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# 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: October 9, 2025

RE: Transmittal of New Claims Against Erie County

*JCT/daa*

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), please find attached seven (7) new claims brought against the County of Erie. The claims are as follows:

### Claim Name

1. Wilfred Reims v. County of Erie, et al.;
2. Jacquayla Petteway v. County of Erie, et al.;
3. Raheem Reddick v. County of Erie, et al.;
4. Lisa Secord-Zito v. Deputy Aaron Ellis;
5. Daniel Richard Buczek v. ADA Daniel Celani, et al.;
6. Gregory Broikos v. County of Erie, et al.; and
7. Dominic Volpe v. County of Erie, et al.

JCT:dld  
Attachments





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 3, 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>Reims, Wilfred v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Wilfred Reims 68 Mechanic Street Gowanda, New York 14070
Claimant's attorney:	Kathryn C. Monbaron, Esq. Cellino Law 800 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

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

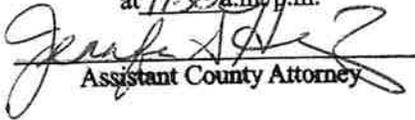
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Enc.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

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WILFRED REIMS,  
Claimant,

This paper received at the  
Erie County Attorney's Office  
from Joseph Sambora on  
the 30<sup>th</sup> day of June, 2025  
at 11:30 a.m./p.m.  
  
Assistant County Attorney

**NOTICE OF CLAIM**

v.

COUNTY OF ERIE, TOWN OF COLLINS, BUFFALO &  
ERIE COUNTY PUBLIC LIBRARY, and COLLINS PUBLIC  
LIBRARY,

Respondents,

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**PLEASE TAKE NOTICE**, that the above named claimant claims and demands from the respondents, COUNTY OF ERIE, TOWN OF COLLINS, BUFFALO & ERIE COUNTY PUBLIC LIBRARY, and COLLINS PUBLIC LIBRARY, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, the claimant states:

1. Claimant's address is 68 Mechanic St, Gowanda, NY 14070.
2. The claimant is represented by Cellino Law LLP with offices located at 800 Delaware Avenue, Buffalo, New York, 14029, telephone (888) 888-8888.
3. The incident in which personal injuries were sustained by the claimant occurred on or about April 14, 2025, between approximately 1:00 p.m. and 2:00 p.m.

4. On the aforementioned date and time, the Claimant was exiting the Collins Public Library located at 2341 Main St, Collins, NY 14034. The Claimant was exiting the library with his granddaughter, who had checked out a library book. He exited the library through the Mill St/Main St entrance/exit and was caused to trip on the uneven walkway outside of the library at the location of an improperly embedded plaque which states, "Pathway to Knowledge."

5. A photograph of the uneven walkway and plaque is attached hereto as **Exhibit A.**

6. The full extent of the Claimant's injury is currently unknown. He may or may not require surgery as a result of his injuries, which include but are not limited to, a shoulder and rib injury. It is expected that Claimant will be obligated to incur medical expenses which include prescription medications, radiology examinations, and ongoing medical treatment in an amount which cannot be calculated at this time.

7. Respondents had the obligation to properly construct, design, and install said plaque and walkway.

8. Respondents had the obligation to ensure that the walkway areas outside of the library entrance/exit were free and clear from defects and tripping hazards because they knew, or should have known, that library patrons would be traversing the area where the Claimant was caused to fall.

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

DATED: Buffalo, New York  
June 30, 2025

Yours, etc.,

**CELLINO LAW LLP**

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

**TO:**

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, New York 14202

TOWN OF COLLINS  
14093 Mill St.  
Collins, NY 14034

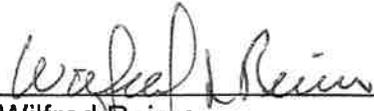
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
1 Lafayette Square  
Buffalo, NY 14203

COLLINS PUBLIC LIBRARY  
2341 Main St  
Collins, NY 14034

**VERIFICATION**

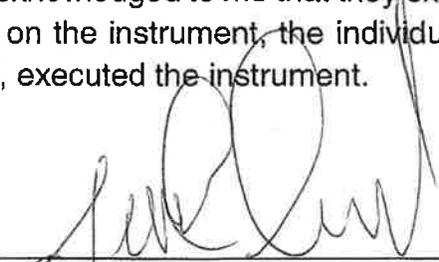
STATE OF NEW YORK    )  
COUNTY OF ERIE       : SS.:  
TOWN OF GOWANDA     )

WILFRED REIMS, being duly sworn, deposes and says that he is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to 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.

  
\_\_\_\_\_  
Wilfred Reims

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

On the 30<sup>th</sup> day of June, in the year 2025 before me, the undersigned, personally appeared WILFRED REIMS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

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

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

# EXHIBIT A





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 3, 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>Petteway, Jacquayla v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Jacquayla Petteway 121 Groell Street Cheektowaga, New York 14227
Claimant's attorney:	Jason C. Luna, Esq. 4535 Southwestern Blvd., Suite 804B Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



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

JACQAYLA PETTEWAY

Claimant,

**NOTICE OF CLAIM**

v.

COUNTY OF ERIE  
ERIE COUNTY HIGHWAY DEPARTMENT  
COUNTY OF ERIE DEPARTMENT OF PUBLIC  
WORKS  
STATE OF NEW YORK DEPARTMENT OF  
TRANSPORTATION  
NICHOLAS SPECHT

Respondents.

This paper received at the  
Erie County Attorney's Office  
from Daniel D. Filipp on  
the 17<sup>th</sup> day of July, 2025  
at 1:05 a.m./p.m.  
[Signature]  
Assistant County Attorney

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**PLEASE TAKE NOTICE**, that the above named claimant, JACQAYLA PETTEWAY claims and demands from the COUNTY OF ERIE and or ERIE COUNTY HIGHWAY DEPARTMENT and or COUNTY OF ERIE DEPARTMENT OF PUBLIC WORKS and or STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION and NICHOLAS SPECHT recompense for personal injuries sustained by claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of respondents, their agents, servants or employees and in support thereof, claimant states:

1. The address of the claimant is: 121 Groell, Cheektowaga, New York 14227.

2. The claimant is represented by JASON C. LUNA, PLLC, 4535 Southwestern Blvd., Suite 804B, Hamburg, New York 14075.
3. At all times herein-relevant, claimant JAQYALA PETTEWAY has been a resident of the County of Erie, State of New York.
4. At all times herein-relevant COUNTY OF ERIE was and still is municipal corporation organized under and by virtue of the laws of the State of New York with offices for the transaction of business located at 95 Franklin Street, located within the City of Buffalo, County of Erie and State of New York and is authorized by law to maintain the County of Erie and Erie County Highway Department and or County of Erie Department of Public Works which acts as its agent in the area of maintenance of the roads, streets, traffic signals, lights etc. and thoroughfares within the County of Erie and for which it is ultimately responsible.
5. At all times herein-relevant COUNTY OF ERIE HIGHWAY DEPARTMENT was and still is municipal corporation organized under and by virtue of the laws of the State of New York with offices for the transaction of business located at 95 Franklin Street, located within the City of Buffalo, County of Erie and State of New York and is authorized by law to maintain the County of Erie and Erie County Highway Department and or County of Erie Department of Public Works which acts as its agent in the area of maintenance of the roads, streets, traffic signals, lights etc. and thoroughfares within the County of Erie and for which it is ultimately responsible.

