

I affirm this 16th day of May, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: New York, New York
May 16, 2025


TIMOTHY TAI



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 9, 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>Jordan, Kimberly v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Kimberly Jordan 23 Monroe Street, Apt. 1 Ellicottville, New York 14731
Claimant's attorney:	Derek J. Roller, Esq. The Barnes Firm 500 Pearl Street, Suite 700 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,


JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT

RECEIVED
MAY 12 2025

ERIE COUNTY
DEPARTMENT OF LAW

KIMBERLY JORDAN,

NOTICE OF CLAIM

Claimant,

v.

ERIE COUNTY,
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS,
TOWN OF COLLINS, and
TOWN OF COLLINS HIGHWAY DEPARTMENT

Defendants.

TO: Erie County
Edward A. Rath County Office Building
95 Franklin Street, Rm 1634
Buffalo, New York 14202

• Erie County Department of Public Works
Edward A Rath County Office Building
95 Franklin Street, 14th Floor
Buffalo, New York 14202

Town of Collins
14093 Mill Street
Collins, New York 14034

Town of Collins Highway Department
14097 Palmerton Street
Collins, New York 14034

PLEASE TAKE NOTICE, that the above-named Claimant, Kimberly Jordan,
claims and demands from the Defendants, Erie County, Erie County Department of
Public Works, Town of Collins, and Town of Collins Highway Department, recompense

for personal injuries and damages sustained by reason of the wrongful, negligent and careless acts and omissions of the Defendants, their agents, servants and/or employees, and in support thereof, the Claimant states:

1. Claimant's address is 23 Monroe Street, Apartment 1, Ellicottville, Cattaraugus County, State of New York, 14731. The Claimant is represented by The Barnes Firm, P.C., Derek J. Roller, Esq., with offices located at 500 Pearl Street, Suite 700, Buffalo, NY 14202, telephone (800) 800-0000.

2. The nature of this Claim is for personal injuries and damages caused by the negligence of the Respondents.

3. The time when, place where, and manner in which the claim arose is as follows. Personal injuries and damages were sustained by the Claimant on February 12, 2025, at approximately 11:48 pm, at or near the intersection of Middle Road and Collins Correctional Facility, when a vehicle driven by Joshua D. Gabel, a New York State Department of Corrections employee, operated his vehicle in reverse and struck Claimant while she was crossing Middle Road northbound on foot.

4. The claim arises from the following acts or omissions of the Defendants. Defendants, and their agents, servants, and/or employees, negligently failed to properly maintain the area of the occurrence to be reasonably free from ice and snow which contributed to the occurrence, contributed to the negligent operation of the vehicle by Joshua D. Gable, and to the position that Claimant was in at the moment of the occurrence, and as to which conditions presented a danger and hazard to pedestrians such

as Claimant and which existed due to the negligence of the Defendants in the care, custody, maintenance and control of the area where of the occurrence and, upon information and belief, which existed for a sufficient period of time such that Defendants had actual notice of the conditions or, in the exercise of reasonable care, should have known about the conditions.

5. The items of damages or injuries sustained by Claimant include severe bodily injuries, namely pelvic fracture, right open ankle fracture, bladder laceration, all of which required surgical repair, amongst other injuries for which the Claimant is still being diagnosed and treated, and Claimant hereby makes a claim for personal injuries, conscious pain and suffering, and economic damages including past and future medical expenses and lost wages.

PLEASE TAKE NOTICE that Claimant demands payment of this claim as set forth above.

DATED: Buffalo, New York
May 9, 2025

THE BARNES FIRM, P.C.

By: 
Derek J. Roller, Esq.
Attorneys for Claimant
500 Pearl Street, Suite 700
Buffalo, NY 14202
Tel. (716) 422-5905

VERIFICATION

The undersigned, an attorney admitted to practice in the Courts of New York State, shows: that deponent is an attorney with The Barnes Firm, P.C., the attorney of record for Claimant in the within action; that deponent has read the foregoing Notice of Claim, and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by Claimant is that Claimant resides in a County other than the County in which deponent's office is located.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge is a review of the file, including accident reports, witness statements, medical records and conversations and conferences with Claimant

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: May 9, 2025
Buffalo, New York



Derek J. Roller, Esq.

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

On the 9 day of May, in the year 2025 before me, the undersigned, personally appeared Derek J. Roller, Esq., 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

THOMAS S. HOLLANDER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 18, 2029



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 9, 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>Gephart, Joseph v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Joseph Gephart 9453 East Eden Road Eden, New York 14094
Claimant's attorney:	Denis J. Bastible, Esq. Cellino Law, LLP 800 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

JOSEPH GEPHART
9453 East Eden Road
Eden, New York 14094

Claimant,

V.

COUNTY OF ERIE
c/o Dept. of Law
95 Franklin Street, Room 1634
Buffalo, New York 14057

Respondent,

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Joe Sanabria on
the 10th day of April, 2025
at 9:49 a.m./p.m.

Joseph A. Hemm
Assistant County Attorney

PLEASE TAKE NOTICE, that the above-named claimant claims and demands from the Respondent, County of Erie, recompense for personal injuries and damages sustained by Claimant by reason of the wrongful, negligent and careless acts and omissions of the Respondent, its agents, servants, employees and/or contractors, and in support thereof, the Claimant states:

1. Claimant's address is 9453 East Eden Road, Eden, NY 14057. Claimant's telephone number is (716)510-5204.
2. The Claimant is represented by Cellino Law, LLP with offices located at 800 Delaware Avenue, Buffalo, New York 14202, telephone (888)888-8888.
3. The incident in which personal injuries were sustained by the Claimant occurred on or about February 13, 2025 at approximately 6:30 a.m.

4. On the date of the incident, Claimant was employed by a contractor on the new construction of the "Buffalo Bills Stadium" which is replacing the currently named "Highmark Stadium" in Orchard Park, NY. The construction site is located on approximately 41 acres of real property situated on the west side of Abbott Road and south of Southwestern Blvd. in the Town of Orchard Park. At approximately 6:30 a.m. on February 13, 2025, Claimant was walking into the construction site. He had walked through "turnstiles" and into the start of the physical construction area. He slipped and fell as a result of untreated ice in the construction area and suffered significant physical injuries.

5. To date, the claimant has received medical treatment at the Erie County Medical Center and from Dr. Paul Dejac, UBMD Orthopedics and Orchard Park Progressive Physical Therapy.

6. The full extent of Claimant's injuries is not currently known. Plaintiff did suffer a fractured left hip/left femur neck fracture which required ORIF surgery. Plaintiff has and will suffer lost wages, future medical expenses which include prescription medications, radiology exams and ongoing medical treatment in an amount which cannot be calculated at this time.

7. Respondent, County of Erie, as owner of the property where the construction site is located is responsible under New York's Labor Law, particularly §200 and §241(6) and was further negligent in not timely removing or remediating the ice upon its property after it had formed and Respondent had a reasonable opportunity to remediate the icy conditions.

8. Respondent, under New York's Labor Law, had the obligation to ensure that its property and the entrances/exits to the construction site were free of snow and ice and was aware that construction employees would be traversing the area where claimant was caused to fall.

9. Respondents had the obligation to ensure that the concrete sidewalk areas outside the library entrance/exit were free of snow and/or ice because it knew, or should have known, that library patrons would be traversing the area where Claimant was caused to fall.

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

DATED: Buffalo, New York
April 2, 2025

Yours, etc.,

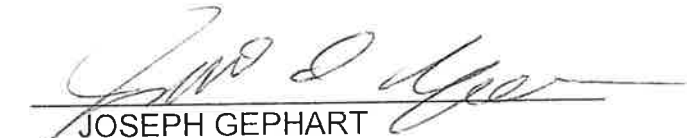
CELLINO LAW LLP

By: 
Denis J. Bastible, Esq.
Attorneys for Plaintiff
800 Delaware Avenue
Buffalo, New York 14209
(888) 888-8888

VERIFICATION

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

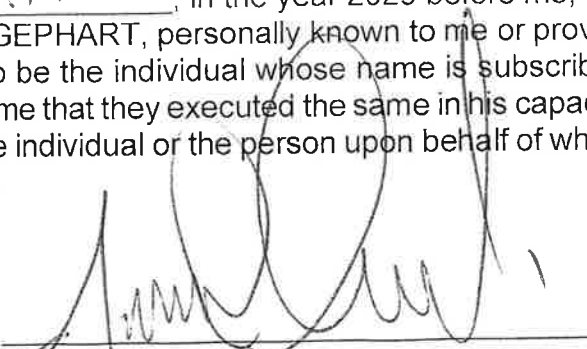
JOSEPH GEPHART being duly sworn, deposes and says that it is the plaintiff in the within action; that it has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.



JOSEPH GEPHART

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

On the 10th day of April, in the year 2025 before me, the undersigned, personally appeared JOSEPH GEPHART, 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 its signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

JOSEPH PAUL SANABRIA
No. 01SA6211924
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/28/20 25



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 9, 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>Lazik, Ali v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Ali Lazik 22 Mahogany Drive Williamsville, New York 14221
Claimant's attorney:	Blake Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

ALI LAZIK
22 Mahogany Dr
Williamsville, NY 14221

Claimant/Plaintiff,

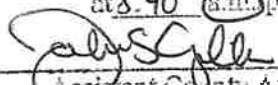
-vs-

NOTICE OF CLAIM

TOWN OF AMHERST
5583 Main St.
Williamsville, NY, 14221

VILLAGE OF WILLIAMSVILLE
5565 Main Street
Williamsville, NY 14221

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

This paper received at the
Erie County Attorney's Office
from ~~James Rogolusky~~ JAMES ROGOLUSKY on
the 27th day of MARCH, 2025
at 8:40 a.m./p.m.

Assistant County Attorney

Respondents/Defendants.

TO: TOWN OF AMHERST
5583 Main St.
Williamsville, NY, 14221

VILLAGE OF WILLIAMSVILLE
5565 Main Street
Williamsville, NY 14221

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

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

1. The name and address of **Claimant** is:

ALI LAZIK
22 Mahogany Dr
Williamsville, NY 14221

2. The **Claimant** is represented herein by:

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

3. This is a claim founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the Claimant, when she was caused to fall on property and premises and, more specifically, on the sidewalk adjacent to/abutting 23 Mahogany Dr, Williamsville, NY 14221. Upon information and belief, that property was under the possession, control and ownership of the Respondents.

5. On or about February 10, 2025 while plaintiff was lawfully on the premises (sidewalk adjacent to/abutting 23 Mahogany Dr, Williamsville, NY 14221), where she was caused to fall on an unsafe accumulation of ice and snow on the property/sidewalk, and was caused to sustain serious and permanent personal injuries.

TIME AND LOCATION AND MANNER IN WHICH THE CLAIM AROSE:

6. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on or about February 10, 2025 at approximately 9:30AM.

7. Attached as **Exhibit A**, please find photos of the location of this incident.

NATURE AND BASIS FOR THIS CLAIM:

8. At all times hereinafter mentioned, and specifically on **February 10, 2025**, the defendants owned, occupied, operated, leased, controlled, and/or had special use of the entirety of certain real property (the sidewalk abutting/adjacent to the property) located at **23 Mahogany Dr, Williamsville, NY 14221 (where the fall took place)**. The fall was caused/created by the defendants negligent, careless, and reckless failure to maintain a safe premises.

9. Attached as **Exhibit B**, please find a real property parcel search of the property.

10. Attached as **Exhibit C**, please find the deed for **23 Mahogany Dr, Williamsville, NY 14221**.

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

11. The above mentioned incident and the injuries and damages occurring therefrom occurred by reason of the fault, neglect, and carelessness of the Respondents, their agents, servants, and/or employees. The negligence of the Respondents, their agents, servants and/or employees includes but is not limited to:

- Failure to properly, adequately, and safely maintain the aforesaid premises;
- in allowing a dangerous condition to exist on the property;
- In failing to repair, keep safe, and maintain the property where the incident took place;

- Failure to properly and adequately supervise and control the area where the Claimant fell on the date of the incident;
- In carelessly, negligently, and recklessly taking snow/ice removal steps that increased the danger and hazards of the icy and snow conditions that caused this incident;
- in causing/creating a dangerous icy/snowy condition on the property;
- in having actual and constructive notice of the dangerous and unsafe icy/snowy conditions that caused this fall;
- in having reasonably sufficient time to remove the dangerous icy and snowy conditions that caused this fall prior to the fall happening, but in carelessly, recklessly, and negligently failing to do so;
- in failing to provide proper warning of the dangerous conditions that caused this fall;
- in failing to remove the icy/snowy conditions that caused this fall from the location of the fall prior to the fall happening;
- in allowing an unsafe accumulation of ice and snow to exist on the property;
- in failing to take protective measures to correct the dangerous icy and snowy conditions on the property;
- in failing to clear ice/snow from the property;
- in carelessly, negligently, and recklessly failing to exercise reasonable care in removing icy and snowy conditions on the property;

- in causing and creating a dangerous icy and snowy condition on the property that they had actual and constructive notice of;
- in negligently, carelessly, and recklessly failing to use reasonable care to maintain the property in a safe condition;
- in causing/creating an icy and snowy condition to exist on the property caused by their negligent, careless, and reckless snow removal activities;
- Carelessly and negligently designing the area on said premises where the incident occurred;
- Failure to take the necessary steps to correct and remove unsafe accumulations of ice and snow on their premises;
- inadequately lighting the area;
- Failure to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident;
- Failing to act reasonable under the circumstances;
- Failing to take precautionary measures to protect the Claimant from the incident after weighing the probability and gravity of the harm against the burden of precaution;
- Failing to take precautionary measures to protect the Claimant from the incident when they had ownership, occupancy, control, and or special use of the property on the date of the fall;

- The Respondents' negligence was the proximate cause of the Claimant's fall and serious injuries;
- in violating multiple dwelling law section 78;
- in violating multiple residence law section 174;
- in violating Town of Amherst Building Code: Section 83-9-5;
- in violating Village of Williamsville Code 89-13; 89-5;
- the premises was unsafe;
- the premises was not reasonably safe;
- the defendants were negligent in not keeping the premises in a reasonably safe condition;
- the defendants negligence in allowing the unsafe conditions to exist on the property was a substantial factor in bringing about the incident and injuries;
- the dangerous conditions mentioned herein were visible and apparent and existed for a sufficient period for defendants to have discovered it and remedied it, but they negligently, carelessly, and recklessly failed to do so;
- in failing to offer evidence as to when the area in question was last cleaned or inspected relative to the time with the plaintiff fell;
- the defendants had actual and constructive notice of the dangerous icy and snowy conditions based on the irregularity, width, depth, and appearance of the defect;

