



# COUNTY OF ERIE

*JCT/dld*

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: January 13, 2026

RE: Transmittal of New Claims Against Erie County

Ms. Owens:

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

**Claim Name**

1. Elena Franjoine/PNG of Santino Turner v. County of Erie;
2. Keynone Cole v. County of Erie, et al.;
3. Danielle and Michael Muroff v. County of Erie;
4. Derrick M. Anderson v. County of Erie, et al.;
5. Louise G. Harris v. County of Erie;
6. Virginia Boniface v. County of Erie;
7. James Debose v. County of Erie, et al.;
8. Lucy Zirpola v. County of Erie;
9. Francine VerHagen v. Erie County Child Support Enforcement;
10. Occhino Corp. v. County of Erie, et al.;
11. Brittney Hall/PNG of Nie-Zyr Hall v. County of Erie, et al.;
12. Gerald Walsh v. County of Erie;
13. Angelica Weeden v. ECDSS, et al.; and
14. Stephanie Wilson/Ameera Olden 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

November 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>Franjoine, Elena as PNG of Santino Turner v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Elena D. Franjoine (PNG of Santino R. Turner) 3652 James Street Blasdell, New York 14219
Claimant's attorney:	Thomas M. Mercure, 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,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



**IN THE MATTER OF THE CLAIM OF:**

Elena D. Franjoine as the Parent and Natural  
Guardian of Santino R. Turner  
3652 James Street, Blasdell, New York 14219

Claimant,

-against-

Erie County

Respondent.

**NOTICE OF CLAIM**

This paper received at the  
Erie County Attorney's Office  
from Dina MacCae'don  
the 11<sup>th</sup> day of September, 2025  
at 1:43 a.m./p.m.  
[Signature]  
Assistant County Attorney

TO: ERIE COUNTY

PLEASE TAKE NOTICE that ELENA D. FRANJOINE as the Parent and Natural Guardian of SANTINO R. TURNER hereby makes a claim against the **ERIE COUNTY**, and in support thereof states as follows:

1. That the undersigned claimant, Elena D. Franjoine as the Parent and Natural Guardian of Santino R. Turner, residing at 3652 James Street, Blasdell, New York 14219, claims damages against Erie County, for personal injuries, pain and suffering, general and special damages and medical expenses sustained by the Claimant.
2. The attorneys for the Claimant are LIPSITZ GREEN SCIME CAMBRIA, LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.
3. That said injuries were sustained by Santino R. Turner, on June 25, 2025, while he was walking on a public trail located adjacent to 2057 Electric Avenue, Blasdell, New York in the County of Erie, State of New York.
4. That said injuries were sustained by Claimant on June 25, 2025, at approximately 8:15 p.m. At said date and time, Claimant was injured when he was walking, as a lawful pedestrian, along a public trail that included two bridges that stretched above and across two sets

of train tracks that ran north and south and were also located adjacent to 2057 Electric Avenue, Blasdell, New York.

5. Specifically, Claimant was injured when a section of the southern bridge collapsed and caused Claimant to fall through the bridge and onto the rocky ground/train track located approximately fifty (50) feet below the bridge. The bridge was a dangerous and hazardous condition which caused Plaintiff to fall through the bridge and sustain serious injury. Enclosed are photographs of the bridge where the subject incident occurred. *See Exhibit A.*

6. The dangerous and dilapidated condition of the subject bridge was a hidden hazard. Even though the subject bridge was part of, and connected to, a public walkway that was frequently utilized by the general public, there were no warning signs, caution tape or any other safety precaution that would alert the public to the bridge's dangerous condition. Beyond that, there were no warning signs or other posters directing the public to stay off or otherwise avoid utilizing the subject bridge.

7. As a result of the Respondent's failure to maintain, inspect and/or repair the subject bridge, the Claimant was transported to Children's Hospital and was diagnosed with, inter alia, a fractured and dislocated hip as well as significant bruising and lacerations.

8. Respondent, Erie County, was negligent in that it improperly maintained, serviced, inspected, repaired and/or operated the subject bridge where Claimant fell, so as to allow a dangerous and hazardous condition to remain on a public walkway. Moreover, the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of the public including Claimant, by Respondent failing to adequately warn, provide signage or otherwise remove the subject bridge from public access.

9. Respondent, by and through their agents, servants and/or employees, had actual and/or constructive notice of the dangerous and hazardous condition and failed to remedy, warn or otherwise remove the hazardous condition from public access.

10. As a result of the foregoing, Claimant sustained serious injuries, as described above. Some of these injuries may be permanent or indefinite and as a result the Claimant has and will, in the future, be forced to expend sums on money for hospitals, doctors, and/or other medical expenses.