6. At all times herein-relevant COUNTY OF ERIE DEPARTMENT OF PUBLIC WORKS was and still is municipal corporation organized under and by virtue of the laws of the State of New York with offices for the transaction of business located at 95 Franklin Street, located within the City of Buffalo, County of Erie and State of New York and is authorized by law to maintain the County of Erie and Erie County Highway Department and or County of Erie Department of Public Works which acts as its agent in the area of maintenance of the roads, streets, traffic signals, lights etc. and thoroughfares within the County of Erie and for which it is ultimately responsible.
7. That upon information and belief and at all times hereinafter mentioned, the respondents were was and still are organized under and by virtue of the laws of the State of New York with headquarters located at 95 Franklin Street, in the City of Buffalo, County of Erie and State of New York, and was still is a department and/or subdivision subject to the control of the County of Erie.
8. At all times herein-relevant NEW YORK STATE DEPARTMENT OF TRANSPORTATION was and still is municipal corporation organized under and by virtue of the laws of the State of New York with offices for the transaction of business located at 950 Wolf Road located within the City of Albany and State of New York and is authorized by law to maintain the traffic signals, lights, traffic control devices, etc. and maintenance of the roads,

streets, traffic signals, lights etc. and thoroughfares within the State of New York including County of Erie and for which it is responsible.

9. That upon information and belief, NICHOLAS SPECHT, was a resident of the respondents, including on the date of the collision, April 21, 2025.
10. That upon information and belief and at all times hereinafter mentioned and on or about the 21<sup>st</sup> day of April, the respondent, County of Erie and Erie County Highway Department and or County of Erie Department of Public Works, its departments and/or divisions thereof, was the titled and registered owner of a certain 2015 Ford bearing New York State License Plate Number AM2073.
11. That upon information and belief and at all times hereinafter mentioned and on or about the 21<sup>st</sup> day of April, the respondent, Town of Amherst, and or Town of Amherst Highway Department, and or Amherst Highway Department, Town of Amherst Engineering Department its departments and/or divisions thereof, was the titled and registered owner of a certain 2015 Ford bearing New York State License Plate Number AM2073.
12. Upon information and belief, respondents contracted with and or performed the work for the Town of Amherst; Town of Amherst Highway Department and or Town of Amherst Engineering Department for the maintenance of lights, traffic control devices and or traffic control signals on Wehrle Drive and Aero Drive in the Town of Amherst.

13. That on or about the 21st day of April, 2025, Jacqayla Petteway was the operator of a 2023 Land Rover , bearing New York Reg LLT5971 hereinafter referred to as the "Petteway vehicle".
14. That on or about the 21st day of April 2025, Jacqayla Petteway operated the 2023 Land Rover, the Petteway vehicle bearing NYS Reg LLT5971 on Wehrle Drive at or near 1144 Wehrle Drive in the Town of Amherst, New York.
15. That on or about the 21st day of April 2025, NICHOLAS SPECHT was the operator of a 2015 Ford, bearing NY Reg AM2073 hereinafter referred to as the "Town of Amherst vehicle".
16. That on or about the 21st day of April 2025, the respondents, COUNTY OF ERIE, ERIE COUNTY HIGHWAY DEPARTMENT; COUNTY OF ERIE DEPARTMENT OF PUBLIC WORKS; NEW YORK STATE DEPARTMENT OF TRANSPORTATION TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT and or AMHERST HIGHWAY DEPARTMENT owned a 2015 Chevrolet bearing NY Reg AM2073.
17. That on or about the 21<sup>st</sup> day of April 2025, NICHOLAS SPECHT operated the Town of Amherst vehicle, a 2015 Ford bearing NY Reg AM2073 hereinafter referred to as the "Town of Amherst vehicle" with the knowledge, permission and consent of the respondent owner(s), as well as the Town of Amherst; Town of Amherst Highway Department and or Amherst Highway Department and or Town of Amherst Engineering Department.
18. That at all times hereinafter mentioned and on the 21st day of April 2025, at approximately 1:54 p.m., the Claimant Jacqayla Petteway was operating the

aforementioned Petteway, on Wehrle Drive at or near 1144 Wehrle Drive, in the Town of Amherst, County of Erie, State of New York.

19. That upon information and belief, at all times hereinafter mentioned, and on or about the 21st day of April 2025, at approximately 1:54 p.m., the respondent vehicle, a 2015 Ford operated by NICHOLAS SPECHT, which was owned by respondents and/or Town of Amherst; Town of Amherst Highway Department and or Amherst Highway Department and or its divisions thereof, Nicholas Specht operated said vehicle on Wehrle Drive at or near 1144 Wehrle Drive, in the Town of Amherst, County of Erie, and State of New York.
20. That at the time and place aforementioned, the 21st day of April 2025 Nicholas Specht was employed by respondents and or Town of Amherst, Town of Amherst Highway Department and or Amherst Highway Department and during the course and scope of his employment with respondents and/or the Town of Amherst, and or Town of Amherst Highway Department and or Amherst Highway Department, and or Town of Amherst Engineering Department, Nicholas Specht operated the respondent vehicle, a 2015 Ford bearing New York State license plate AM2073 owned by respondents.
21. That on or about the 21st day of April 2025 the respondent vehicle a 2015 Ford owned by respondents and or Town of Amherst and or Town of Amherst Highway Department and or Amherst Highway Department and or Town of Amherst Engineering Department and operated by Nicholas Specht came into

contact with the Petteway vehicle, a 2015 Ford bearing NY Reg AM2073 that was operated by Jacqayla Petteway.