- the icy and snowy conditions were the result of an ongoing and recurring dangerous condition that existed in the area of the fall that was routinely left unaddressed, and the defendants had actual knowledge of the tendency of the particular dangerous conditions described herein to reoccur, charging them with constructive notice of each recurrence of those conditions;
- The Respondents' negligence was a substantial factor in bringing about the Claimant's injuries in that a reasonable person would regard it as a cause of her injuries;
- They failed in their duty to use reasonable care to keep their property in a reasonably safe condition for the protection of the Claimant whose presence was reasonably foreseeable on the date of the fall;
- the defendants had constructive notice of the dangerous conditions described herein because their employees traveled, on a daily basis through the area where the defective condition was situated, such that they could have easily noticed and removed the hazard but they negligently, carelessly, and recklessly failed to do so;
- in having actual notice of the dangerous icy and snow conditions;
- the defendants had actual and constructive notice of the dangerous icy and snowy conditions mentioned herein because of prior and post falls that happened under the same or similar circumstances;

- in failing to provide to warn of the dangerous conditions;
- in violating New York Consolidated Laws, Property Maintenance Code, Section 301. 1
- in violating Section 302. 1 of the New York Property Maintenance Code;
- in violating New York Property Maintenance Code Section 304. 1;
- in violating New York Property Maintenance Code Section 305. 1;
- in violating Building Code of New York State, 2002 Edition Section 101, 101.3;
- in violating Property Maintenance Code of New York State, 2010 Edition -section 101.1, 101.2, 101.3, 301.1, 201.2, 305.1;
- in violating ASTM F1637 – Standard Practice for Safe Walking Surfaces –sections 4.1.1, 4.1.3, 4.7.1, 4.7.1.2.,
- The Respondents created the condition that caused the Claimant to fall; and had actual and constructive notice of it;
- The Respondents either knew, or in the use of reasonable care, should have known that the condition that caused the Claimant's fall long enough before the fall to have allowed them, in the use of reasonable care to correct it or to take other suitable precautions, but they failed to do so;

- The Respondents failed to warn the Claimant about the dangerous condition before her fall;
- in affirmatively creating the dangerous conditions described herein through an act of negligence;
- causing/allowing the dangerous condition herein to have jagged edges, a rough irregular surface, poor lighting, to have the presence of other defects in the vicinity, to be irregular, the dangerous condition was located in an area where people are naturally distracted from looking down at their feet, and the surrounding circumstances and dangerous condition increased the risk of people, such as the Claimant, falling;
- in failing to warn of the dangerous conditions described herein;
- causing/allowing the intrinsic characteristics of location of the incident to be such that it was difficult for pedestrians to see and identify and to traverse safely on foot;
- failing and omitting to clean and keep safe defendants' premises identified above;
- causing, allowing and permitting a dangerous, unsafe and hazardous condition to exist at the accident site;
- failing and omitting to provide persons such as the plaintiff with any notice or warning of the existence of the dangerous, unsafe and hazardous condition at the accident site;
- failing and omitting to periodically inspect and maintain the premises so that proper repairs and maintenance were performed thereat;
- failing and omitting to take necessary steps at the accident site so that the site was free and clear of a dangerous condition;
- causing, allowing and permitting an unsafe condition to exist at the premises;

- failing and omitting to provide adequate lighting to people visiting the Premises;
- negligently, carelessly and recklessly failing to maintain and omitting to keep and maintain the Premises, in a safe condition, under the circumstances;
- negligently, carelessly and recklessly failing and omitting to provide persons such as the plaintiff with any notice or warning of the existence of the dangerous, unsafe and hazardous condition at the accident site;
- negligently, carelessly and recklessly failing and omitting to take necessary steps at the accident site so that the site was free and clear of a dangerous condition;
- causing, allowing and permitting an unsafe condition to exist at its premises;
- allowing conditions to exist on their property that posed a reasonably foreseeable hazard to the plaintiff;
- failing to prevent the harm sustained by the plaintiff;
- the defendants negligence was a proximate cause of the injuries sustained by the plaintiff;
- the defendants premises was not reasonably safe, they were negligent in not keeping the premises in a reasonably safe condition, and their negligence in allowing the unsafe condition to exist was a substantial factor in causing the plaintiff's injuries;
- the defendants created the condition and either knew or, in the use of reasonable care, should have known that the condition existed within sufficient time before the accident to have corrected it or to have provided reasonable safeguards or to provide a warning but they failed to do so;
- the defendants' negligence was a substantial factor in bringing about the plaintiff's injuries;
- the condition was visible and apparent to the defendants and had existed for a sufficient length of time for them to have discovered it and taken curative steps but they failed to do so;

- the dangerous conditions described herein had a rough irregular surface, had the presence of other defects in the vicinity, had poor lighting around it, and was in a location where pedestrians were naturally distracted from looking down at their feet;
- the conditions of the dangerous conditions mentioned herein was a trap for the unwary because it was obscured;
- the defendants had actual and constructive notice of the dangerous condition;
- the defendants had notice of the dangerous condition from prior accidents under the same conditions; employee statements made in the course of their employment; evidence of the long continued existence of the condition; evidence that the defendants' employees traveled on a daily basis through the area where the defective condition was located; in failing to identify the last inspection of the area before the fall; the defendants' employees were in the immediate vicinity of the dangerous condition before the fall and could have easily noticed and corrected it but they failed to do so; the defendants had actual knowledge of the specific recurrent dangerous conditions that caused the plaintiffs' injuries;
- the defendants failed to provide a safe means of ingress and egress to their property;
- Failure to properly and adequately supervise and control the area where the Plaintiff fell on the date of the incident;
- Carelessly and negligently designing the area on said premises where the incident occurred;
- Failure to give attention to dangerous icy and snowy conditions;
- Failure to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident;
- Failing to act reasonable under the circumstances;
- In failing to keep the area where the fall happened in a safe condition for traversing and passage;

- In failing in their duty to have proper design and routine maintenance and inspections of the area where the fall happened;
- In allowing the area of the fall to be unstable, not firm, and not slip resistant;
- In failing to keep the area of the fall in a clean, safe, and sanitary condition;
- In failing to keep the area of the fall in a proper state of repair and maintain it free from hazardous conditions;
- In allowing the area of the fall to be irregular, uneven, and unmaintained;
- In failing to inspect and maintain the area of the fall;
- In allowing the condition of the walking surface of where the fall happened to be a snare or a trap;
- In having actual knowledge that the condition that caused the Plaintiff to fall was a specific recurrent dangerous condition;
- In allowing the area of the fall to be such that it neither complies with, or adheres to several universally accepted standards and codes;
- By creating the condition that caused the Plaintiff's fall, by actually knowing about it, and or, they should have had notice of the it with sufficient time before the fall to correct it or provide reasonable safeguards or provide a warning but they did not do so;
- in failing to maintain the area of the fall;
- in failing to construct and maintain the area of the fall in a reasonably safe condition;
- in failing to warn the plaintiff of the dangerous conditions described herein, and failing to take into account such factors as the traffic conditions and terrain;
- in having prior oral and written notice of the dangerous conditions mentioned herein;

- in allowing the location of the fall to have an unsafe irregular surface;
- the dangerous conditions herein was a trap and snare, causing and creating a tripping hazard and a dangerous condition;
- and that the Defendants, its agents, servants and/or employees were otherwise careless and negligent.
- in having prior written notice of the conditions described herein, and in failing to timely fix/repair it;
- in prior negligent maintenance/repair of the location where this incident took place, immediately resulting in the dangerous conditions described herein;
- in affirmatively creating the dangerous conditions described herein through an act of negligence;
- in having special use of the location where this incident took place, and the location of the incident, that resulted in a special benefit to the municipal entities noted above;
- in failing to keep the sidewalk clear of ice and snow;
- the conditions where the fall happened was unusually dangerous;
- that defendants knew of the unusually dangerous condition long enough before plaintiff's injury to have permitted them in the use of reasonable care to have corrected it, or to take other suitable precautions, or to give adequate warning, and did not do so;
- the defendants, in the use of reasonable care should have known of it and corrected it, or taken other suitable precautions, or given adequate warning, but they failed to do so;
- the defendants negligence was a substantial factor in causing the Plaintiff's fall and injuries;
- the defendants snow removal efforts, if any, caused and created a dangerous condition;

- the defendants created the defect or hazard through an affirmative act of negligence and a "special use" of the location of the incident conferred a special benefit upon the locality;
- the defendants were otherwise careless, reckless, and negligent.

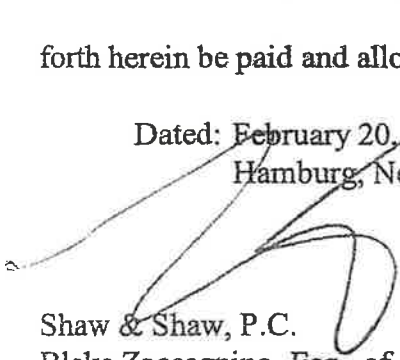
DAMAGES CLAIMED:

12. By reason of the aforesaid occurrence, the Claimant sustained severe, painful and permanent injuries in and about her body, including, but not limited to, broken right wrist, all of which were and are severe, painful and permanent in nature including, shock to the nerves and nervous system, circulatory system, traumatic injuries to nerves, tendons and muscular system with resultant impairment and/or loss of use of normal functions; was otherwise rendered sick, sore, lame and disabled and prevented her from performing her usual activities for a period of time subsequent to this incident, and has incurred, and may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has caused, or may incur, hospital expenses, medical expenses, physical therapy and/or rehabilitation and counseling expenses and/or other similar types of expenses as to past, present or future, as would relate to the care, treatment and attempted cure of the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that she was able to participate in and enjoy prior to the happening of this incident, 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 the future; and together with any other special and general damages as may manifest themselves subsequent to the date of this Notice of Claim.

13. The Claimant also makes a claim for any and all medical expenses incurred as to her care, treatment and attempted cure of the injuries sustain and/or the residual effects of the same herein as to the past, present, and or future.

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

Dated: February 20, 2025
Hamburg, New York



Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
www.shawlawpc.com

VERIFICATION

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

ALI LAZIK being duly sworn, deposes and says that (he)(she) is the Plaintiff/Claimant in the within action; that (he)(she) has read the foregoing and knows the contents thereof; that the same is true to (his) (her) 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.

Ali Lazik

Sworn to before me this 19
day of March 2025

[Signature]
Notary Public

BLAKE J ZACCAGNINO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02ZA6336306
Qualified in Erie County
Commission Expires February 1, 2028



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 7, 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>Kloc, Kimberly, Estate of, by Jeffrey Leonardi v. ECMCC and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Jeffrey R. Leonardi 60 Pheasant Run Lane Lancaster, New York 14086
Claimant's attorney:	Michael A. Iacono, Esq. John J. Fromen Attorneys at Law PC 4367 Harlem Road Snyder, New York 14226

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

Ad

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JEFFREY R. LEONARDI, Individually and as
Proposed Administor of the Estate of,
KIMBERLY M. KLOC, Deceased
Claimant

-VS-

**ERIE COUNTY MEDICAL CENTER
CORPORATION,**
COUNTY OF ERIE,
Defendants

This paper received at the
Erie County Attorney's Office
from Bob Schwind on
the 16th day of June, 2025
at 3:32 a.m./p.m.
[Signature]
Assistant County Attorney

NOTICE OF CLAIM

Bob Schwind
6/16/25
Time: 3:32

PLEASE TAKE NOTICE that JEFFREY R. LEONARDI, Individually and as Proposed Administor of the Estate of KIMBERLY M. KLOC, Deceased, hereby claims and demands from the above-named Defendants damages for severe personal injuries to, conscious pain and suffering, fear of impending death, and the wrongful death of the Decedent, KIMBERLY M. KLOC, and for funeral expenses incurred, loss of services, together with compensatory damages resulting from the aforesaid pursuant to Article 5 and Article 11 of the Estates, Powers and Trust Law of the State of New York, as a result of the negligent, careless and reckless acts and omissions of the above-named Defendants, its hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, and in support thereof, the Claimant states the following:

1. The post office address of the Claimant is 60 Pheasant Run Lane, Lancaster, New York 14086; the name and post office address of Claimant's attorney is Michael I. Iacono, Esq., 4367 Harlem Road, Snyder, New York 14226.

2. The Claimant, JEFFREY R. LEONARDI, is the brother of the Decedent, KIMBERLY M. KLOC. To date an estate has not been opened but the Claimant is in the process of opening an estate and intends to become the Administrator of his sister's estate.

3. That the nature of this claim is for severe and catastrophic personal injuries to, conscious pain and suffering, fear of impending death, and the wrongful death of the Decedent, KIMBERLY M. KLOC, arising out of and/or resulting from the negligent, wrongful, unlawful, careless and reckless acts and omissions of the Defendants, their hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, in the negligent, careless and reckless post-operative care, supervision and discharge of the Decedent to her home against medical advice on or about March 14, 2025 without contacting the Claimant, JEFFREY R. LEONARDI, the Decedent's health care proxy, and despite having actual prior knowledge that the Decedent, a double leg amputee with additional chronic medical complications, lived alone, had no telephone or other means of external communication, was physically unable to care for herself, was dependent upon others to provide for her activities of daily living, had previously checked herself out of the Erie County Medical Center against medical advice, and had subsequently been taken into custody pursuant to Section 9.45 of the New York State Mental Hygiene Law and admitted to the Erie County Medical Center due to her inability to care for herself. The aforesaid negligent, careless and reckless conduct, acts and omissions precipitated, caused and/or contributed to the wrongful death of the Decedent in a house fire at her residence located at 402

Central Avenue, Lancaster, New York, which was discovered on March 17, 2025, at approximately 3:00 pm and resulted in catastrophic injuries including severe burns and smoke inhalation, and the death of the Decedent, KIMBERLY M. KLOC, as hereinafter set forth. A copy of the Police Report relative to this incident is attached as Exhibit "A".

4. That said claim arose on the 17th day of March, 2025, at approximately 3:00 pm at the Decedent's residence located at 402 Central Avenue in the Town of Lancaster, County of Erie and State of New York; that the manner in which said claim arose was that on the aforesaid date and time, the Decedent, KIMBERLY M. KLOC, was caused to suffer severe smoke inhalation, burns and death as a direct result of a house fire which occurred in the Decedent's residence.

5. That prior to the aforesaid fire, and on or about February 27, 2025 the Decedent underwent bilateral above-the-knee leg amputations and was receiving treatment for a severely infected arm. That on or about March 9, 2025 the Decedent checked herself out of the Erie County Medical Center against medical advice and was transported to her residence by ECMC staff and was left to care for herself despite having no ability to do so. At no time did the Defendants, their hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, contact, notify or obtain the consent of the Claimant who was the Decedent's health care proxy as aforementioned.

6. Thereafter, and on March 10, 2025, after discovering that the Decedent had checked herself out of ECMC and had returned home, the Claimant contacted Crisis Services who, after assessing the Decedent's dire condition and inability to care for

herself, had her readmitted to ECMC with instructions that she should not be permitted to discharge herself against medical advice nor should she be transported back to her residence. Despite the aforesaid, and on or about March 14, 2025 the Decedent once again was permitted to check herself out of the Erie County Medical Center against medical advice and once again was transported to her residence by ECMC staff – the very same residence that Crisis Services had removed her from just four days earlier due to the Decedent's complete inability to care for herself. Once again, the Decedent was left to care for herself despite having no ability to do so. Once again, at no time did the Defendants, their hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, contact, notify or obtain the consent of the Claimant who was the Decedent's health care proxy as aforementioned. When fire broke out in the Decedent's residence on March 17, 2025, the Decedent, a double above-the-knee amputee who was unable to take care of herself as aforementioned, was unable to escape the inferno and was caused to suffer severe smoke inhalation, burns and death as a direct result of the aforementioned house fire.