11. Upon current information and belief, the above referenced injuries and damages were caused by the negligence of Erie County and/or their agents, servants or employees without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant requests that ERIE COUNTY honor and pay the claims on behalf of ELENA D. FRANJOINE as the Parent and Natural Guardian of SANTINO R. TURNER.

Dated: Buffalo, New York  
September 9, 2025

  
Elena D. Franjoine, PNG of Santino R. Turner

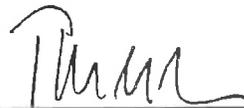
LIPSITZ GREEN SCIME CAMBRIA LLP  
  
Thomas M. Mercure, Esq.  
*Attorneys for Claimant*  
Office and P.O Address  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202  
(716) 849-1333

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

ELENA D. FRANJOINE, as the parent and natural guardian of SANTINO R. TURNER, being duly sworn depose and say that they are the Claimant above named; and make this claim on behalf of themselves; they have read the foregoing claim and know the contents thereof; the same is true to the knowledge of the Claimant except for the matters herein alleged upon information and belief, and as to those matters, they believe them to be true.

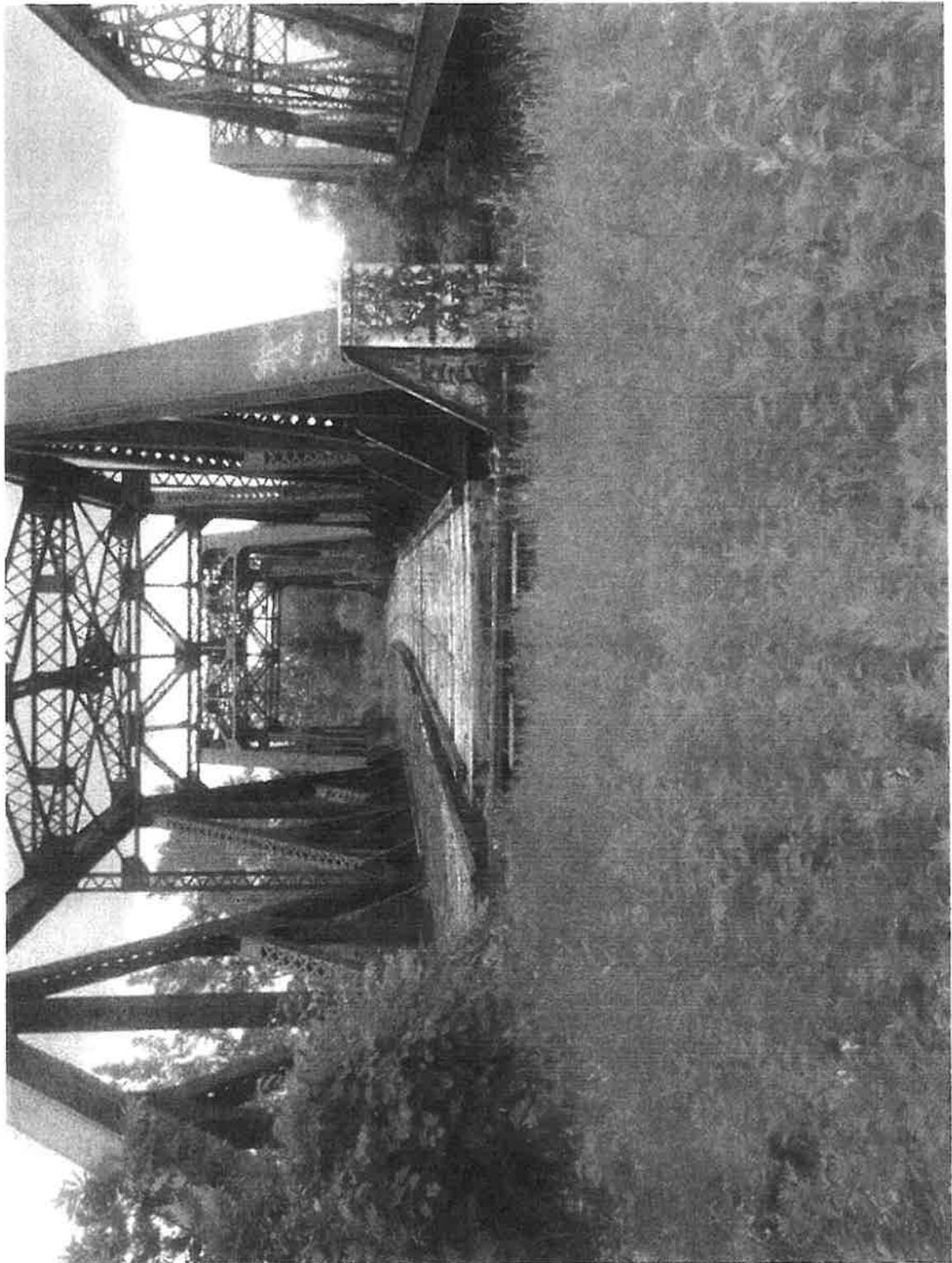
  
Elena D. Franjoine, PNG of Santino R. Turner

Sworn to before me on this  
9<sup>th</sup> day of September, 2025

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

THOMAS M. MERCURE  
Notary Public State of New York  
License No. 02ME5074530  
Qualified in Erie County  
My Commission Expires March 17, 2025

# **EXHIBIT A**









JEREMY C. TOTH  
COUNTY ATTORNEY

# COUNTY OF ERIE

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 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>Cole, Keynone v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Keynone Cole 34 Stevenson Street Buffalo, New York 14220
Claimant's attorney:	Jacob A. Piorkowski, Esq. The Tarantino Law Firm, LLP 610 Main Street City Centre, Suite 300 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

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KEYNONE COLE,

Claimant,

-vs-

TOWN OF AMHERST,

AMHERST POLICE DEPARTMENT,

ERIE COUNTY SHERIFF'S OFFICE,

ERIE COUNTY SHERIFF'S OFFICE JAIL MANAGEMENT DIVISION,

COUNTY OF ERIE,

JOHN DOES 1-10, said names being  
fictitious, but intended to be the individuals/officers  
involved in the within incident and employees of the  
Town of Amherst, Amherst Police Department, and/or  
Erie County Sheriff's Department,

Respondents.

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TO: TOWN OF AMHERST  
5583 Main Street  
Williamsville, New York 14221

AMHERST POLICE DEPARTMENT  
500 John James Audubon Parkway  