22. That upon information and belief at the time and place aforementioned on April 21, 2025 the respondent vehicle, a 2015 Ford was operated by Nicholas Specht with the knowledge, permission and consent of respondents, and said consent was express or implied.
23. That upon information and belief at the time and place aforementioned, the respondents performed and or were engaged in work and or contracted with the Town of Amherst ; Town of Amherst Highway; Town of Amherst Engineering Department and Nicholas Specht whom acted as an agent, servant and or employee of respondents who were negligent, careless, reckless, willful and wanton in operating the aforementioned motor vehicle, to wit a 2015 Ford bearing NYS license plate number AM2073 in operating the aforementioned motor vehicle on Wehrle Drive near Aero Drive in the Town of Amherst, County of Erie, State of New York and circumstances present at the time and place aforementioned, in failing to keep said vehicle under control at all times; in failing to keep a sufficient lookout; in changing lanes unsafely; in failing to yield the right of way to JACQAYLA PETTEWAY, in failing to perceive, recognize, mitigate and eliminate the unacceptably high risk and likelihood of harm and danger presented to motorists on Wehrle Drive at or near Aero Drive; in making an illegal, unlawful and unsafe entry into the lane already occupied by Claimaint, JACQAYLA PETTEWAY; in failing to use reasonable care in controlling the operating and direction of said motor

vehicle; in failing to properly use a turn signal; in operating said respondent vehicle with an obstructed view: to wit, the operator Nicholas Specht's view was obstructed by large orange construction cones yet he pulled into the lane occupied by claimant anyway without ensuring it was safe to do so thereby causing the collision; in failing to operate said motor vehicle within the properly designated lane of traffic; in failing to obey the traffic control devices, signs and/or pavement markings provided for motor vehicle traffic at or near the scene of this collision giving rise to the subject litigation; in failing to yield the right of way to Jacqayla Petteway; in failing to observe motor vehicle traffic prior to entering the aforesaid intersection; in failing to perceive the vehicle operated by Jacqayla Petteway vehicle prior to entering the lane she occupied; in operating said vehicle with an obstructed view; in admitting to claimant that his view was obstructed by large orange construction cones located on his vehicle that blocked his view of oncoming traffic which included her vehicle yet he elected to pull into her lane without ensuring it was safe and after disregarding known risks of harm; in entering the subject lane Jacqayla Petteway occupied when said respondents, their agents, servants and or employees knew or should have known that it was unsafe to do so; in entering the subject lane without warning motorists traveling on Wehrle Drive at or near where the respondent's vehicle struck the claimant, Jacqayla Petteway's vehicle; in failing to observe the aforementioned motor vehicle being operated by Claimant, Jacqayla Petteway on Wehrle Drove at or near Aero Drive, the manner and condition as it then and there existed at the time this accident

occurred; in failing to take any evasive action in the operation and direction of said motor vehicle to avoid collision with the motor vehicle being operated by the Claimant Jacquyla Petteway in failing to provide the Claimant with any warning of the approach of said motor vehicle and the proximity of same to that of the motor vehicle the claimant was operating; in failing to make necessary observations, to take proper precautions, and or to give adequate warnings to the claimant and those similarly situated; in failing to obey the traffic control devices which govern the intersection; in failing to take necessary precautions and/or actions to avoid collision with the aforementioned motor vehicle operated by claimant; in failing to take any evasive action in the operation and direction of said motor vehicle to avoid collision with the claimant; in failing to properly and adequately maintain said motor vehicle while driving the same upon the highways of the State of New York; in failing to take necessary precautions and/or actions to avoid collision with the claimant; in maintaining and operating said motor vehicle while the same was defective, unsafe, unfit, in a state of disrepair; and/or lacking the proper, necessary and lawfully required equipment for the safe operation and use of motor vehicle upon the roadways of the State of New York; in operating said motor vehicle in such a manner that it unreasonably interfered with the free and proper use of the public highway or unreasonably endangered users of the public highway; in operating said motor vehicle recklessly and in gross disregard for the safety and welfare of other users of the public highway; in failing to perceive the substantial and unjustifiable risks associated with the

aforesaid negligence thereby constituting deviation from the standard of care that a reasonable operator of said respondent vehicle would have observed under the same or similar circumstances; in operating said motor vehicle in violation of the Vehicle and Traffic Laws of the State of New York; in violating New York State Vehicle and Traffic Law section 1129A; in failing to slow down and/or stop when approaching and/or entering the subject lane as was necessary for the safe operation of the subject motor vehicle; in failing to stop prior to entering the subject lane occupied by claimant Jacqayla Petteway as was necessary for the safe operation of the subject motor vehicle ; in recklessly disregarding regulations governing direction of movement or travel on the roadway and when entering a lane already occupied by other vehicles, including the vehicle operated by Claimant Jacqayla Petteway; in failing to operate the subject motor vehicle, to wit a 2015 Ford with audible signals engaged and sounded by bell, horn, siren, electronic device or exhaust whistle as was reasonable necessary under the circumstances then and there existing; in failing to operate the subject motor vehicle, with due regard for the safety of others including the claimant and others similarly situated; in operating the subject motor vehicle in reckless disregard for the safety of others including the claimant and those similarly situated; in failing to use due care in the operation of the subject motor vehicle; in failing to engage the emergency siren on the subject motor vehicle; in negligently and recklessly failing to exercise due regard for the safety of the claimant and those similarly situated; in failing to operate the subject motor vehicle cautiously, at a

reasonable and prudent speed, and while maintaining control of said vehicle at all times; in approaching and entering the lane occupied by claimant Jacquyla Petteway of Wehrle Drive in the Town of Amherst, New York without first stopping the subject motor vehicle and/or slowing the vehicle to check to make sure traffic had safely passed thereby making sure it was safe to continue; in operating the subject motor vehicle in a reckless manner; in entering the subject intersection against the flow of traffic without slowing and/or stopping while the respondent's visibility and sight lines were reduced and/or obstructed without first determining it was safe to do so with conscious indifference to the outcome, including said respondents own safety and the safety of the claimant and others similarly situated; in operating the subject motor vehicle to wit the respondent vehicle, a 2015 Ford negligently and/or recklessly outside the scope of the privilege granted by New York State Vehicle and Traffic Law thereby resulting in the injuries sustained by the claimant; in operating the subject motor vehicle outside of and beyond the scope of privilege granted under NYS Vehicle and Traffic Law; in operating the subject motor vehicle in a manner not privileged by NYS Vehicle and traffic law section and/or alternatively operating said motor vehicle within one or more of the four categories of privileged conduct prescribed under NYS Vehicle and Traffic Law without due regard for the safety of others in a reckless disregard for the safety of others including claimant and those similarly situated; in operating the subject motor vehicle in violation of the Town of Amherst Highway Department and/or Amherst Highway Department