7. The aforesaid negligent, careless and reckless conduct, acts and/or omissions of the Defendants, their hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, precipitated, caused and/or contributed to the wrongful death of the Decedent in the aforementioned house fire at her residence located at 402 Central Avenue, Lancaster, New York and resulted in catastrophic injuries including severe burns, smoke inhalation and the death of the Decedent, KIMBERLY M. KLOC, as hereinafter set forth.

8. That so far as is now able to be determined, the Decedent, KIMBERLY M. KLOC, sustained severe smoke inhalation, severe burns, together with multiple, extensive, catastrophic injuries in and about her head, body, limbs and nervous system, and during which time she suffered great pain, discomfort, disfigurement, anguish, anxiety and psychological and emotional fear of impending death, and solely as a result of the aforesaid injuries the Decedent, KIMBERLY M. KLOC, did die on March 17, 2025. That as a result thereof, the Estate of said Decedent has been required to and has paid for the cost of necessary medical, funeral, burial and sundry other expenses.

9. That the Decedent, KIMBERLY M. KLOC, died leaving her surviving her husband, two brothers and one child, to wit: the Claimant herein, JEFFREY R. LEONARDI (brother); Joshua Kloc (husband); Makayla Kloc (child), and Christopher Leonardi (brother). That Letters of Administration upon the Estate of the Decedent, KIMBERLY M. KLOC, have not yet been issued to the Claimant, but the Claimant is in the process of opening an estate and intends to become the Administrator of his sister's estate.

10. That by reason of the foregoing, the Claimant, JEFFREY R. LEONARDI, as proposed Administrator, is entitled under the provisions of Article 5 of the Estates, Powers and Trust Law of the State of New York to recover from the Defendants, their hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, compensatory damages for pecuniary loss. In addition, the Claimant, JEFFREY R. LEONARDI, as proposed Administrator, is entitled under the provisions of Article 11 of the Estates, Powers and Trust Law of the State of

New York to recover from the Defendants, their hospital staff, social workers, agents, servants, employees, appointees, designees, departments and/or divisions thereof, compensatory damages.

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

DATED: Snyder, New York
June 13, 2025



MICHAEL I. IACONO, ESQ.
on behalf of the Claimant, JEFFREY R.
LEONARDI, Individually and as
Administrator of the Estate of
KIMBERLY M. KLOC, Deceased

4367 Harlem Road
Snyder, New York 14226
716-855-1222

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

MICHAEL I. IACONO, ESQ., being duly sworn, deposes and says:

That your deponent is the attorney of record for the Claimant in the above-entitled action, and as such I am filing the within Notice of Claim on behalf of the Claimant, JEFFREY R. LEONARDI, Individually and as proposed Administrator of the Estate of KIMBERLY M. KLOC, Deceased; that your deponent has read the foregoing Claim, Notice and Statement, and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters your deponent believes the same to be true; the source of your deponent's knowledge and information is an investigation of this matter, documents and writings in your deponent's possession and actual conversations with the Claimant.


MICHAEL I. IACONO, ESQ.

Subscribed and sworn to before me
this 13th day of June, 2025.


Notary Public, State of New York
Qualified in Erie County
My commission expires ~~7/5/2027~~ 9/25/26

JULIA ELLEN PUKALO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PU6310455
Qualified in Erie County
My Commission Expires 08-25-2026

EXHIBIT A



LANCASTER POLICE DEPARTMENT
POLICE REPORT
FIRE: HOUSE

Complaint
25-505433

Report Date & Time
03/17/2025 15:30

INCIDENT

Address of Occurrence	District	Tract	Occ. Date & Time	Day of Week	Type of Premise
402 CENTRAL AV	LANCASTER TOWN		03/17/2025 15:25	Monday	Single Family Home
Status	Follow Up By	Supl	TT Mess#	TT Entry Date	TT Cance#
Closed	Detective	N			
Officers:	905 - BOWMANVILLE FIRE	915 - LANCASTER VLG FIRE	Rep. Off.: 68 - WYSE	Assigned. Off.:	
	924 - TWIN DISTRICT FIRE	800 - LVAC	Supervisor: 35 - KEPPNER		

Victim - 1

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
KLOC	KIMBERLY	M		10/06/1983	White	F	41	N	N	PR
Address	City			State	Zip	Home Phone		Work Phone		
402 CENTRAL AV	LANCASTER TOWN			NY	14086	(716) 605-1244				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		Cell Phone	
5' 03"	120	BLN	GRN	S	LGT	Contacts				

Complainant - 2

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
LEONARDI	JEFFREY	R		06/15/1974	White	M	50	N	N	PR
Address	City			State	Zip	Home Phone		Work Phone		
60 PHEASANT RUN LN	LANCASTER			NY	14086	(716) 491-8125				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		Cell Phone	

Other - 1

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
ZIPPIROLI	MORGAN				Unknown	F	30	N	N	PR
Address	City			State	Zip	Home Phone		Work Phone		
404 CENTRAL AV	LANCASTER			NY	14086					
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		Cell Phone	

Other - 2

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
COSTELLO	LARISSA	F			White	F	30	N	N	SP1
Address	City			State	Zip	Home Phone		Work Phone		
32 S WILLOW ST	EAST AURORA			NY	14052					
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		Cell Phone	

Owner - 1

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
MONTE	ERIC	J			Unknown	M	31	N	N	PR
Address	City			State	Zip	Home Phone		Work Phone		
400 CENTRAL AV	LANCASTER			NY	14086					
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		Cell Phone	

Owner - 2

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
ZIPPIROLI	JONATHAN	R			White	M	32	N	N	SP1
Address	City			State	Zip	Home Phone		Work Phone		
404 CENTRAL AV	LANCASTER TOWN			NY	14086					
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		Cell Phone	

VEHICLE(S)

Owner	Year	Make	Model	Body Style	Color	Registration	State	VIN	Status	Report
KLOC KIMBERLY M	2005	TOYOTA		2 DOOR	White	GZA4779	NY	JTKDE177750049143	Damaged	

NARRATIVE



LANCASTER POLICE DEPARTMENT
POLICE REPORT
FIRE: HOUSE

Complaint
25-505433

Report Date & Time
03/17/2025 15:30

POLICE REPORT *Date Entered:* 03/17/2025 16:38 *Typist:* NATHAN WYSE *Officer:* 68-WYSE

Refer to Ofc. Wyse And Ofc. Gardinier.

On the above listed date and time, patrol responded to 402 Central for the report of an active structure fire. Upon arrival, patrol observed black smoke exiting the residence. Listed complainant, Jeffrey Leonardi, stated his sister lives in 402 Central and that she was possibly still inside the residence. Patrol entered 402 Central and attempted to call out to any occupants with negative results. Shortly thereafter, the fire in the residence became fully engulfed wherein patrol had to exit the same.

The scene was taped off by patrol while fire personnel attended to the structure fire.

Case being handled by the detective bureau.

SUPPLEMENT #1 *Date Entered:* 03/18/2025 14:18 *Typist:* ROBERT CORNELL *Officer:* 39-CORNELL

Supplement #1-Refer to Detective Cornell:

On March 17th, 2025, while on-duty, I heard a radio call of a working house fire at 402 Central Avenue in the Town of Lancaster.

Upon arrival, I was briefed by Detective Lieutenant Dimino and Detective Gunsher (Fire Investigator), who were already at the scene. The house was fully engulfed in flames. Several volunteer fire companies were still conducting fire suppression.

Kimberly M. Kloc, resides alone at the residence and was believed to still be inside. Kloc has a long history with drug addiction. On February 27th, 2025, Kloc had both of her legs amputated above the knees.

Jeffrey R. Leonardi, went to the residence at approximately 1500 hours to check on Kloc. Leonardi had not had contact with Kloc since March 14th, 2025, at approximately 1600 hours. Upon arrival, Leonardi observed that the glass in the front door appeared to be fogged up. Leonardi also heard the fire alarms going off inside the residence. Leonardi then opened the front door and was met with black smoke that went all the way from the ceiling to the floor. Leonardi only saw black smoke inside the residence and Leonardi called for Kloc but did not get a response. Leonardi then called 911 and waited in the yard for first responders to arrive.

Prior to this incident, at 1236 hours, this department received a call from, Larissa F. Costello, who reported a large amount of smoke in the area of Central Avenue near Charlton Street. This location is near the residence. Patrol officers responded, checked the surrounding area, but did not locate any smoke (See # 25-505424).

Detective Fowler obtained a statement from Leonardi at the Town of Lancaster Police Station. In sum and substance, Leonardi talked about Kloc's recent double leg amputations as well as her left arm being heavily infected from drug use. Leonardi stated that Kloc never expressed a desire to harm herself and never tried to commit suicide. Leonardi believes Kloc still had a drug addiction and that her drug of choice was heroin.

On March 9th, 2025, Kloc signed herself out of the Erie County Medical Center (ECMC). On March 10th, 2025, Crises Services responded to the residence and Kloc was taken into custody under Section 9.45 of the New York State Mental Hygiene Law, removal of a person for emergency assessment, care, or treatment. Kloc was transported to ECMC for treatment due to the fact that Kloc was unable to care for



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herself. Officer Blizzard, who was at the residence assisting Crisis Services, took possession of numerous hypodermic instruments that were located in the residence and Officer Blizzard properly disposed of them (See #25-504879). On March 14th, 2025, Kloc again signed herself out of ECMC. Both times, Kloc signed out of ECMC against medical advice.

The most fire damage occurred toward the front of the residence. The entire roof and the second floor both collapsed and fell into the structure. The remaining walls at the front of the residence were unstable. Fire investigators were not able to access the interior of the residence due to safety reasons. S&A Debris Removal Company was contacted and responded to the residence to assist Fire Investigators. Using excavators, and at the direction of Fire Investigators, S&A Removal Company removed the large pieces of debris that had collapsed into the structure so that Fire Investigators could access the interior of the residence. Once the large debris was removed, Detective Lieutenant Dimino, Detective Gunsher (Fire Investigator), Detective Kotlak, and I (Fire Investigator) began to systematically dig through the remaining debris. I had contacted Erie County Sheriff's Office Detective Kuhlmeier who responded and assisted in the investigation. Fire Investigators started at the front of the residence, the living room, where most of the fire damage had occurred, and moved toward the rear of the residence. Once in the kitchen, Fire Investigators located the kitchen stove on the south side of the kitchen. The front of the kitchen stove was facing south and the kitchen stove's door was open. Fire investigators continued to sift through debris until the floor around the kitchen stove was revealed. Just in front of the kitchen stove, there was a large hole in the floor where the fire had dropped down into the basement. The floor joists underneath the large hole showed heavy fire damage and charring from prolonged burn time. In front of the large hole, Fire Investigators located Kloc on the floor underneath debris.

The Erie County Medical Examiner's Office was contacted and Scene Investigator Beth World responded. Scene Investigator World conducted her investigation and the Erie County Medical Examiner's Office took custody of Kloc.

Detective Lieutenant Dimino notified Leonardi who had returned to the scene.

Detective Gunsher had taken pictures of the scene throughout the investigation. Later, the pictures were uploaded to Evidence.com.

Kloc's vehicle, a white 2005 Toyota bearing New York registration: GZA4779, was parked in the driveway. Blakeley's Towing responded and towed the vehicle to their lot. The vehicle had to be removed so firefighters could continue fire suppression. The vehicle did sustain damage from the fire.

The residence next door at 400 Central Avenue sustained damage from the fire. I spoke to the homeowner, Eric J. Monte, and provided Monte with my contact information and told Monte to contact his insurance company.

The residence next door at 404 Central Avenue sustained damage from the fire. I spoke to the homeowner, Jonathan R. Zippiroli, and provided Zippiroli with my contact information and told Zippiroli to contact his insurance company.

On March 18th, 2025, I contacted Leonardi who had already contacted the insurance company, the Java Agency Inc., about the fire. I provided Leonardi with my contact information and how he can obtain a copy of this report. I also informed Leonardi about Kloc's vehicle. Leonardi told me that the home was not set up for a person with disabilities. Leonardi did not know of Kloc's actions inside the home, how she was able to move inside the residence, if she was able to cook, if she could enter and exit the residence on her own, etc.



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Kloc has a juvenile daughter that has been staying with Leonardi. I advised Leonardi that I could assist him with locating services for Kloc's daughter if needed.

On March 18th, 2025, Detective Gunsher responded to the Erie County Medical Examiner's Office and provided them with a copy of the scene pictures for their investigation. The Erie County Medical Examiner's Office was able to positively identify Kloc by radiological records. The Erie County Medical Examiner's Office had already completed Kloc's Fatality Certificate:

Cause of Death: Thermal and inhalational injuries.

Manner of Death: Accidental

Injury Description: Burnt in house fire.

The Fatality Certificate was added to the Case History.

See Supplementary Police Report #2 (Fire Report) for the origin and cause of this fire.

Case Closed.

SUPPLEMENT # 2 Date Entered: 03/18/2025 19:44 Typist: ROBERT CORNELL Officer: 39-CORNELL

Supplement #2 (Fire Report)-Refer to Detective Cornell:

FIRE REPORT:

BUILDING DESCRIPTION:

The structure at 402 Central Avenue, in the Town of Lancaster, is a single family home of Type V construction built in 1900.

FIRE ORIGIN:

A systematic process based on the scientific method, was used to examine the fire scene for determination of the fire's origin. This included a visual inspection of the structure's exterior, interior, the evaluation of fuel packages and fire patterns, and evaluation of available testimonial evidence.

On March 17th, 2025, while on-duty, I, Detective R. Cornell (Fire Investigator), heard a radio call of a working house fire at 402 Central Avenue in the Town of Lancaster.

Upon arrival, I was briefed by Detective Lieutenant Dimino and Detective Gunsher (Fire Investigator), who were already at the scene. The house was fully engulfed in flames. Several volunteer fire companies were still conducting fire suppression.

Kimberly M. Kloc, resides alone at the residence and was believed to still be inside. Kloc has a long history with drug addiction. On February 27th, 2025, Kloc had both of her legs amputated above the knees.

Jeffrey R. Leonardi, went to the residence at approximately 1500 hours to check on Kloc. Leonardi had not had contact with Kloc since March 14th, 2025, at approximately 1600 hours. Upon arrival, Leonardi observed that the glass in the front door appeared to be fogged up. Leonardi also heard the fire alarms



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going off inside the residence. Leonardi then opened the front door and was met with black smoke that went all the way from the ceiling to the floor. Leonardi only saw black smoke inside the residence and Leonardi called for Kloc but did not get a response. Leonardi then called 911 and waited in the yard for first responders to arrive.