and/or Town of Amherst Manual of Policies and Procedures regarding the operation of motor vehicles, to wit highway department and or Town owned vehicles including those vehicles used for signal maintenance; in blindly entering an intersection against the flow of traffic without first stopping and/or slowing; and with knowledge there existed other vehicular traffic properly traveling with the correct flow of traffic on Wehrle Drive at or near its intersection with Aero that foreseeably could and would continue to enter the lane the claimant was traveling at the time of the subject collision; in failing to see and or properly observe claimant's vehicle, in failing to exercise proper care, supervision, instruction, control and guidance of said respondents their supervisors, agents, servants and/or employees in the course and scope of their employment; in negligently employing, engaging, hiring, directing, controlling and/or supervising agents, servants and/or employees who lacked the requisite knowledge, experience, training, instruction, skill and ability to adequately, properly, and safely maintain and operate the aforementioned motor vehicle upon the highways, thereby creating an inherently dangerous and hazardous condition; and were otherwise negligent, reckless, careless, willful and wanton in said collision and the resulting injuries to the claimant Jacqayla Petteway as hereinafter alleged.

24. That as a result of the negligence, recklessness, carelessness and willful and wanton conduct of the respondents and NICHOLAS SPECHT, and or Town of Amherst Highway Department and or Amherst Highway Department and Town of Amherst Engineering Department, the claimant was injured

externally, internally and permanently in and about the head, back, neck, upper extremities; lower extremities; left hip body, limbs and nervous system so that she became and will continue to be partially disabled and will continue to suffer pain, discomfort, disfigurement and distress. Claimant Jacqayla Petteway was required to receive medical treatment due to the nature and extent of her injuries. That by reason of the aforesaid injuries said claimant required the services of physicians, surgeons, nurses, hospitals, therapy, manipulations and medicines and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and resulting partial disabilities, said claimant has been partially incapacitated from her usual and customary activities and will continue to be incapacitated in the future as a result of the aforesaid injuries and permanent disabilities the future earning capacity, profession, livelihood, and social and personal endeavors, hobbies and activities of said claimant will be partially and/or permanently impaired, and as a result of all of the aforesaid the claimant, Jacqayla Petteway has otherwise been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction and as may be awarded by the trier of facts herein.

25. Claimant Jacqayla Petteway suffered various injuries as a result of the collision on April 21, 2025, which included but not limited to cervical spine; thoracic spine; lumbar spine; upper extremities; lower extremities etc.
26. On or about April 21, 2025 at approximately 1:54 p.m. Nicholas Specht acted within the course and scope of his duties of the respondents and

acted an agent, servant and/or employee of the respondents and or TOWN OF AMHERST HIGHWAY DEPARTMENT AND OR AMHERST HIGHWAY DEPARTMENT AND TOWN OF AMHERST TOWN OF AMHERST ENGINEERING DEPARTMENT.

27. The incident in which personal injuries were sustained by the claimant, JACQAYLA PETTEWAY, occurred on or about April 21, 2025, when the claimant JACQAYLA PETTEWAY was injured as the result of a motor vehicle collision that occurred on April 21, 2025 on Wehrle Drive near its intersection with Aero (approximately 270 feet away from), located within the Town of Amherst, County of Erie, State of New York at approximately 1:54 p.m. on April 21, 2025.
28. At all times herein relevant, NICHOLAS SPECHT acted within the course and scope of his duties of the respondents COUNTY OF ERIE; ERIE COUNTY HIGHWAY DEPARTMENT; COUNTY OF ERIE DEPARTMENT OF PUBLIC WORKS AND OR NEW YORK STATE DEPARTMENT OF TRANSPORTATION and or TOWN OF AMHERST HIGHWAY DEPARTMENT AND OR AMHERST HIGHWAY DEPARTMENT AND TOWN OF AMHERST and or TOWN OF AMHERST ENGINEERING DEPARTMENT and acted an agent, servant, employee OF TOWN OF AMHERST HIGHWAY DEPARTMENT AND OR AMHERST HIGHWAY DEPARTMENT AND TOWN OF AMHERST and TOWN OF AMHERST ENGINEERING DEPARTMENT.

29. On or about April 21, 2025, NICHOLAS SPECHT was the operator of the respondent vehicle, a certain motor vehicle, 2015 Ford.
30. On or about April 21, 2025, NICHOLAS SPECHT while acting as an agent, servant, employee, contractor and/or the direction of the TOWN OF AMHERST HIGHWAY DEPARTMENT AND OR AMHERST HIGHWAY DEPARTMENT AND TOWN OF AMHERST and or TOWN OF AMHERST ENGINEERING DEPARTMENT was the operator of the respondent vehicle, 2015 Ford with the knowledge, permission and consent of the respondent owners.
31. On or about April 21, 2025 at approximately 1:54 p.m., claimant JACAYLA PETTEWAY operated the claimant vehicle, a 2023 Land Rover bearing New York State license plate number LLT5971 on Wehrle Drive at or near its intersection with Aero Drive , in the Town of Amherst, County of Erie, State of New York.
32. On or about April 21, 2025 at approximately 1:54 p.m. NICHOLAS SPECHT operated the respondent vehicle, a 2015 Ford on Wehrle Drive at or near its intersection with Aero, in the Town of Amherst, County of Erie, State of New York.
33. On or about April 21, 2025, at approximately 1:54 p.m. the respondent vehicle, a 2015 Ford operated by NICHOLAS SPECHT, came into contact with the claimant vehicle, a 2023 Land Rover bearing New York State license plate number LLT5971 operated by claimant JACQAYLA

PETTEWAY while on Wehrle Drive at or near its intersection with Aero Drive in the Town of Amherst, County of Erie, State of New York.

34. The incident described above, including but not limited to Paragraphs 21 and 33 above occurred solely as a result of the negligence or recklessness of respondents COUNTY OF ERIE; ERIE COUNTY HIGHWAY DEPARTMENT; COUNTY OF ERIE DEPARTMENT OF PUBLIC WORKS AND OR STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION AND OR TOWN OF AMHERST HIGHWAY DEPARTMENT and/or AMHERST HIGHWAY DEPARTMENT and or TOWN OF AMHERST and or Town of Amherst Highway Department and/or NICHOLAS SPECHT without any negligence attributable in any measure to claimant.
35. As a result of the incident described in paragraphs 21 and 33 claimant JACQAYLA PETTEWAY has sustained a loss in excess of the Basic Economic Loss as defined by the New York State Insurance Law.
36. Claimant JACQAYLA PETTEWAY has suffered a "serious injury" within the meaning of the Insurance Law of the State of New York.
37. As a result of the accident described in paragraphs 21 and 33 claimant JACQAYLA PETTEWAY sustained serious injuries which necessitated various, significant medical treatments.
38. The limitations on liability set forth in CPLR Article 16 do not apply herein; one or more of the exemptions set forth in CPLR §1602 applies.
39. As a result of the negligence and/or recklessness of respondents as alleged above, claimant JACQAYLA PETTEWAY was injured, and has suffered

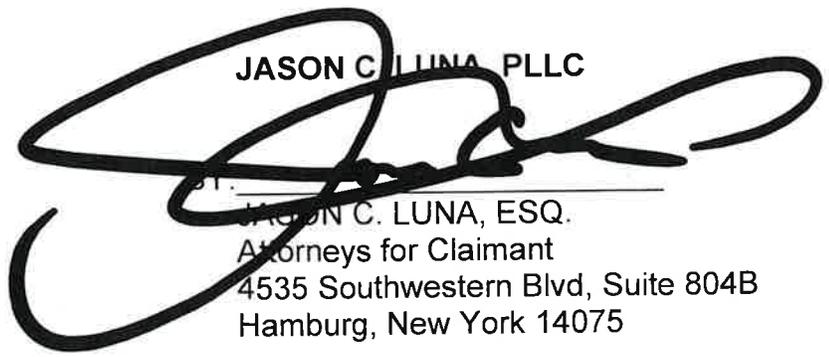
damages in the amount which exceeds the monetary jurisdictional limits of all lower Courts of the State of New York.

40. Upon information and belief, claimant will be obligated to incur further medical expenses including drugs, medicines, possible surgeries, and medical treatment and care, the amount of which cannot be reasonably calculated at this time.

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

DATED: Hamburg, New York  
June 19, 2025

Yours, etc.

  
JASON C. LUNA, PLLC

JASON C. LUNA, ESQ.

Attorneys for Claimant

4535 Southwestern Blvd, Suite 804B

Hamburg, New York 14075

VERIFICATION

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

JACQUAULA PETTEWAY 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 to be true.

  
JACQAYLA PETTEWAY

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

On the 19 day of June, in the year 2025, before me, the undersigned, JACQAYLA PETTEWAY, personally appeared, 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 she executed the same in her 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

JASON C. LUNA, ESQ.  
Notary Public State of New York  
Qualified in Erie County  
My Commission Expires Feb. 22, 2026



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 3, 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>Reddick, Raheem v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Raheem Reddick 305 Perry Street Buffalo, New York 14204
Claimant's attorney:	Adam DelleBovi, Esq. Lewis & Lewis, PC 800 Cathedral Park Tower 37 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

**RAHEEM REDDICK,**

Claimant,

**NOTICE OF CLAIM**

vs.

**CITY OF BUFFALO,  
BUFFALO MUNICIPAL HOUSING AUTHORITY,  
BUFFALO SEWER AUTHORITY,  
ERIE COUNTY WATER AUTHORITY,  
COUNTY OF ERIE,**

Respondents.

---

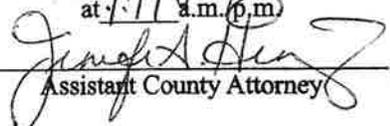
**TO: City of Buffalo  
Law Department  
65 Niagara Square, Room 1100  
Buffalo, New York 14202**

**Buffalo Municipal Housing Authority  
300 Perry Street  
Buffalo, New York 14204**

**Buffalo Sewer Authority  
City Hall, Room 1038  
Buffalo, New York 14202**

**Erie County Water Authority  
295 Main Street, Room 350  
Buffalo, New York 14203**

**County of Erie  
Department of Law  
95 Franklin Street, Room 1634  
Buffalo, New York 14202**

This paper received at the  
Erie County Attorney's Office  
from Paul D. Filipo on  
the 30<sup>th</sup> day of July, 2025  
at 1:17 a.m./p.m.  
  
Assistant County Attorney

**PLEASE TAKE NOTICE**, that RAHEEM REDDICK, by and through his attorneys, LEWIS & LEWIS, P.C., hereby makes claims and demands against CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY, BUFFALO SEWER AUTHORITY, ERIE COUNTY WATER AUTHORITY and COUNTY OF ERIE, as follows:

1. The name and post-office address of the claimant is as follows: RAHEEM REDDICK, 305 Perry Street, Buffalo, New York 14204. The claimant's date of birth is June 25, 1990. The name, post-office address and telephone number of the claimant's attorneys is LEWIS & LEWIS, P.C., Adam DelleBovi, Esq., 800 Cathedral Park Tower, 37 Franklin Street, Buffalo, New York, 14202; (716) 854-2100.

2. The nature of the claim is as follows: Upon information and belief, claimant, RAHEEM REDDICK, did sustain personal injuries and damages as a result of the carelessness, recklessness and negligence of CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY, BUFFALO SEWER AUTHORITY, ERIE COUNTY WATER AUTHORITY and COUNTY OF ERIE including but not limited injuries to RAHEEM REDDICK'S left leg, left knee, left hip, back and right rib(s).

Upon information and belief, the respondent's negligence and culpable conduct includes: creating a dangerous, hazardous and/or defective condition; failing to warn or protect claimant, RAHEEM REDDICK, against a dangerous, hazardous and/or defective condition; violation of Labor Law §§ 200, 240(1), and 241(6); all of which caused injury to Claimant.

3. The facts and circumstances of this claim are as follows: Upon information and belief, on or about May 9, 2025, while claimant, RAHEEM REDDICK, was in the course of his employment for Tom Rall Contracting, at the Perry Street Homes project, also known as Commodore Perry Homes, on Perry Street in Buffalo, New York, the claimant, RAHEEM

REDDICK, was caused to fall into an uncovered manhole and suffer personal injuries, including but not limited to his left leg, left knee, left hip, back and right rib(s).