Prior to this incident, at 1236 hours, this department received a call from, Larissa F. Costello, who reported a large amount of smoke in the area of Central Avenue near Charlton Street. This location is near the residence. Patrol Officers responded, checked the surrounding area, but did not locate any smoke (See # 25-505424).

Detective Fowler obtained a statement from Leonardi at the Town of Lancaster Police Station. In sum and substance, Leonardi talked about Kloc's recent double leg amputations as well as her left arm being heavily infected from drug use. Leonardi stated that Kloc never expressed a desire to harm herself and never tried to commit suicide. Leonardi believes Kloc still had a drug addiction and that her drug of choice was heroin.

On March 9th, 2025, Kloc signed herself out of the Erie County Medical Center (ECMC). On March 10th, 2025, Crises Services responded to the residence and Kloc was taken into custody under Section 9.45 of the New York State Mental Hygiene Law, removal of a person for emergency assessment, care, or treatment. Kloc was transported to ECMC for treatment due to the fact that Kloc was unable to care for herself. Officer Blizzard, who was at the residence assisting Crisis Services, took possession of numerous hypodermic instruments that were located in the residence and Officer Blizzard properly disposed of them (See #25-504879). On March 14th, 2025, Kloc again signed herself out of ECMC. Both times, Kloc signed out of ECMC against medical advice.

The most fire damage occurred toward the front of the residence. The entire roof and the second floor both collapsed and fell into the structure. The remaining walls at the front of the residence were unstable. Fire investigators were not able to access the interior of the residence due to safety reasons. S&A Debris Removal Company was contacted and responded to the residence to assist Fire Investigators. Using excavators, and at the direction of Fire Investigators, S&A Removal Company removed the large pieces of debris that had collapsed into the structure so that Fire Investigators could access the interior of the residence. Once the large debris was removed, Detective Lieutenant Dimino, Detective Gunsher (Fire Investigator), Detective Kotlak, and I (Fire Investigator) began to systematically dig through the remaining debris. I had contacted Erie County Sheriff's Office Detective Kuhlmeier who responded and assisted in the investigation. Fire Investigators started at the front of the residence, the living room, where most of the fire damage had occurred, and moved toward the rear of the residence. Once in the kitchen, Fire Investigators located the kitchen stove on the south side of the kitchen. The front of the kitchen stove was facing south and the kitchen stove's door was open. Fire investigators continued to sift through debris until the floor around the kitchen stove was revealed. Just in front of the kitchen stove, there was a large hole in the floor where the fire had dropped down into the basement. The floor joists underneath the large hole showed heavy fire damage and charring from prolonged burn time. In front of the large hole, Fire Investigators located Kloc on the floor underneath debris.

Detective Gunsher had taken pictures of the scene throughout the investigation. Later, the pictures were uploaded to Evidence.com.

Kloc's vehicle, a white 2005 Toyota bearing New York registration: GZA4779, was parked in the driveway. Blakeley's Towing responded and towed the vehicle to their lot. The vehicle had to be removed so firefighters could continue fire suppression. The vehicle did sustain damage from the fire.



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The residence next door at 400 Central Avenue sustained damage from the fire. I spoke to the homeowner, Eric J. Monte, and provided Monte with my contact information and told Monte to contact his insurance company.

The residence next door at 404 Central Avenue sustained damage from the fire. I spoke to the homeowner, Jonathan R. Zippiroli, and provided Zippiroli with my contact information and told Zippiroli to contact his insurance company.

On March 18th, 2025, I contacted Leonardi who had already contacted the insurance company, the Java Agency Inc., about the fire. I provided Leonardi with my contact information and how he can obtain a copy of this report. I also informed Leonardi about Kloc's vehicle. Leonardi told me that the home was not set up for a person with disabilities. Leonardi did not know of Kloc's actions inside the home, how she was able to move inside the residence, if she was able to cook, if she could enter and exit the residence on her own, etc.

TESTING THE HYPOTHESIS:

As a result of examining and reconstructing fire debris, fire investigators were able to develop a hypothesis that the fire, which damaged the structure at 402 Central Avenue, in the Town of Lancaster, originated on the south side of the kitchen, on the floor, in front of the kitchen stove. The front of the kitchen stove was facing south and the kitchen stove's door was open. Just in front of the kitchen stove, there was a large hole in the floor where the fire had dropped down into the basement. The floor joists underneath the large hole showed heavy fire damage and charring from prolonged burn time. In front of the large hole, Fire Investigators located Kloc on the floor underneath debris. The origin of the hypothesis developed was tested against all available evidence, both physical and testimonial, and was found to be consistent only with a fire that originated in that area of the structure.

FIRE CAUSE:

CHEMICAL AGENTS:

The scene was examined and no evidence of chemical agents were discovered within or near the area of origin and there was no chemical residue found on the fire debris. For these reasons chemical agents can be eliminated as a potential fire cause.

COOKING EQUIPMENT:

There was cooking equipment, a stove, in the kitchen, and the fire's origin is located on the floor just in front of this stove. For this reason cooking equipment can not be eliminated as a potential fire cause.

HEATING SYSTEMS:

This residence is equipped with a heating system; however, there was no heating system located near the fire's origin, on the south side of the kitchen, on the floor, in front of the kitchen stove. For this reason heating systems can be eliminated as a potential fire cause.

ELECTRICAL WIRING, DISTRIBUTION, AND APPLIANCES:

The residence is equipped with electrical wiring, distribution, and appliances. A kitchen stove, along with electrical wiring, is located in the area of the fire's origin, on the south side of the kitchen, on the floor, in



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front of the kitchen stove. For these reasons electrical wiring, distribution, and appliances can not be eliminated as a potential fire cause.

SMOKING MATERIALS:

The victim, Kimberly Kloc, is a smoker. The residence sustained extensive smoke and fire damage and Fire Investigators could not locate evidence of smoking materials due to this fact; however, because Kimberly Kloc is a smoker, smoking materials can not be eliminated as a potential fire cause.

WEATHER RELATED OCCURRENCES:

Fire damage pointed to an area of specific interest, the fire's origin, on the south side of the kitchen, on the floor, in front of the kitchen stove. For this reason weather related occurrences can be eliminated as a potential fire cause.

OPEN FLAMES OR SPARKS:

There was a gas stove in the area of the fire's origin, on the south side of the kitchen, on the floor, in front of this kitchen stove. For this reason open flames or sparks can not be eliminated as a potential fire cause.

CONDITIONS LOCATED OUTSIDE THE AREA OF FIRE ORIGIN:

Fire damage pointed to an area of specific interest, the fire's origin, on the south side of the kitchen, on the floor, in front of the kitchen stove. For this reason conditions located outside the area of fire origin can be eliminated as a potential fire cause.

INCENDIARY INDICATORS:

During examination of the fire scene, fire investigators did not locate multiple fire origins, "trailers", exotic accelerants, incendiary devices or any other indication that this fire was incendiary. For these reasons incendiary indicators can be eliminated as a potential fire cause.

WITNESS STATEMENTS / INFORMATION:

As part of this investigation, Detective Fowler obtained a written statement from the victim's brother, Jeffrey Leonardi, who first observed the fire and called 911. The written statement was added to Case History.

EVIDENCE:

Detective Gunsher (Fire Investigator), took pictures of the scene throughout the investigation. The pictures were uploaded to Evidence.com.

CONCLUSION:

Through a systematic process of comparison examination and reconstruction of the fire scene, along with a detailed examination of the fire debris, Detective Gunsher and I were able to conclude the following. That the fire that occurred on March 17th, 2025, at 402 Central Avenue, in the Town of Lancaster, originated on the south side of the kitchen, on the floor, in front of the kitchen stove. This determination



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was based on extensive fire damage in this area where the fire had dropped down into the basement. The floor joists underneath a large hole in the floor showed heavy fire damage and charring from prolonged burn time.

Fire investigators were unable to determine the cause of this fire.

As a result of a detailed examination for the cause of this fire it has been determined that this fire is classified as undetermined.

After thoroughly evaluating the evidence relating to the cause of the fire, fire investigators could not select a final hypothesis to an acceptable level of certainty. This finding was based upon not being able to determine the cause of the fire. Based upon a systematic evaluation of the factual evidence known to fire investigators at the time this report was made, the cause of this fire is classified as undetermined.

Case Closed.

SUPPLEMENT # 3 *Date Entered:* **03/18/2025 21:42** *Typist:* **BRADLEY GARDINIER** *Officer:* **72-GARDINIER**

Refer to Officers Gardinier #72 and Wyse #68:

On 03/17/2025 at approximately 1525 HRS patrol received a report of an active structure fire at 402 Central Ave. Upon arrival patrol observed the residence as having heavy black smoke emitting from the front door and windows of the residence. Complainant, Jeffrey Leonardi, was on location and stated to patrol that his sister, listed victim, Kimberly Kloc, was possibly still in the residence. Patrol made entry into the front of the residence and called out for anybody in the residence with negative results. Patrol moved to the rear of the house and made forced entry into the residence but was met with flames at the rear door. At this time, the fire inside of the residence was fully involved and Bomansville Fire Co. began working on extinguishing the fire.

Once the fire had been completely extinguished, LPD Fire Investigation Unit began searching through the debris and did locate a body inside and was identified as Kimberly Kloc. RO made notification to Jeffrey Leonardi on Kimberly's death.

No further action by patrol.

Officer: **68 - WYSE**

Supervisor: **35 - KEPPNER**

Printed Date: **03/19/2025 01:57 PM**

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COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 7, 2025

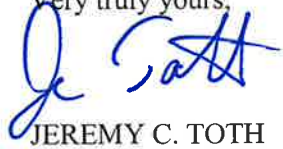
Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

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>Urbanczyk, Arthur v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Arthur J. Urbanczyk 90 Cathedral Drive West Seneca, New York 14224
Claimant's attorney:	Matthew A. Louisos, Esq. The Barnes Firm 500 Pearl Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

11/11/11

RECEIVED
JUN 23 2023

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

ERIE COUNTY
DEPARTMENT OF LAW

ARTHUR J. URBANCZYK

NOTICE OF CLAIM

Claimant,

v.

COUNTY OF ERIE,
CITY OF BUFFALO,
EMPIRE STATE DEVELOPMENT CORPORATION,
ERIE CANAL HARBOR DEVELOPMENT CORPORATION, and
THE BUFFALO & ERIE COUNTY HISTORICAL SOCIETY d/b/a THE BUFFALO
HISTORY MUSEUM

Respondents.

PLEASE TAKE NOTICE, that the Claimant, ARTHUR URBANCZYK, claims and demands from the Respondents, COUNTY OF ERIE, CITY OF BUFFALO, EMPIRE STATE DEVELOPMENT CORPORATION, ERIE CANAL HARBOR DEVELOPMENT CORPORATION, THE BUFFALO & ERIE COUNTY HISTORICAL SOCIETY d/b/a THE BUFFALO HISTORY MUSEUM, recompense for personal injuries and damages sustained by Claimant by reason of the reckless, careless, and/or negligent acts and omissions of the Respondents, and their agents, servants, and/or employees, and in support thereof, the Claimant states:

1. The Claimant, Arthur Urbanczyk, resides at 90 Cathedral Dr. West Seneca, NY, 14224. His phone number is 716-710-2606.
2. The Claimant is represented by The Barnes Firm, P.C., Matthew A. Louisos, Esq., with offices at 500 Pearl Street, Suite 700, Buffalo, New York 14202; telephone (800) 800-0000.

3. This Notice of Claim is made and served on behalf of the Claimant in compliance with the provisions of §50-e and § 53 of the General Municipal Law of the State of New York.

4. The nature of Claimant's claim is for personal injury, past and future pain and suffering, and past and future economic loss and other attendant damages as a result of an accident that occurred on or about May 25, 2025 at approximately 3:40 pm.

5. The incident in which personal injuries and damages were sustained by the Claimant occurred on or about May 25, 2025, at approximately 3:40 pm, when a dangerous, defective, and/or unsecured ceiling fan fell striking the Claimant while he was walking inside a building owned and/or operated by one or more of the Respondents. The address of the premises where the incident occurred is 2 Marine Dr., Buffalo, NY 14202. The building is also known as "Longshed Building" or "Longshed at Canalside".

6. At the time and place described above, Claimant was lawfully walking inside the building when a dangerous, defective, and/or unsecured ceiling fan fell and struck the Claimant. As a result of the incident, Claimant was seriously injured. The Respondents, and their agents, servants and employees, owed a duty to Claimant to ensure that they would not cause an incident to occur due to their own negligence. The Respondents, and their agents, servants and/or employees, negligently breached their duty to the Claimant in that regard by causing and or allowing a dangerous, defective, and/or unsecured ceiling fan to exist.

7. Upon information and belief, the accident was caused by the reckless, careless, and/or negligent acts and omissions of the Respondents, their agents, servants and employees, who allowed

a dangerous, defective, and/or unsecured ceiling fan to exist on the property that caused plaintiff's injuries.

8. The Respondents, and their agents, servants, and employees, owed a duty to Claimant to maintain their premises in a careful and non-negligent manner. Upon information and belief, the incident as more fully described above occurred because the Respondents, through their agents, servants, and employees, operated said property in a negligent manner.

9. The accident was caused by the wrongful, reckless, careless, and/or negligent acts and omissions of the Respondents. More specifically, respondents were reckless, careless and or negligent in allowing and permitting the existence of a dangerous, defective, and/or unsecured ceiling fan within the aforesaid premises causing a hazard and danger to persons traveling thereon; in failing and/or omitting to ensure that claimant and others were given notice and/or warning of the said dangerous and hazardous condition thereby created; in allowing and permitting the premises to remain in such hazardous and dangerous condition; in allowing and permitting such dangerous condition to exist when the respondent had both notice and knowledge, or in the exercise of reasonable care, could and should have had knowledge of such dangerous condition; in failing and/or omitting to reasonably anticipate that persons walking in or traversing the area could sustain physical injury by reason of the aforesaid hazardous condition; in failing and/or omitting to ensure that reasonable and prudent care was used to keep the said premises in safe condition; in allowing and permitting the aforesaid premises to remain in a defective, unsafe, hazardous and dangerous condition; in failing and/or omitting to ensure that proper maintenance and care was used at the aforesaid premises; in failing and/or omitting to ensure that proper and reasonable precautions

were taken; in failing and/or omitting to ensure that the premises were inspected for hazardous and dangerous conditions; in failing and/or omitting to ensure that the said premises was supervised; in failing and/or omitting to ensure for the safe operation of the said premises; in its "special use" of said premises; in failing and/or omitting to ensure that a safe means to traverse the aforesaid premises was provided; in designing, building, manufacturing, installing, and/or permitting a dangerous, defective, and/or unsecured ceiling fan within the aforesaid premises; in failing to properly install and secure the ceiling fan; and in failing and/or omitting to avoid the incident which, in the exercise of reasonable care, could and should have been avoided.

10. In addition, Respondents created the condition by designing, building, manufacturing, installing, and/or permitting a dangerous, defective, and/or unsecured ceiling fan within the aforesaid premises causing a hazard and danger to persons traveling thereon.