Upon information and belief, CITY OF BUFFALO, BUFFALO MUNICIPAL HOUSING AUTHORITY, BUFFALO SEWER AUTHORITY, ERIE COUNTY WATER AUTHORITY and COUNTY OF ERIE, owned, operated, controlled and maintained the roadway and manhole on Perry Street in Buffalo, New York. The respondents had and breached its duty to maintain the subject roadway and manhole in a reasonably safe condition. The respondents had and breached its duty to warn Claimant of the dangerous and defective condition posed by the uncovered manhole on Perry Street in Buffalo, New York. Further, the respondents failed to construct, shore, equip, guard, arrange, operate and conduct the area where Claimant worked so as to provide reasonable and adequate protection and safety to Claimant in violation of New York Labor Law.

4. The items of damages and injuries sustained by Claimant, RAHEEM REDDICK, are as follows: painful bodily injury; left leg injury left knee injury; left hip injury; back injury; right rib(s) injury; conscious pain and suffering; economic loss; future loss of enjoyment of life; future economic loss; and other damages and injuries that are as of yet unascertainable. In addition, the claimant has and will incur future medical expenses as a result of this incident and will require further medical treatment. Upon information and belief, the claimant's injuries and damages are and may be, in all or some respects, permanent, progressive and ongoing in nature relating directly to the incident and negligence described herein.

5. The claimant presents this claim and demands payment and notifies the respondents that unless this claim is adjusted within 30 days from the date of service of this notice, it is the intention of the claimant to commence an action against the respondents.

DATED: Buffalo, New York  
July 29, 2025

Respectfully submitted,

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

Adam DelleBovi Esq.  
LEWIS & LEWIS, P.C. on behalf of  
Claimant, Raheem Reddick.



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 3, 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>Secord-Zito, Lisa v. Deputy Aaron M. Ellis</i>
Document Received:	Summons and Complaint
Name of Claimant:	Lisa Secord-Zito
Claimant's attorney:	Fred Lichtmacher, Esq. The Law Office of Fred Lichtmacher P.C. 159 West 25 <sup>th</sup> Street, Room 510 New York, New York 10001

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

Lisa Secord-Zito

Plaintiff(s)

v.

Erie County Deputy Sheriff Aaron M. Ellis

Defendant(s)

Civil Action No. 25-cv-761

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Erie County Deputy Sheriff Aaron M. Ellis Erie County Sheriff's Office
10 Delaware Avenue
Buffalo, NY 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Fred Lichtmacher
The Law Office of Fred Lichtmacher PC
159 West 25th Street Room 510
New York NY 10001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



CLERK OF COURT

Date: 08/19/2025

Handwritten signature of Mary Choewenguth

Signature of Clerk or Deputy Clerk

Handwritten signature of Mary Choewenguth

Civil Action No. 25-cv-761

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-----X  
LISA ZITO-SECORD,

Plaintiff,

**COMPLAINT**

**JURY TRIAL DEMANDED**

-against-

ERIE COUNTY DEPUTY SHERIFF AARON M. ELIS,

Defendant.  
-----X

Plaintiff, LISA ZITO-SECORD by her attorney, Fred Lichtmacher of The Law Office of Fred Lichtmacher P.C., complaining of the Defendant herein, respectfully alleges as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction is founded upon the existence of a Federal Question.
2. This is an action to redress the deprivation under color of statute, ordinance, regulation, custom, or usage of rights, privileges, and immunities secured to Plaintiff by the Fourth and Fourteenth Amendments to the Constitution of the United States pursuant to 42 U.S.C. § 1983.
3. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1343(a) (3 & 4).
4. Venue is appropriate in the Western District of New York pursuant to 28 U.S.C. §1391 (b) (2), as events forming the basis of this Complaint occurred in the Western District.

**PARTIES**

5. Plaintiff Lisa Zito-Secord was at all times relevant a resident of Erie County in the State of New York.

6. Defendant Erie County Deputy Sheriff Aaron M. Elis, was at all times relevant an employee of the Erie County Sheriff's Department, and at all times relevant he was acting as a state actor acting under color of law.

7. This action arises under the United States Constitution, particularly under the provisions of the Fourth Amendment and under the Civil Rights Act, Title 42 of the United States Code, Section 1983.

**FACTS UNDERLYING  
PLAINTIFF'S CLAIMS FOR RELIEF**

8. On August 30, 2022 at approximately 2 a.m. two members of the Erie County Sheriff's Department including Defendant Erie County Deputy Sheriff Aaron M. Elis (Deputy Sheriff Elis) and his partner presented at the home of Ms. Zito, in Holland New York who had been in a verbal dispute with her boyfriend.

9. The dispute was not physical and had ended prior to the deputy sheriffs' arrival and at that time, the Plaintiff and her boyfriend were resting quietly watching TV when the Defendant and his partner arrived.

10. The deputy sheriffs knocked on the door and were permitted to enter when Ms. Zito-Secord opened the door.

11. After they entered the house, Defendant Deputy Sheriff Elis pointed a flashlight at Ms. Zito-Secord's face, which she explained to the Defendant was harmful to her as she is epileptic and shining a flashlight in her eyes can cause her to have a seizure.

12. However, Defendant Deputy Sheriff Elis, sadistically, and without a legitimate law enforcement purpose, continued to shine the flashlight in the Plaintiff's face.

13. Not wanting to have an epileptic seizure, Plaintiff took her pillow and went outside of her home

and lay on the grass in her yard to escape what was being done to her.

14. Despite the fact that she had not committed a crime, the Defendant handcuffed the Plaintiff's left wrist, and then grabbed her right hand while squeezing it so tightly he caused multiple fractures to her wrist and hand, and handcuffed her right wrist unnecessarily tightly as she screamed out in pain.

15. Plaintiff, who was in immense pain, repeatedly begged the Defendant to loosen the excessively tightened handcuffs but he refused.

16. Plaintiff is extremely light, fragile and not healthy.

17. Plaintiff was placed in the Defendant's vehicle and driven by the Defendant to the hospital.

18. Plaintiff repeatedly urged the Defendant to apply her seatbelt something she could not do herself with her hands handcuffed behind her.

19. The route to the hospital went over bumpy roads, and without a seat belt on, the Plaintiff was having her injuries painfully exacerbated during the ride as she was involuntarily bounced around in the vehicle.

20. Plaintiff repeatedly asked for the seat belt to be secured around her but the Defendant refused and seemed to enjoy having the Plaintiff experience pain while in the car.

21. When they arrived at the hospital the Defendant falsely reported to the hospital staff that Plaintiff became injured when she fell.

22. Plaintiff's injuries caused by the Defendant have necessitated frequent medical treatment which she still is receiving to the present date, and the use of her right hand is still limited due to the injuries the Defendant inflicted on her.