11. As a result of the incident, the Claimant suffered, among other things injuries to his head, neck, and shoulders. This is in no way meant to be an exhaustive list of injuries alleged from the accident.

12. By virtue of the negligence of the employees, agents or servants of the Respondents claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

13. 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.

14. The total sum charged will be for the resulting damages from the injuries set forth above and this sum has not been determined as of this date.

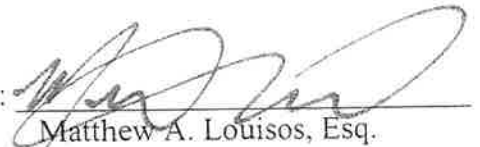
15. By virtue of the negligence of the Respondents and their agents, servants and employees, Claimant has sustained personal injuries, pain and suffering, economic loss and other attendant damages and has sustained serious injury and economic loss in excess of basic economic loss as both defined in Article 51 of the New York State Insurance Law.

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

DATED: Buffalo, New York
June 16, 2025

THE BARNES FIRM, P.C.

By:


Matthew A. Louisos, Esq.
Attorneys for Plaintiff
500 Pearl Street, Suite 700
Buffalo, NY 14202
(800) 800-0000 x 234
Matt.louisos@thebarnesfirm.com

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

CITY OF BUFFALO
1101 City Hall
65 Niagara Square
Buffalo, New York 14202

EMPIRE STATE DEVELOPMENT
633 Third Ave., 37th Floor
New York, New York 10017

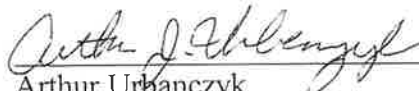
ERIE CANAL HARBOR DEVELOPMENT CORPORATION
633 Third Ave., 37th Floor
New York, New York 10017
and
95 Perry Street
Suite 500
Buffalo, New York 14203

THE BUFFALO & ERIE COUNTY HISTORICAL SOCIETY d/b/a THE BUFFALO
HISTORY MUSEUM
1 Museum Court
Buffalo, New York 14216

VERIFICATION

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

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


Arthur Urbanczyk

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

On the 18 day of June, in the year 2025 before me, the undersigned, personally appeared Arthur Urbanczyk, 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 her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

THOMAS S. HOLLANDER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 18, 2028


Notary Public/Commissioner of Deeds



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 7, 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>Wojcik, Daniel v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Daniel Wojcik 226 Lake Avenue Lancaster, New York 14086
Claimant's attorney:	David W. Olson, Esq. Brown Chiari, LLP 2470 Walden Avenue Cheektowaga, New York 14225

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

10/2/20

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

DANIEL WOJCIK

Claimant

vs.

NOTICE OF CLAIM

COUNTY OF ERIE

Respondent

TO: Erie County
Jeremy C. Toth, Erie County Attorney
Department of Law
Edward A. Rath County Office Building
Buffalo, New York 14202

To whom it may concern:

PLEASE TAKE NOTICE that the undersigned hereby makes claim against the County of Erie and submits the following in compliance with the applicable statutes of the State of New York:

1. The Claimant herein is Daniel Wojcik, who resides at 226 Lake Avenue, Lancaster, New York 14086.
2. The Claimant herein is represented by the law firm of BROWN CHIARI LLP, 2470 Walden Avenue, Buffalo, New York 14225-4751.
3. The subject claim is for personal injuries and medical expenses sustained by reason of injury to Claimant, Daniel Wojcik.
4. The incident giving rise to these damages occurred on or about May 13, 2025 on County Route 23 in the County of Erie and State of New York.
5. The said damages for which claim is hereby made arose in the following manner, to wit:

On May 13, 2025, Claimant, Daniel Wojcik, was lawfully riding his bicycle southbound on Penora Street (County Route 23) in the County of Erie and State of New York when he was caused to fall off his bicycle due to an elevated and broken section of sidewalk adjacent to the Catalyst Fitness Gym (see photos attached as **Exhibit "A"**). The aforesaid incident was caused by the negligence of the Respondent, County of Erie, its agents, servants, and/or employees, in failing to maintain the sidewalk in a reasonably safe condition for pedestrians; failing to repair, maintain and/or remove the dangerous condition of the elevated, cracked, broken, and defective sidewalk; failing to warn pedestrians of the dangerous condition; and in otherwise being negligent, careless, and reckless.

6. Claimant, Daniel Wojcik, sustained severe and permanent injuries including, but not limited to, a subdural hematoma, shoulder injury, and facial trauma.

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

DATED: June 2, 2025


Daniel Wojcik

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 2 day of June, 2025, Daniel Wojcik, being duly sworn, deposes and says that he is the claimant in this matter; that he has read the foregoing Notice of Claim and knows the contents thereof and that it is true to his personal knowledge, except as to matters stated to be upon information and belief, and as those matters he believes to be true.


Notary Public

DAVID OLSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 02OL5082888
Qualified in Niagara County
My Commission Expires November 17, 2025

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.

A handwritten signature in black ink, appearing to read 'D. Olson', is written over a horizontal line.

David W. Olson, Esq.
BROWN CHIARI LLP
Attorneys for Claimant
2470 Walden Avenue
Buffalo, New York 14225-4751
(716) 681-7190



JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 7, 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>Quinn, Sean, Estate of, by Tina Quinn, as Proposed Administrator v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Tina Quinn 5879 Brown Hill Road Springville, New York 14141
Claimant's attorney:	Joseph D. Morath, Jr., Esq. Connors LLP 1000 Liberty Building 424 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

Handwritten signature or initials.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TINA QUINN, Individually and as
Proposed Administrator of the Estate of
SEAN J. QUINN,

Claimant,

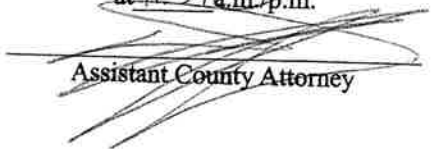
* vs. *

COUNTY OF ERIE,

Respondent.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from John Kromer on
the 27 day of June, 2025
at 11:54 a.m./p.m.


Assistant County Attorney

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

PLEASE TAKE NOTICE that the Claimant, TINA QUINN, Individually and as Proposed Administrator of the Estate of SEAN J. QUINN, 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 Claimant and her decedent as a result of an incident that occurred on April 5, 2025.

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

1. The post office address of the Claimant, TINA QUINN, Individually and as Proposed Administrator of the Estate of SEAN J. QUINN, is 5879 Brown

Hill Road, Springville, New York 14141 and she was, and is, a resident of the County of Erie and State of New York.

2. The Claimant, TINA QUINN, is the wife of the decedent, SEAN J. QUINN.

3. The attorneys for the Claimant 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 on April 5, 2025, at about 2:00 a.m., when a vehicle containing the decedent, SEAN J. QUINN, became trapped in a ditch at or about 5879 Brown Hill Road, Springville, New York 14141.

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

7. 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.

8. 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 5879 Brown Hill Road, Springville, New York 14141.

9. Upon information and belief, the above incident was due to, among other things: an unsafe road condition; an unsafe ditch and/or culvert; unsafe drainage, improper roadway, driveway, ditch, or culvert design; lack of sufficient safety controls; lack of sufficient controls to prevent vehicles from becoming trapped in the ditch; lack of sufficient care and maintenance for the area; failure to correct a known or recurrent unsafe condition; and failure to maintain the road, driveway, ditch and culvert in a condition free and clear of hazards.

10. Upon information and belief, at the date and time noted above, the Respondent was reckless, careless, and negligent in: designing, constructing, and maintaining the roadway, driveway, ditch, and/or culvert; failing to repair, inspect, or maintain the condition and safety of the roadway, driveway, ditch, and/or culvert; failing to discover the unsafe condition of the roadway, driveway, ditch, and/or culvert; failing to provide a safe roadway, driveway, ditch, and/or culvert; failing to provide a safe means of passage over the ditch and/or culvert; failing act to prevent the roadway, driveway, ditch, and/or culvert from being unsafe; and by being otherwise careless, reckless, and negligent.

11. As a result of the acts and/or omissions described above, the Claimant, TINA QUINN, Individually and as Proposed Administrator of the Estate of SEAN J. QUINN, and her decedent suffered fear of impact and impending death, conscious pain and suffering, and serious, severe, extensive injuries, and death, and Claimant will seek all damages available at law.

12. This is a claim for personal injuries, conscious pain and suffering, and pre-impact or pre-death terror, as well as other damages and losses suffered by the Claimant and her decedent.

13. This is also a claim for all damages permitted under New York's Wrongful Death Statute, including pecuniary losses and the Claimant's loss of services, society, affection, companionship, support and guidance, as well as a similar loss that has been and will be incurred by other distributees of the Estate of SEAN QUINN.

14. The incident alleged herein was the result of the negligence, carelessness, and recklessness of the Respondent and/or its agents, employees, and others for whom the Respondent is vicariously and/or contractually liable, without any negligence on the part of the Claimant or her decedent.

WHEREFORE, the Claimant, TINA QUINN Individually and as Proposed Administrator of the Estate of SEAN QUINN, respectfully request that this Claim be allowed and paid by the State of New York. You are hereby notified that unless it is adjusted and paid within thirty (30) days from the date of presentation to you, the Claimant intends to commence an action on this matter.

DATED: Buffalo, New York
June 26, 2025



Joseph D. Morath, Jr., Esq.
CONNORS LLP
Attorneys for Claimant
1000 Liberty Building
Buffalo, New York 14202
(716) 852-5533

VERIFICATION

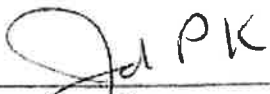
STATE OF NEW YORK)
COUNTY OF ERIE) ss:
TOWN OF CONCORD)

TINA QUINN, 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 knowledge except as to those matters therein alleged upon information and belief, and as to those matters, she believes them to be true.



TINA QUINN

Sworn to before me this
26th day of June, 2025



Notary Public

JOHN P. KROMER
No. 01KR6113132
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 07/19/2028



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 21, 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>Masak, Peter v. County of Erie, ECC and Robert Schlehr</i>
Document Received:	Summons and Complaint
Name of Claimant:	Peter Masak
Claimant's attorney:	Lindy Korn, Esq. Law Office of Lindy Korn, PLLC Electric Tower 535 Washington Street, 9th Floor 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 the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
ERIE COUNTY

PETER MASAK,

Plaintiff,

v.

SUMMONS

Index No. _____

COUNTY OF ERIE, ERIE COMMUNITY COLLEGE,
ROBERTA SCHLEHR, *in her own personal capacity,**Defendants.*

To:

Jeremy Toth
Erie County Attorney
Department of Law
Rath Building
96 Franklin Street, Room 1634
Buffalo, NY 14202Adiam Tsegai
President
Erie Community College
121 Ellicott Street
Buffalo, NY 14202Roberta Schlehr
5056 Oakwood Drive
North Tonawanda, NY 14120

YOU ARE HEREBY SUMMONED to appear and answer the Complaint attached hereto in this action, by serving a copy of your answer on the Plaintiff's attorney within twenty (20) days after the service of this Summons and Complaint, exclusive of the day of service, or within thirty (30) days after the service is complete if this Summons and Complaint is not personally delivered to you within the State of New York; and in case of your failure to appear and answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Erie County is designated as the place of trial. The basis of venue is Plaintiff's residence OR the county in which Defendants have its principal place of business.

Dated: June 26, 2025
Buffalo, New YorkBy: Lindy KornLindy Korn-Myers, Esq.
Law Office of Lindy Korn
535 Washington Street, Ninth Floor
Buffalo, New York 14203
716-856-5676
LKorn@lindykorn.com

This paper received at the
Erie County Attorney's Office
from Conny Rigoli
the 3rd day of July, 2025
at 2:44 a.m./p.m.

Assistant County AttorneyRECEIVED
JUL 03 2025ERIE COUNTY
DEPARTMENT OF LAW

SUPREME COURT OF THE STATE OF NEW YORK
ERIE COUNTY

-----X
PETER MASAK,

Plaintiff,

--against--

VERIFIED
COMPLAINT

Index No. _____

COUNTY OF ERIE, ERIE COMMUNITY COLLEGE,
ROBERTA SCHLEHR *in her own personal capacity*

Defendant.

-----X

Plaintiff, Peter Masak, by and through his attorneys, THE LAW OFFICE OF LINDY KORN, PLLC, hereby complains of the Defendant, Erie Community College ("ECC") upon information and belief, as follows:

NATURE OF THE CLAIMS

1. Mr. Masak seeks the appropriate remedies and damages for discriminatory treatment based on sustained discrimination, harassment, retaliation and constructive discharge action in violation of New York State Human Rights Law (Executive Law, Article 15), § 290-6 et seq.
2. Notice of claim is not required in this matter, because it turns on New York State Human Rights Law. In *Margerum*, the New York Appellate Division, Fourth Department, held that a notice of claim is not required in an action against a municipal corporation, such as a city or town (or in the instant matter, a county) when the claim is based on a statutory or constitutional right, rather than a common law tort. The court stated: "A notice of claim is not

required in an action against a municipal corporation when the claim is based on a statutory or constitutional right, rather than a common law tort... The requirement of a notice of claim is a creature of statute, and the statute does not apply to claims based on statutory or constitutional rights.” See *Margerum v City of Buffalo*, 83 AD3d 1575, 1576 [4th Dept 2011]).

3. Mr. Masak, in good faith and following the policies and past practice established by his employer, the defendant in the instant matter, filed an series of internal complaints with ECC. During the time that ECC investigated the matter, the statute limit of time for Mr. Masak to file at the New York State Division of Human Rights expired. He is filing this complaint in a timely manner.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to New York Civil Practice Law and New York State Labor Law Chapter 31, Article 20-C, § 740, as amended, New York Executive Law, Article 15, § 296, et seq.
5. Venue is proper in this Court based upon Mr. Masak’s residency within Erie County, Defendants have an office location and / or residence in Erie County, and a substantial part of the acts or omissions giving rise to Mr. Masak’s claims occurred in Erie County.

PARTIES

6. At all relevant times, Plaintiff, Peter Masak (“Mr. Masak”), is a resident of the State of New York, Erie County.

7. At all relevant times, Defendant ECC is an entity that operates solely in Erie County in the State of New York.
8. At all relevant times, Defendant ECC operates a location at Orchard Park, New York.
9. Upon information and belief, Defendant ECC employs more than 100 employees.
10. At all relevant times, Roberta Schlehr was Plaintiff's supervisor and/or had supervisory authority over Mr. Masak.
11. Together, Defendant Schlehr and Defendant ECC will be referred to in this Complaint as "Defendants."
12. At all relevant times, Mr. Masak worked at Defendant ECC South Campus located at 4041 Southwestern Blvd, Orchard Park, New York 14127.

MATERIAL FACTS

12. Mr. Masak is male.
13. Mr. Masak is disabled and suffers from emotional disabilities exasperated by Schlehr and ECC that substantially limit his life activities and the quality of his life.
14. Mr. Masak uses an emotional support animal as part of the therapeutic treatment of his illness.
15. Mr. Masak worked for ECC for 21 years without incident.
16. Mr. Masak was promoted to department chair of the visual studies department on or about 2015.
17. From 2015 until his termination on or about August 12, 2022, Mr. Masak performed these duties with no performance problems.

18. During this period, Mr. Masak was harassed, belittled, mocked, and treated differently from his peer chairs, by colleagues at ECC.
19. Mr. Masak was subject to constant scrutiny and disparate treatment by Roberta Schlehr.
20. Mr. Masak was repeatedly denied by ECC Human Rights employees his contractual right to file a complaint.
21. Finally, in 2021, Mr. Masak filed a complaint with ECC Diversity and Equity.
22. ECC Diversity and Equity thoroughly investigated Mr. Masak's allegations and on March 28, 2022, Chief Diversity Officer Tracy Archie issued a letter to Mr. Masak with the finding that his allegations were founded and accurate and that indeed, he had been targeted by "Roberta Schlehr regarding allegations of harassment, creating a hostile environment, retaliation and making false accusations about you to other staff and students."
23. After this complaint, the day to day conditions of Mr. Masak's employment changed, because he was being singled out and systemically retaliated against, in an effort to frame him as a poor worker, inept, or unreliable. Mr. Masak's work performance did not objectively change during that period.
24. Mr. Masak's unblemished 22-year track record demonstrates that Mr. Masak is proficient in his position and because he made no substantive changes to the way he performed his duties (in fact, he performed more duties as chair.)
25. During the period of investigation, Mr. Masak's department (Visual Studies), despite steady and sustained enrollment, was targeted for closure because of the faculty dynamics and "problems" it created for the administration.

26. Immediately proximate and following his complaint ECC forced Mr. Masak to retire, despite the fact that his department was healthy and sustained enrollment.
27. Mr. Masak states the claim that he is the victim of retaliation because of the discriminatory and retaliatory use of the performance review process, change in work duties, and termination that followed his legitimate complaints about years of harassment at ECC.
28. Mr. Masak states the claim that he is the victim of discrimination on the basis of disability, because because of the discriminatory and retaliatory use of the performance review process, change in work duties, and termination that followed his disclosure of his disability to the management at ECC.
29. Mr. Masak states the claim that he is the victim of discrimination on the basis of sex, because because of the discriminatory and retaliatory use of the performance review process, change and increase in work duties, and termination that she was subjected to by the management of ECC, while other female counterparts were held to a different standard and treated differently with regard to their employment responsibilities and assessment and barred his access to the internal complaint process for years.
30. Mr. Masak states the claim that he is the victim of discrimination on the basis of failure to accommodate his disability, because because of the discriminatory and retaliatory use of the performance review process, change in work duties, and termination that followed his disclosure of his disability to the management at ECC.

FIRST CAUSE OF ACTION**Sex Discrimination in Violation of New York State Human Rights Law (Executive Law, Article 15), § 296(1)**

13. Mr. Masak repeats each and every allegation set forth herein in the preceding paragraphs as though fully set forth herein.
14. Defendants' actions were willful and not done in good faith.
15. As a result of Defendants' conduct, Mr. Masak suffered great emotional harm.
16. Mr. Masak is, therefore, entitled to relief including but not limited to liquidated damages on equitable and injunctive relief, an award of compensatory damages, expenses, and attorneys' fees and costs in an amount to be determined at trial.

SECOND CAUSE OF ACTION**Disability Discrimination / Failure to Accommodate in Violation of New York State Human Rights Law (Executive Law, Article 15), § 296(1)**

17. Mr. Masak repeats each and every allegation set forth herein in the preceding paragraphs as though fully set forth herein.
18. Defendants' actions were willful and not done in good faith.
19. As a result of Defendants' conduct, Mr. Masak suffered great emotional harm.
20. Mr. Masak is, therefore, entitled to relief including but not limited to liquidated damages on equitable and injunctive relief, an award of compensatory damages, expenses, and attorneys' fees and costs in an amount to be determined at trial.

THIRD CAUSE OF ACTION**Retaliation for Opposing Discrimination in Violation of New York State Human Rights Law (Executive Law, Article 15), § 296(1)**

21. Mr. Masak repeats each and every allegation set forth herein in the preceding paragraphs as though fully set forth herein.
22. Defendants' actions were willful and not done in good faith.
23. As a result of Defendants' conduct, Mr. Masak suffered great emotional harm.
24. Mr. Masak is, therefore, entitled to relief including but not limited to liquidated damages on equitable and injunctive relief, an award of compensatory damages, expenses, and attorneys' fees and costs in an amount to be determined at trial.

FOURTH CAUSE OF ACTION**Constructive Discharge**

25. Mr. Masak repeats each and every allegation set forth herein in the preceding paragraphs as though fully set forth herein.
26. A constructive discharge occurs when the employer, rather than acting directly, deliberately makes an employee's working conditions so intolerable that the employee is forced into an involuntary resignation.
27. Plaintiff was constructively discharged by Defendants by being harassed, barred from filing an internal complaint, being treated differently from other employees, and being subject to inappropriate comments, slander, and slurs by Defendant Schlehr.

28. Plaintiff has recited facts to support every element of a claim for constructive discharge.
29. Based on the forgoing, Plaintiff has stated a cause of action for constructive discharge against the defendants.
30. Defendants' actions were willful and not done in good faith.
31. As a result of Defendants' conduct, Mr. Masak suffered great emotional harm.
32. Mr. Masak is, therefore, entitled to relief including but not limited to liquidated damages on equitable and injunctive relief, an award of compensatory damages, expenses, and attorneys' fees and costs in an amount to be determined at trial.

INJURY AND DAMAGES

33. As a result of the acts and conduct complained herein, Mr. Masak suffered and will continue to suffer the loss of a salary, bonuses, benefits and other compensation which such employment entails, and out-of-pocket medical expenses. Mr. Masak has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, and injury to his reputation, loss of enjoyment of life, and other non-pecuniary losses. Mr. Masak further experienced significant emotional and physical distress.

PRAYER FOR RELIEF

WHEREFORE, Mr. Masak respectfully requests a judgment against the Defendants:

- a. Declaring that the Defendants engaged in unlawful employment practices prohibited by the New York Executive Law;
- b. Awarding Mr. Masak economic damages;

- c. Awarding Mr. Masak compensatory damages for mental, emotional and physical injury, distress, pain and suffering, and injury to his reputation in an amount to be proven;
- d. Awarding Mr. Masak punitive damages;
- e. Awarding Mr. Masak attorney's fees, costs, and expenses incurred in the prosecution of this action;
- f. Awarding Mr. Masak such other and further relief that this Court may deem equitable, just and proper to remedy the Defendant's unlawful employment practices.

WHEREFORE, Mr. Masak demands judgment against Defendants, jointly and severally in an amount to be determined at trial plus interest, punitive damages, attorney's fees, costs, and disbursement of action, and for other such relief as this Court deems just and proper.

Dated: March 24, 2025
Buffalo, New York

LAW OFFICE OF LINDY KORN PLLC
Attorneys for Plaintiff Peter Masak


Lindy Korn, Esq.
535 Washington Street, Ninth Floor
Buffalo, New York 14203
(716) 856-5676
lkorn@lkorn-law.com

SUPREME COURT OF THE STATE OF NEW YORK
 ERIE COUNTY

-----X
 PETER MASAK,

Plaintiff,

--against--

VERIFICATION

Index No. _____

COUNTY OF ERIE, ERIE COMMUNITY COLLEGE,
 ROBERTA SCHLEHR *in her own personal capacity*

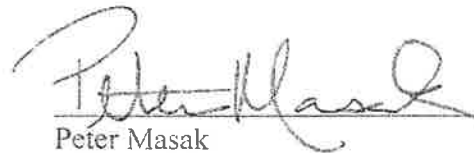
Defendant.

-----X

Peter Masak, under penalty of perjury, deposes and says:

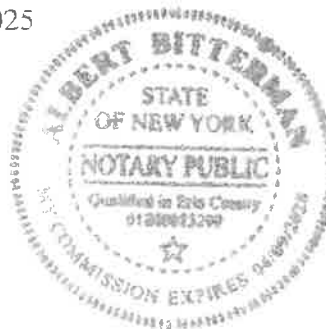
I affirm this 24th day of March, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Plaintiff Masak have read the attached *Verified Complaint* captioned in this matter and find it to be true to my knowledge, except as to matters alleged upon information and belief, which Plaintiff Masak believe to be true.


 Peter Masak

Sworn before me on this 24 day of MARCH, 2025


 Notary Public





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 21, 2025

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

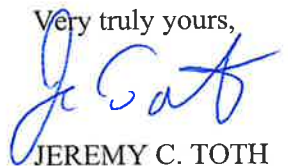
Dear Ms. Owens:

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:

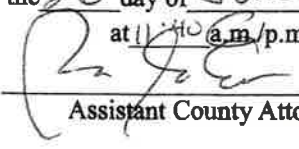
File Name:	<i>Wetzler, Katie as PNG of EJW, an Infant, v. City of Tonawanda and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Katie L. Wetzler 101 Pyle Court Tonawanda, New York 14150
Claimant's attorney:	Kelly Tripi, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,


JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Monique Geising on
the 26 day of June, 2025
at 11:40 a.m./p.m.

Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

KATIE L. WETZLER AS P/N/G OF, infant, E.J.W.
101 Pyle Court
Tonawanda, NY 14150

Claimant,

-against-

NOTICE OF CLAIM

CITY OF TONAWANDA

Tonawanda City Hall
200 Niagara Street
Tonawanda, New York 14150, and

COUNTY OF ERIE

69 Delaware Avenue, Suite 300
Buffalo, New York 14202

Respondents.

PLEASE TAKE NOTICE that **KATIE L. WETZLER AS P/N/G , of infant, E.J.W.**
hereby makes claim against **CITY OF TONAWANDA and COUNTY OF ERIE (here in after**
"Respondents") in support thereof Claimant alleges:

1. That the undersigned Claimant, **KATIE L. WETZLER** as p/n/g of infant, **E.J.W.**,
residing at 101 Pyle Court, Tonawanda, NY 14150, by and through her attorney, **KELLY M. TRIPI**,
Esq., **WILLIAM MATTAR, P.C.** 6720 Main Street, Suite 100, Williamsville, NY 14221-5986,
claims damages against the **CITY OF TONAWANDA and COUNTY OF ERIE**, for personal injuries,

pain and suffering, general and special damages, medical expenses, and property damages sustained by her.

2. That said injuries were sustained by infant E.J.W. on April 28, 2025 at approximately 7:27 PM on that day when infant E.J.W. was operating an e-bike as she attempted to cross the street at the intersection of Fletcher Street and Main Street in the City of Tonawanda, County of Erie, State of New York, when suddenly and without warning infant E.J.W. was struck by a 2020 Infinity vehicle traveling northbound on Main Street. The 2020 Infinity vehicle was owned and operated by James Finsterbach. See police accident report attached hereto as **Exhibit A**.

3. Upon information and belief, the intersection of Fletcher Street and Main Street is controlled, operated, owned, maintained and/or designed by the City of Tonawanda.

4. Upon information and belief, the intersection of Fletcher Street and Main Street is controlled, operated, owned, maintained and/or designed by the County of Erie.

5. That the infant Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, by Respondents, its servants, agents and/or or employees in creating a hazardous intersection and/or failing to keep the intersection safe for transit and/or failing to warn of hazards at the intersection, along with the other acts of negligence, carelessness and recklessness.

6. That the Respondents by and through their agents, servants and/or employees had actual and/or constructive notice that the aforementioned intersection is dangerous and unsafe for bicyclists and/or pedestrians based on the layout and design and lack of signage, they created the condition, and that Respondents failed to act in a timely manner to make said intersection safe.

7. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, KATIE WETZLER as p/n/g of infant, E.J.W., by CITY OF TONAWANDA and COUNTY OF ERIE, its servants, agents or employees in failing to make the aforementioned intersection safe; provide a safe roadway, highway and/or travel way; in failing to correct a known safety risk at the general location of the accident herein mentioned: in failing to adequately warn of the intersection; in failing to maintain and sign said roadway and intersection in a reasonably safe manner for users thereof; in failing to monitor and control the speed of vehicles traveling on and in the roads involved herein; along with the other acts of negligence, carelessness and recklessness.

8. That as a result of the foregoing, the Claimant, infant E.J.W., sustained very serious injuries, sustaining a traumatic brain injury, fractured skull, trauma, and other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, infant E.J.W., has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

9. That the said injuries were occasioned as a result of the negligence of the Respondents CITY OF TONAWANDA and COUNTY OF ERIE and through its agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, KATIE L. WETZLER AS P/N/G OF INFANT E.J.W. requests that her claim be allowed and paid by the Respondents; and

PLEASE TAKE FURTHER NOTICE that unless said claim is paid and adjusted by the Respondents and each of them within thirty (30) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against the CITY OF TONAWANDA and COUNTY OF ERIE for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

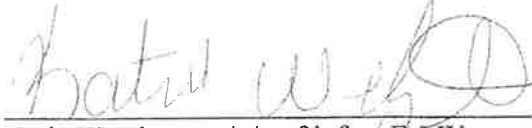
DATED: Williamsville, New York
 June 24, 2025



Kelly Tripi Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

KATIE WETZLER as p/n/g of infant E.J.W., being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponent, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.


Katie Wetzler as p/n/g of infant E.J.W.