**FIRST CLAIM FOR RELIEF ON BEHALF OF PLAINTIFF  
VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS  
TO THE UNITED STATES CONSTITUTION**

**VIA THE USE OF EXCESSIVE, UNREASONABLE AND UNNECESSARY FORCE**

23. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior paragraphs as if fully stated herein.
24. Plaintiff's rights have been violated pursuant to the Fourth Amendment to the United States Constitution made applicable to the states by virtue of the Fourteenth Amendment pursuant to 42 U.S.C. § 1983, due to her being subjected to excessive, unreasonable and unnecessary force.
25. Plaintiff's hand was intentionally and unnecessarily squeezed causing severe injuries to the Plaintiff.
26. Defendant refused to loosen the overly tightened handcuffs despite Plaintiff's urging, exacerbating her pain and injuries.
27. Defendant intentionally refused to seatbelt the Plaintiff despite her requests and despite being informed the ride was causing her to be thrown around in the vehicle exacerbating her physical injuries.
28. As a direct consequence of defendant's actions, Plaintiff was deprived of rights, privileges and immunities pursuant to the Fourth Amendment to the United States Constitution, and more particularly, her right to be free from the use of excessive, and unreasonable force.
29. As a result of Defendant's actions, plaintiff sustained various physical injuries, including pain, suffering, long term injuries, emotional harms, and the need for ongoing medical care.
30. By reason of the aforesaid, the Plaintiff has been damaged and is entitled to compensatory damages in a sum of not less than \$500,000.00 (FIVE HUNDRED THOUSAND) DOLLARS and punitive damages in an amount to be determined at trial and Plaintiff is entitled to an award of attorneys' fees and costs pursuant to 42 USC §1988.

**SECOND CLAIM FOR RELIEF ON BEHALF OF PLAINTIFF**

**VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS  
TO THE UNITED STATES CONSTITUTION  
VIA FALSE ARREST**

31. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior paragraphs as if fully stated herein.

32. Plaintiff's decedent's rights have been violated pursuant to the Fourth Amendment to the United States Constitution made applicable to the states by virtue of the Fourteenth Amendment pursuant to 42 U.S.C. § 1983, due to her being subjected to a false arrest.

33. Defendant, subjected the Plaintiff to a false arrest without probable cause to believe she had committed a crime, in that 1) the Defendant intended to confine the Plaintiff, (2) the Plaintiff was conscious of the confinement, (3) the Plaintiff did not consent to the confinement and (4) the confinement was not otherwise privileged.

34. As a result of the Defendant's actions Plaintiff was denied her rights under the Fourth and Fourteenth Amendments to the U.S. Constitution

35. Defendant's actions resulted in the Plaintiff being arrested, and handcuffed, caused her to fear going to jail, and Defendant's actions resulted in various emotional damages to the Plaintiff.

36. By reason of the aforesaid, the Plaintiff has been damaged and is entitled to compensatory damages in the amount of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, an award of punitive damages against the Defendant and an award of costs and attorneys' fees is appropriate pursuant to 42 U.S.C. §1988.

**WHEREFORE**, Plaintiff respectfully request that judgment be entered as follows:

- (A) Declaratory relief finding that Plaintiff's rights under the United States Constitution were violated;

- (B) Compensatory damages to be determined at trial in a sum not less than \$600,000.00 (SIX HUNDRED THOUSAND) DOLLARS;
- (C) By reason of the wanton, willful and malicious character of the conduct complained of herein, Plaintiff is entitled to an award of punitive damages against the Defendant in an amount to be determined by the trier of fact;
- (D) An award to Plaintiff of the costs and disbursements herein;
- (E) An award of attorneys' fees under 42 U.S.C. §1988; and
- (F) Such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
August 18, 2025

/ s /  
\_\_\_\_\_  
FRED LICHTMACHER  
The Law Office of Fred Lichtmacher P.C.  
Attorney for Plaintiff  
159 West 25<sup>th</sup> Street Room 510  
New York, New York 10001  
Tel. No. (212) 922-9066  
[Empirestatt@aol.com](mailto:Empirestatt@aol.com)

ERIE COUNTY DEPUTY SHERIFF AARON M. ELIS  
Erie County Sheriff's Office  
10 Delaware Avenue  
Buffalo, NY 14202



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 5, 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>Buczek, Daniel Richard v. Town of Hamburg, Daniel Celani, ADA, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	Daniel Richard Buczek PO Box 73 North Evans, New York 14112
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.



UNITED STATES DISTRICT COURT

for the  
Western District of New York

RECEIVED  
AUG 29 2025

ERIE COUNTY  
DEPARTMENT OF LAW

Daniel Richard Buczek,

Plaintiff(s)

v.

THE TOWN OF HAMBURG, et al.

Defendant(s)

Civil Action No.

25 CV 715

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) NATASHA GERI GREENAN in her individual capacity and  
official capacity as Assistant District Attorney  
Erie County DA's Office  
25 Delaware Avenue  
Buffalo, New York 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Daniel Richard Buczek  
PO Box 73  
North Evans New York [14112]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

*Mary C. Hoewengeth*

Signature of Clerk or Deputy Clerk

Date: AUG 1 2025





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 17, 2025

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

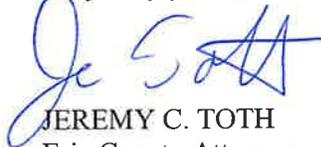
Dear Ms. Owens:

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>Broikos, Gregory G. v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Gregory G. Broikos 97 Stuyvesant Road Pittsford, New York 14534
Claimant's attorney:	Joseph (Jed) E. Dietrich, III, Esq. The Dietrich Law Firm 101 John James Audubon Parkway Buffalo, New York 14228

Should you have any questions, please call.

Very truly yours,

  
JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



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

**GREGORY G. BROIKOS,**

Claimant,

**NOTICE OF CLAIM**

vs.

**ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT,  
VILLAGE OF BLASDELL,  
CITY OF LACKAWANNA,  
TOWN OF HAMBURG  
CITY OF BUFFALO and  
COUNTY OF ERIE,**

Respondents.

\*\*\*\*\*

**PLEASE TAKE NOTICE** that the above-named Claimant claims and demands from the Erie County Division of Sewerage Management, the Village of Blasdell, the City of Lackawanna, the Town of Hamburg, the City of Buffalo, and/or the County of Erie, State of New York recompense for personal injuries sustained by Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of respondents, their agents, servants and/or employees, and in support thereof Claimant states:

1. The address of the Claimant is 97 Stuyvesant Road, Pittsford, New York 14534.
2. The Claimant is represented by The Dietrich Law Firm P.C., 101 John James Audubon Parkway, Amherst, New York 14228, (716) 839-3939.