Sworn to before me this
24 day of June, 2025

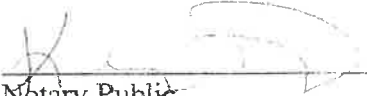

Notary Public



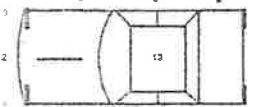
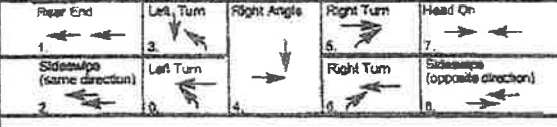
Exhibit A

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes

AMENDED REPORT

1	Accident Date Month: 1 Day: 1 Year: 2005		Day of Week MONDAY	Military Time 19:29	No. of Vehicles 2	No. Injured 1	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☒ Yes ☐ No	20					
2	VEHICLE 1					VEHICLE 2 ☒ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN						21				
3	VEHICLE 1 - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code					VEHICLE 2 - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code						22				
4	Date of Birth Month: 4 Day: 6 Year: 1956 Sex: M Unlicensed: ☐ No. of Occupants: 02 Public Property Damaged: ☐					Date of Birth Month: 4 Day: 6 Year: 1956 Sex: M Unlicensed: ☐ No. of Occupants: 02 Public Property Damaged: ☐						23				
5	Name - exactly as printed on registration Sex Date of Birth Month: 4 Day: 6 Year: 1956					Name - exactly as printed on registration Sex Date of Birth Month: 4 Day: 6 Year: 1956						24				
6	Address (Include Number and Street) City or Town State Zip Code					Address (Include Number and Street) City or Town State Zip Code						25				
7	Plate Number State of Reg Vehicle Year & Make Vehicle Type Ins Code					Plate Number State of Reg Vehicle Year & Make Vehicle Type Ins Code						26				
8	Ticket/Arrest Number(s)					Ticket/Arrest Number(s)						27				
9	Violation Section(s)					Violation Section(s)						28				
10	☐ Check if involved vehicle is: more than 95 inches wide, more than 34 feet long, operated with an overweight permit, operated with an overdimension permit. VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: Towed To: VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER					☐ Check if involved vehicle is: more than 95 inches wide, more than 34 feet long, operated with an overweight permit, operated with an overdimension permit. VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: WALTERS Towed To: 200 NIAGARA ST 					Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.  See the last page of the MV-104A for the accident diagram. Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☒ Yes ☐ No					29
11	Reference Marker					Coordinates (if available) Latitude/Northing Longitude/Easting					30					
12	Place Where Accident Occurred: County: ERIE City: ☒ Village: ☐ Town: ☐ of TONAWANDA Road on which accident occurred: FLETCHER at 1) intersecting street: MAIN or 2) _____ of _____ feet miles _____ of _____ (Milepost, Nearest intersecting Route Number or Street Name)										31					
13	Accident Description/Officer's notes: On 5/3/2005, at 19:29, James Finsterbach, was traveling northbound on Main Street. James had a steady green light, and was in the intersection on Main at Fletcher. V1, an e-bike operated by Eliana Williams, was traveling eastbound on Fletcher Street, in the street. Eliana and Sharon, also on e-bikes, were both on e-bikes traveling eastbound on Fletcher, with Eric in front of Eliana. Eric and Eliana did not have the green light, for										32					
14	8	9	10	11	12	13	14	15	16	17 BY						
15	A	1	2	3	4	5	6	7	8	9	10					
16	B	1	2	3	4	5	6	7	8	9	10					
17	C	1	2	3	4	5	6	7	8	9	10					
18	D	1	2	3	4	5	6	7	8	9	10					
19	E	1	2	3	4	5	6	7	8	9	10					
20	F	1	2	3	4	5	6	7	8	9	10					
21	Officer's Rank and Signature OFFICER [Signature]					Badg/ID No. 1000		NCIC No. 01403		Station/Beat Sector						
22	Print Name in Full J. JORDAN					Reviewing Officer SCHULTZ, M		Date/Time Reviewed 5/3/2005 16:11								

POLICE ACCIDENT REPORT

MV-104A (6/04)

[illegible]

Local Codes		POLICE INCIDENT REPORT																													
MV-104A (6/04)		UNRECORDED REPORT																													
1		Accident Date Month: 1 Day: 8 Year: 2007		Day of Week Monday		Military Time 18:12		No. of Vehicles 2		No. Injured 1		No. Killed 0		Not Investigated at Scene ☐ Accident Reconstructed ☐		Left Scene ☐		Police Photos ☒ Yes ☐ No													
VEHICLE										VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN ☐																					
2		VEHICLE - Driver License ID Number: [blank] State of Lic.: [blank]										VEHICLE - Driver License ID Number: [blank] State of Lic.: [blank]																			
Driver Name - exactly as printed on license: [blank]										Driver Name - exactly as printed on license: [blank]																					
Address (Include Number and Street): [blank]										Address (Include Number and Street): [blank]																					
City or Town: [blank] State: [blank] Zip Code: [blank]										City or Town: [blank] State: [blank] Zip Code: [blank]																					
3		Date of Birth: Month: [blank] Day: [blank] Year: [blank] Sex: [blank] Unlicensed: ☐ Public Property Damaged: ☐										Date of Birth: Month: [blank] Day: [blank] Year: [blank] Sex: [blank] Unlicensed: ☐ Public Property Damaged: ☐																			
Name - exactly as printed on operator's license: [blank]										Name - exactly as printed on operator's license: [blank]																					
4		Address (Include Number and Street): [blank]										Address (Include Number and Street): [blank]																			
City or Town: [blank] State: [blank] Zip Code: [blank]										City or Town: [blank] State: [blank] Zip Code: [blank]																					
5		Plate Number: [blank] State: [blank] Vehicle Type: [blank]										Plate Number: [blank] State: [blank] Vehicle Type: [blank]																			
Towed/Arrest Number(s): [blank]										Towed/Arrest Number(s): [blank]																					
6		Version Section(s): [blank]										Version Section(s): [blank]																			
7		Check if involved vehicle is: more than 25 inches wide more than 34 feet long operated with an operator's license coupled with an overpass Vehicle A: Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle B: Towed To: VEHICLE DAMAGE CODING 1-13 SEE DIAGRAM ON 14 UNDERCARRIAGE 15 TRAILER 16 OVERTURNED										Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. <table border="1" style="width: 100%; text-align: center;"> <tr> <td>Rear End 1</td> <td>Left Turn 3</td> <td>Right Angle 4</td> <td>Right Turn 5</td> <td>Head On 7</td> </tr> <tr> <td>Sideways (same direction) 2</td> <td>Left Turn 6</td> <td>Right Turn 8</td> <td>Sideways (opposite direction) 9</td> <td></td> </tr> </table> ACCIDENT DIAGRAM Cost of repairs to any one vehicle will be more than \$1000 ☐ Unknown/Unable to determine ☐ Yes ☐ No										Rear End 1	Left Turn 3	Right Angle 4	Right Turn 5	Head On 7	Sideways (same direction) 2	Left Turn 6	Right Turn 8	Sideways (opposite direction) 9	
Rear End 1	Left Turn 3	Right Angle 4	Right Turn 5	Head On 7																											
Sideways (same direction) 2	Left Turn 6	Right Turn 8	Sideways (opposite direction) 9																												
8		Reference Marker: [blank]										Reference Marker: [blank]																			
9		Where Incident Occurred:										Where Incident Occurred:																			
City: [blank] Village: [blank] Town: [blank] of [blank]										City: [blank] Village: [blank] Town: [blank] of [blank]																					
(Route Number or Street Name)										(Route Number or Street Name)																					
(Milepost, Nearest intersecting Route Number or Street Name)										(Milepost, Nearest intersecting Route Number or Street Name)																					
10		Accident Description:										Accident Description:																			
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New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
 MV-104A (6/04)

Local Codes

POLICE REPORT

1	Accident Date Month Day Year		Hour	Minute	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene	Left Scene	Police Photos	19
							0	Accident Reconstructed		Yes No	20
2	VEHICLE - Driver License ID Number					VEHICLE - Driver License ID Number					21
	Driver Name - exactly as printed on license					Driver Name - exactly as printed on license					
	Address (include Number and Street)					Address (include Number and Street)					
3	City or Town					City or Town					22
	State					State					
	Zip Code					Zip Code					
4	Date of Birth Month Day Year					Date of Birth Month Day Year					23
	Name - exactly as printed on registration					Name - exactly as printed on registration					
	Address (include Number and Street)					Address (include Number and Street)					
5	City or Town					City or Town					24
	State					State					
	Zip Code					Zip Code					
6	Plate Number					Plate Number					25
	Type of Vehicle					Type of Vehicle					
	Color					Color					
7	Vehicle Damage					Vehicle Damage					26
	1-13 SEE DIAGRAM					1-13 SEE DIAGRAM					
	14. UNDERCARRIAGE					14. UNDERCARRIAGE					
	15. TRAILER					15. TRAILER					
	16. OVERTURNED					16. OVERTURNED					
	Reference Marker					Reference Marker					27
	City					City					
	Village					Village					
	Town					Town					
	of					of					28
	(Route Number or Street Name)					(Route Number or Street Name)					
	(Route Number or Street Name)					(Route Number or Street Name)					
	(Milepost, Nearest Intersecting Route Number or Street Name)					(Milepost, Nearest Intersecting Route Number or Street Name)					29
	Accident Description					Accident Description					30
	Signal					Signal					
	Witness					Witness					
	#1 WITNESS					#1 WITNESS					
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New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
 MV-104A (6/04)

Local Codes

Report

1	Accident Date Month Day Year		Time of Day Hour Minute	No. of Vehicles Involved	No. Injured	No. Killed	Not Investigated at Scene Accident Reconstructed	Left Scene	Police Photos Yes No	20
2	VEHICLE - Driver License ID Number				VEHICLE - Driver License ID Number				21	
3	Driver Name - exactly as printed on license				Driver Name - exactly as printed on license				22	
4	Address (Include Number and Street)				Address (Include Number and Street)				23	
5	City or Town				City or Town				24	
6	Date of Birth Month Day Year				Date of Birth Month Day Year				25	
7	Name - exactly as printed on license				Name - exactly as printed on license				26	
8	Address (Include Number and Street)				Address (Include Number and Street)				27	
9	City or Town				City or Town				28	
10	Plate Number				Plate Number				29	
11	Ticket/Arrest Number(s)				Ticket/Arrest Number(s)				30	
12	Violation Section(s)				Violation Section(s)				31	
13	Check if involved vehicle: ☐ more than 35 inches long ☐ more than 34,000 lbs. ☐ operated with an over-engineered engine ☐ operated with its destination sign ☐ VEHICLE ☐ Box - Point of Impact ☐ Box - Most Damaged ☐ Enter up to three more damage locations ☐ Vehicle By ☐ Towed VEHICLE DAMAGE CODES: 1-13 SEE DIAGRAM ON 14 UNDERCARRIAGE 15. TRAILER 16. OVERHAUL				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. ACCIDENT DIAGRAM 9. Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☐ No				32	
14	Reference Marker				Reference Marker				33	
15	Location of Accident				Location of Accident				34	
16	Accident Description				Accident Description				35	
17	Officer's Rank and Signature				Officer's Rank and Signature				36	
18	Print Name in Full				Print Name in Full				37	
19	Precinct/Post Troop/Zone				Precinct/Post Troop/Zone				38	
20	Station/Beat Sector				Station/Beat Sector				39	
21	Reviewing Officer				Reviewing Officer				40	
22	Date/Time Reviewed				Date/Time Reviewed				41	

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes
25-00552
RLCTW3K9435Y

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☒ Yes ☐ No
Month 4	Day 28	Year 2015	MONDAY	19:27	2	1	0	Accident Reconstructed ☐		





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 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>McIlwain, Ramere v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Ramere McIlwain ICN 140812 c/o Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Robert M. Corp, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

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

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of
RAMERE MCILWAIN,

Claimant,

- against -

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
SHERIFF JOHN C. GARCIA, in his official and individual
capacity as Sheriff of Erie County,
DEPUTY DREW,
DEPUTY STOCKMAN,
JOHN DOES #1-10,

Respondents.

NOTICE OF CLAIM

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
SHERIFF JOHN C. GARCIA,
DEPUTY DREW,
DEPUTY STOCKMAN,
JOHN DOES #1-10

This paper received at the
Erie County Attorney's Office
from John Macarick on
the 2 day of July, 2025
at 8:56 a.m./p.m.
Christopher J. Jansich
Assistant County Attorney

PLEASE TAKE NOTICE, that RAMERE MCILWAIN, has and hereby makes claim
against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, SHERIFF JOHN C. GARCIA,
DEPUTY DREW, DEPUTY STOCKMAN and JOHN DOES #1-10, and in support of said claim
states the following:

1. The Post Office address of Claimant is 40 Delaware Avenue, Buffalo, New York
14202.
2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and
their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202.

3. The claim on behalf of claimant, RAMERE MCILWAIN, is for civil rights violations and violations of claimant's state and federal constitutional and statutory rights, including but not limited to deliberate indifference, negligence, and the denial of adequate medical care, along with claims for punitive damages, attorneys' fees, and costs.

4. The claim arose at the Erie County Holding Center, located at 40 Delaware Avenue, in the City of Buffalo, County of Erie and State of New York.

5. The claim arose in substance as follows: the claimant had a "keep away" or "stay away" order against Emanuel Stokes due to known conflicts prior to his incarceration. Following a disciplinary issue while inside the Erie County Holding Center, Claimant was brought to the SHU/solitary in Delta Seg High side area of the prison. This was the same area where Emanuel Stokes was housed.

6. On or about the 7th day of April, 2025, during the evening hours, the claimant, RAMERE MCILWAIN, while under the care, custody and control of Respondents, at the aforesaid premises, was violently assaulted and cut across the face with a razor or shank by inmates Elijah Davis and Emanuel Stokes. This incident occurred due to the failure of the Respondents to separate inmates with known conflicts or protective orders; to adequately monitor inmate movements or communications; to timely act on violations of the "stay away" directive; to take reasonable measures to guarantee the health and safety of Claimant.

7. Medical records generated contemporaneously with the April 7, 2025 assault reflect that the incident involved a preexisting 'keep away' conflict and that claimant sustained a deep laceration requiring prompt intervention. Despite the known animosity between the involved individuals, Respondents failed to maintain adequate separation or supervision. Claimant's mental health records further document acute psychological harm and institutional responses insufficient

to mitigate foreseeable trauma. Respondents also failed to provide timely and proper medical treatment to Claimant after the attack. The denial and delay of medical care constituted deliberate indifference to a serious medical need in violation of the Eighth and/or Fourteenth Amendments and 42 U.S.C. § 1983. Respondents also acted negligently and unlawfully in their supervision, classification, and treatment of the claimant, and unconstitutionally deprived him of his liberty.

8. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY and/or ERIE COUNTY SHERIFF'S OFFICE, including but not limited to SHERIFF JOHN C. GARCIA, DEPUTY DREW, DEPUTY STOCKMAN and JOHN DOES #1-10, and more particularly, among other things, in failing and omitting to separate inmates with known conflicts or protective orders; in failing and omitting to adequately monitor inmate movements or communications; in failing and omitting to act promptly to rectify the breach of the "stay away" order; failure to take reasonable measures to guarantee the health and safety of Claimant; in failing and omitting to ensure for and/or provide timely and proper medical treatment to RAMERE MCILWAIN, in failing or omitting to conduct welfare checks on a timely basis; in failing and omitting to timely and properly respond to the emergency; in failing and omitting to provide timely and adequate medical treatment; and in failing and omitting to properly train, supervise, and discipline staff in inmate safety and crisis protocols. Furthermore, the indents and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of the Respondents, in their failure to properly and adequately train, supervise, instruct their employees, staff and/or police officer with regard to the proper and timely treatment of inmates with "stay away" orders; in the ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, SHERIFF JOHN

C. GARCIA, DEPUTY DREW, DEPUTY STOCKMAN and JOHN DOES #1-10's failure to respond to Claimant's crisis in an expeditious manner; and in violating Claimant's state and federal constitutional and statutory rights by failing to take reasonable measure to guarantee the safety of Claimant. These acts and omissions, collectively and individually, constituted violations of Claimant's constitutional and statutory rights and proximately caused his injuries.

9. Upon information and belief, further factual details concerning the circumstances of this incident (including surveillance footage, incident reports, grievance responses, staff assignments, and related records) have been improperly withheld by Respondents in violation of the New York Freedom of Information Law (FOIL). Claimant submitted a FOIL request, which was wrongfully denied in significant part. Accordingly, Claimant reserves the right to amend and supplement this Notice of Claim once relevant records are disclosed.