3. The incident in which personal injuries were sustained by the Claimant occurred on or about July 7, 2025, at approximately 2:00 p.m., while the Claimant was riding a hydrofoil on Lake Erie. After launching from Woodlawn Beach State Park at 3580 Lake Shore Rd, in the Village of Blasdell, the County of Erie, and the State of New York, the Claimant rode the hydrofoil around Lake Erie when the wing of his hydrofoil hit an unmarked, unwarned of and/or inadequately marked section of metal submerged approximately two feet below the water's surface about 400yds to 500yds offshore from Woodlawn Beach State Park, in front of the lifeguard tower, causing severe injuries to the Claimant. Attached hereto and incorporated herein as Exhibit A is a video identifying the subject defective condition taken on a date and time following the subject incident. The Exhibit A is provided on the attached CD.

4. By virtue of the recklessness and/or negligence of the employees, agents and/or servants of the respondents, the Claimant has incurred medical and hospital expenses, which are to date undetermined, and will incur loss of earnings, impairment of health and permanent, serious, and significant injuries.

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

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

Dated: July 17, 2025

By:   
**THE DIETRICH LAW FIRM P.C.**  
**Nicholas J. Shemik, Esq.**  
Attorneys for Claimant  
101 John James Audubon Parkway,  
Amherst, New York 14228  
(716) 839-3939

To: **JEREMY C. TOTH, ESQ.**  
Erie County Attorney  
95 Franklin Street, Room 1634  
Buffalo, New York 14202

Attorney for the Village of Blasdell  
121 Miriam Avenue,  
Buffalo, New York 14219

**ARIANNA KWIATKOWSKI, ESQ.**  
Lackawanna City Attorney  
714 Ridge Road,  
Lackawanna, New York 14218

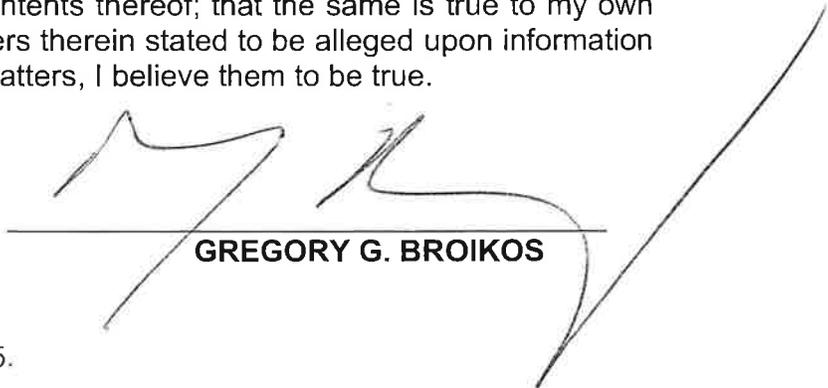
**KEN FARRELL, ESQ.**  
Hamburg Town Attorney  
6100 South Park Avenue  
Hamburg, New York 14075

**CAVETTE CHAMBERS, ESQ.**  
City of Buffalo Corporation Counsel  
65 Niagara Square, Room 215  
Buffalo, New York 14202

**VERIFICATION**

STATE OF NEW YORK )  
COUNTY OF Monroe

**GREGORY G. BROIKOS**, being duly sworn, deposes and says: I am the claimant herein; that I have read the foregoing **Notice of Claim against the County of Erie** and know the contents thereof; that the same is true to my own knowledge except as to the matters therein stated to be alleged upon information and belief; and that as to those matters, I believe them to be true.

  
\_\_\_\_\_  
**GREGORY G. BROIKOS**

Sworn to before me this  
1 day of August, 2025.

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

**MEGHAN E WARD**  
Notary Public, State of New York  
Qualified in Monroe County  
No. 01WA0036264  
Commission Expires April 17, 2029



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 17, 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>Volpe, Dominic v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Dominic Volpe 73 Wiesner Road Lackawanna, New York 14218
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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In the Matter of the Claim of

DOMINIC VOLPE

**NOTICE OF CLAIM**

Claimant,

vs.

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

Respondents.

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

PLEASE TAKE NOTICE, that DOMINIC VOLPE, has and hereby makes claim against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, and ERIE COUNTY SHERIFF JOHN GARCIA, individually and in his official capacity, and in support of said claim states the following:

1. The post office address of the Claimant is 73 Weisner Road, Lackawanna, New York 14218.
2. The attorneys for the Claimant are PENBERTHY LAW GROUP LLP, and their post office address is 227 Niagara Street Buffalo, New York 14201.
3. The claim of DOMINIC VOLPE, is for personal injuries and for consequential damages generally.

4. The claim arose at Erie County Correctional Facility, 11581 Walden Avenue Alden, Village of Alden, County of Erie and State of New York.

5. The claim arose in substance as follows: On or about June 6, 2025, the Claimant was caused to slip and fall within the "Hotel" unit of Erie County Correctional Facility, due to a faulty shower curtain, shower lip, and wet floor, when said wet floor lacked the proper matting. Upon information and belief. Respondents photographed the incident scene immediately thereafter, including the dangerous conditions therein.

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

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

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

DATED: Buffalo, New York  
August 20, 2025

PENBERTHY LAW GROUP LLP

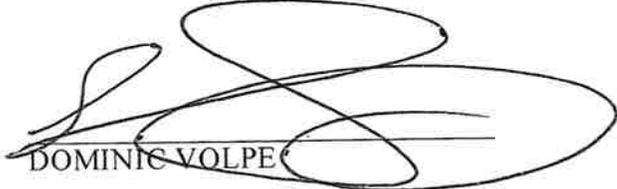
By:   
BRITTANY LEE PENBERTHY, ESQ.  
Attorneys for Claimant

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

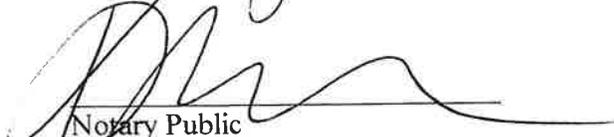
VERIFICATION

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

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

  
DOMINIC VOLPE

Sworn to before me this  
25<sup>th</sup> day of August, 2025.

  
Notary Public

**Kimberly A. Ralph**  
Notary Public - State of New York  
No.: 01RA6348219  
Qualified in Erie County  
My Commission Expires on September 19, 2024.