10. As a result of the foregoing, claimant sustained serious and permanent injuries, including but not limited to: a five-inch facial laceration extending from below the right ear to the cheek, involving deeper tissue damage near the auricle and requiring at least eight sutures; persistent swelling, dizziness, and neurological symptoms consistent with traumatic brain injury; acute stress reaction with onset of flashbacks, disturbed sleep, paranoia, and psychological trauma consistent with post-traumatic stress disorder (PTSD). Claimant was rendered sick, sore, lame, and disabled, and continues to suffer physical and psychological harm.

WHEREFORE, Claimant requests that ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, SHERIFF JOHN C. GARCIA, DEPUTY DREW, DEPUTY STOCKMAN and JOHN DOES #1-10, honor and pay the claims on behalf of RAMERE MCILWAIN.

DATED: Buffalo, New York
June 30, 2025.

Ramere McIlwain
RAMERE MCILWAIN

LIPSITZ GREEN SCIME CAMBRIA LLP

By: Robert Corp
ROBERT M. CORP, ESQ.

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

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

RAMERE MCILWAIN, being duly sworn deposes and says that he is the Claimant above named; and makes this Notice of Claim on behalf of self; he has read the foregoing Notice of 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.

Ramere McIlwain
RAMERE MCILWAIN

Sworn to before me on this

30th day of June, 2025.

Robert M. Corp
Notary Public

ROBERT M. CORP
NO. 02CO8432876
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 24, 2026



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 29, 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>May, Lynn v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lynn W. May 6137 Wildwood Drive Hamburg, New York 14075
Claimant's attorney:	Lisa A. Poch, Esq. Dan Chiacchia Attorneys, PLLC 5113 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

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

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

LYNN W. MAY
6137 Wildwood Drive
Hamburg, New York 14075

Claimant,

v.

NOTICE OF CLAIM

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondent.

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

PLEASE TAKE NOTICE, that LYNN W. MAY has a claim against the County of Erie, its officers, agents and/or employees, for damages incurred by the Claimant as a result of the negligence and/or recklessness of an officer, agent and/or employee of the Respondent in their operation of a motor vehicle, together with vicarious liability of the Respondent, as owner of the vehicle pursuant to Section 388 of the New York State Vehicle and Traffic Law.

1. The post office address of claimant is 6137 Wildwood Drive, Hamburg, New York 14075.

2. The name of the attorney for Claimant is DAN CHIAICCHIA ATTORNEYS, PLLC, Lisa A. Poch, Esq., of counsel, whose post office address is 5113 South Park Avenue, Hamburg, New York, 14075, telephone number 716-412-0030.

3. On or about May 29, 2025 at around 12:43 in the afternoon, Claimant suffered serious and permanent bodily injuries when a motor vehicle owned by the Respondent, and operated by Erie County Sheriff's Office Deputy Piel, rear-ended the claimant's stopped vehicle, on Boston State Road near Leibler Road, in Boston, New York. Respondent, through its employee/agent, failed to exercise reasonable care while acting negligently and/or recklessly, and causing the motor vehicle accident. See MV-104A Accident Report attached hereto and made a part hereof as **Exhibit A**.

4. The Claimant will be claiming that the Respondent, through its officers, agents

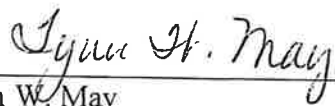
and/or employees, was negligent, careless and/or reckless in the use, operation, management, and control of the County of Erie's vehicle. Respondent, and its employee/agent, had a duty to exercise ordinary care, and to operate the motor vehicle reasonably, prudently, and safely. Respondent breached this duty in one or more of the following ways: in failing to operate the motor vehicle in accordance with and pursuant to the rules of the road; operating the vehicle in a negligent and/or reckless manner; failing to keep a proper lookout; operating the vehicle in such a manner contrary to and in violation of codes, statutes, ordinances, rules, and regulations of the State of New York with no regard for the safety of others; failing to devote reasonable and adequate attention to the operation of the vehicle and observation of the road and other vehicles and traffic thereon; and/or otherwise acting in a negligent and/or reckless manner.

5. As a result of the negligence and/or recklessness of the Respondent, LYNN W. MAY sustained serious and permanent bodily injuries, and that by reason of the aforesaid negligence, carelessness and/or recklessness, the Claimant incurred damages in an amount to be determined after trial and/or after further analysis of the physical injuries and the costs of treating same. Said physical injuries include, but are not limited to, Claimant's knees, wrists and arms, as well as injury to her neck, back and head. Claimant remains disabled and in treatment for her injuries.

6. This notice is made and served on behalf of said Claimant in compliance with the provisions of Section 50-e of New York State General Municipal Law and such other laws and statutes as are in the case made and provided.

PLEASE TAKE FURTHER NOTICE, that the Claimant demands payment of said claim, and unless said claim is paid within a reasonable time, it is the intention of the Claimant to commence suit against Respondent.

Dated: July 17, 2025

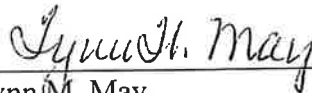

Lynn W. May


Lisa A. Poch
DAN CHIACCHIA ATTORNEYS, PLLC
Attorneys for Claimant
5113 South Park Avenue
Hamburg, New York 14075
Telephone: (716) 412-0030

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Lynn W. May, being duly sworn, deposes and says:

1. That deponent is the Claimant in the within action.
2. That deponent has read the foregoing Notice of Claim and knows the contents thereto.
3. That the same is true to deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true.



Lynn W. May

Sworn to before me this
17th day of July, 2025



Notary Public

Tamara L. Zubricky
Notary Public, State of New York
Registration No. 01ZU4847316
Qualified in Erie County
Commission Expires Feb. 28, 2026

EXHIBIT A

EXHIBIT A

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes

25-050248

RIECT3KDD5G4

AMENDED REPORT

Accident Date Month 5 Day 29 Year 2025	Day of Week THURSDAY	Military Time 12:43	No. of Vehicles 2	No. Injured 2	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☒ Yes ☐ No
VEHICLE 1						VEHICLE 2		
VEHICLE 1 - Driver License ID Number 000000000			State of Lic. OT			VEHICLE 2 - Driver License ID Number 835697153		
Driver Name - exactly as printed on license PIEL, DEPUTY			Apt. No.			Driver Name - exactly as printed on license MAY, LYNN W		
Address (Include Number and Street) 10 DELAWARE AVE			City or Town BUFFALO			Address (Include Number and Street) 6137 WILDWOOD DR		
State NY Zip Code 14202			City or Town HAMBURG			State NY Zip Code 140750000		
Date of Birth Month 1 Day 1 Year 1900 Sex F Unlicensed ☐ No. of Occupants 01 Public Property Damaged ☐			Date of Birth Month 3 Day 31 Year 1949 Sex F Unlicensed ☐ No. of Occupants 01 Public Property Damaged ☐			Date of Birth Month 3 Day 31 Year 1949 Sex F Unlicensed ☐ No. of Occupants 01 Public Property Damaged ☐		
Name - exactly as printed on registration ERIE COUNTY SHERIFFS OFFI,			Name - exactly as printed on registration MAY, LYNN W			Name - exactly as printed on registration MAY, LYNN W		
Address (Include Number and Street) 500 COMMERCE DR			Address (Include Number and Street) 6137 WILDWOOD DR			Address (Include Number and Street) 6137 WILDWOOD DR		
City or Town AMHERST			City or Town HAMBURG			City or Town HAMBURG		
Plate Number 228 State of Reg. NY Vehicle Year & Make 2024 FORD Vehicle Type SUBN Ins. Code 994			Plate Number GRAMMAY State of Reg. NY Vehicle Year & Make 2018 CHEV Vehicle Type SUBN Ins. Code 240			Plate Number GRAMMAY State of Reg. NY Vehicle Year & Make 2018 CHEV Vehicle Type SUBN Ins. Code 240		
Ticket/Arrest Number(s)			Ticket/Arrest Number(s)			Ticket/Arrest Number(s)		
Violation Section(s)			Violation Section(s)			Violation Section(s)		
Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit.			Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit.			Check if involved vehicle is: more than 95 inches wide; more than 34 feet long; operated with an overweight permit; operated with an overdimension permit.		
VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact 2 1 2 Box 2 - Most Damage 3 4 5 Enter up to three more damage codes 17 4 5			VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact 8 1 8 Box 2 - Most Damage 3 4 5 Enter up to three more damage codes 9 7 2			VEHICLE 3 DAMAGE CODES Box 1 - Point of Impact 8 1 8 Box 2 - Most Damage 3 4 5 Enter up to three more damage codes 9 7 2		
Vehicle By: TRANSIT TOWING Towed To: BASIL FORD			Vehicle By: KOHLERS TOWING Towed To: KOHLERS TOWING			Vehicle By: KOHLERS TOWING Towed To: KOHLERS TOWING		
VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER			VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER			VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER		
Reference Marker			Coordinates (if available) Latitude/Northing 4728964 Longitude/Easting 193095			Place Where Accident Occurred: County ERIE Road on which accident occurred BOSTON STATE ROAD at 1) intersecting street LIEBLER ROAD or 2) _____		
Accident Description/Officer's notes On 5-29-2025 at or about 1243hrs both vehicles were eastbound on Boston State rd in the Town of Boston. Driver #1 states that as she was traveling eastbound she observed the uninvolved vehicle attempting to make a left turn out of the Boston town hall parking lot. Driver #1 states that as her focus shifted back to the roadway she observed V2 stopped in the roadway waiting to make a left turn onto Liebler Rd. Driver #1 states she was unable to			Accident Description/Officer's notes On 5-29-2025 at or about 1243hrs both vehicles were eastbound on Boston State rd in the Town of Boston. Driver #1 states that as she was traveling eastbound she observed the uninvolved vehicle attempting to make a left turn out of the Boston town hall parking lot. Driver #1 states that as her focus shifted back to the roadway she observed V2 stopped in the roadway waiting to make a left turn onto Liebler Rd. Driver #1 states she was unable to			Accident Description/Officer's notes On 5-29-2025 at or about 1243hrs both vehicles were eastbound on Boston State rd in the Town of Boston. Driver #1 states that as she was traveling eastbound she observed the uninvolved vehicle attempting to make a left turn out of the Boston town hall parking lot. Driver #1 states that as her focus shifted back to the roadway she observed V2 stopped in the roadway waiting to make a left turn onto Liebler Rd. Driver #1 states she was unable to		
A 1 1 A 1 125 F 08 12 6 9995 1405 PIEL, DEPUTY			A 2 1 4 1 76 F 11 12 6 9993 1416 MAY, LYNN W			A 3 1 4 1 76 F 11 12 6 9993 1416 MAY, LYNN W		
Officer's Name TIM CHRISTIAN			Officer's Name TIM CHRISTIAN			Officer's Name TIM CHRISTIAN		
Officer's Signature TIM CHRISTIAN			Officer's Signature TIM CHRISTIAN			Officer's Signature TIM CHRISTIAN		
Officer's Title DEPUTY			Officer's Title DEPUTY			Officer's Title DEPUTY		
Officer's Date 05/30/2025			Officer's Date 05/30/2025			Officer's Date 05/30/2025		
Officer's Time 13:54			Officer's Time 13:54			Officer's Time 13:54		

POLICE ACCIDENT REPORT

Local Codes
25-050248
R1ECT3KDD5G4☐ AMENDED REPORT

MV-104A (6/04)

1	Accident Date Month 5 Day 29 Year 2025 Day of Week THURSDAY Military Time 12:43 No. of Vehicles 2 No. Injured 2 No. Killed 0 Not Investigated at Scene ☐ Left Scene ☐ Police Photos ☒ Yes ☐ No Accident Reconstructed ☐	20
VEHICLE ☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN		
2	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code Date of Birth Month Day Year Sex Unlicensed ☐ No. of Occupants Public Property Damaged ☐ Name - exactly as printed on registration Sex Date of Birth Month Day Year Address (Include Number and Street) Apt. No. Haz. Mat. Code Released ☐ City or Town State Zip Code Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code Ticket/Arrest Number(s)	21
3	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code Date of Birth Month Day Year Sex Unlicensed ☐ No. of Occupants Public Property Damaged ☐ Name - exactly as printed on registration Sex Date of Birth Month Day Year Address (Include Number and Street) Apt. No. Haz. Mat. Code Released ☐ City or Town State Zip Code Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code Ticket/Arrest Number(s)	22
4	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code Date of Birth Month Day Year Sex Unlicensed ☐ No. of Occupants Public Property Damaged ☐ Name - exactly as printed on registration Sex Date of Birth Month Day Year Address (Include Number and Street) Apt. No. Haz. Mat. Code Released ☐ City or Town State Zip Code Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code Ticket/Arrest Number(s)	23
5	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code Date of Birth Month Day Year Sex Unlicensed ☐ No. of Occupants Public Property Damaged ☐ Name - exactly as printed on registration Sex Date of Birth Month Day Year Address (Include Number and Street) Apt. No. Haz. Mat. Code Released ☐ City or Town State Zip Code Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code Ticket/Arrest Number(s)	24
6	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code Date of Birth Month Day Year Sex Unlicensed ☐ No. of Occupants Public Property Damaged ☐ Name - exactly as printed on registration Sex Date of Birth Month Day Year Address (Include Number and Street) Apt. No. Haz. Mat. Code Released ☐ City or Town State Zip Code Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code Ticket/Arrest Number(s)	25
7	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) City or Town State Zip Code Date of Birth Month Day Year Sex Unlicensed ☐ No. of Occupants Public Property Damaged ☐ Name - exactly as printed on registration Sex Date of Birth Month Day Year Address (Include Number and Street) Apt. No. Haz. Mat. Code Released ☐ City or Town State Zip Code Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code Ticket/Arrest Number(s)	26
VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER		
Place Where Accident Occurred: County ERIE ☐ City ☐ Village ☐ Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) Intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles ☐ N ☐ S ☐ E ☐ W of _____ (Milepost, Nearest Intersecting Route Number or Street Name)		
Accident Description/Officer's notes avoid the collision striking V2 from behind. Both drivers were transported to local hospitals for evaluation. Both vehicle towed from the scene due to damage. WITNESS #1 JULIE C DEBESO 6138 W TILLEN RD BOSTON, NY 14025 (716) 713-9884		

ALL INVOLVED

8	9	10	11	12	13	14	15	16	17	BY
Officer's Rank and Signature DEPUTY  Print Name in Full TIM CHRISTIAN Badge/ID No. 339 NCIC No. 01400 Precinct/Post Troop/Zone _____ Station/Beat Sector _____ Reviewing Officer BIEGASIEWICZ, SIMON Date/Time Reviewed 05/30/2025 13:54										

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes
25-050248
RIECT3KDD5G4

☐ AMENDED REPORT

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene	☐ Left Scene	Police Photos
Month	Day	Year						Accident Reconstructed	☐	☒ Yes ☐ No
5	29	2025	THURSDAY	12:43	2	2	0			



Liebler Rd

Boston State Rd



Uninvolved Vehicle

Town of Boston
 Town Hall
 8500 BSR