Amherst, New York 14228

ERIE COUNTY SHERIFF'S DEPARTMENT  
10 Delaware Avenue  
Buffalo, New York 14202

ERIE COUNTY SHERIFF'S OFFICE JAIL MANAGEMENT DIVISION,  
10 Delaware Avenue  
Buffalo, New York 14202

NOTICE OF CLAIM

R E C E I V E D  
OCT 20 2025

ERIE COUNTY  
DEPARTMENT OF LAW

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, New York 14202

JOHN DOES 1-10  
Addresses currently unknown

***PLEASE TAKE NOTICE*** that KEYNONE COLE, claims and demands from the Respondents herein recompense for personal injuries sustained by the Claimant of the wrongful, unlawful, negligent, and careless acts and omissions of Respondents, individually, and jointly and severally, their agents, servants, and/or employees, and in support thereof, the Claimant states:

**1. Names and Address of Claimant**

KEYNONE COLE  
34 Stevenson Street  
Buffalo, New York 14220

Currently incarcerated at:  
Erie County Correctional Facility  
11581 Walden Avenue  
Alden, New York 14004

**2. Name and Address of Claimant's Attorney**

Jacob A. Piorkowski, Esq.  
The Tarantino Law Firm, LLP  
610 Main Street  
Third Floor  
Buffalo, New York 14202  
(716) 849-6500 Telephone  
(716) 849-6503 Facsimile  
[jpiorkowski@tarantinolaw.com](mailto:jpiorkowski@tarantinolaw.com)

**3. Date, Time, and Location Where Claim Arose**

September 8, 2025 at approximately 10:30 a.m. at a location commonly known as 400/500 John James Audubon Parkway, Amherst, New York 14228.

#### 4. Nature and Basis of Claim

The claim of the Claimant is for damages resulting from personal injuries sustained as a result of an incident which occurred on September 8, 2025, at approximately 10:30 a.m. On that date and at that time, the Claimant was in the custody of Erie County and/or the Erie County Sheriff's Department. Prior to the Claimant sustaining injuries, the Claimant was transported from the Erie County Correctional Facility to the Town of Amherst Courthouse for a court appearance. While at the Town of Amherst Courthouse, the Claimant was escorted from the courthouse to the Town of Amherst Police Department for fingerprinting. The Claimant was shackled at his wrists throughout the entirety of this event. While being escorted through the hallway, the Claimant noted that the floor was wet and slippery, as a result of what appeared to be a recent cleaning. The Claimant mentioned the condition of the floor to the officers of the Respondents who were escorting him. While being escorted across the wet and slippery floor, the Claimant fell and sustained personal injuries. The negligence, recklessness, and wanton disregard for the safety of others by the Respondents herein, their agents, servants and/or employees consists, *inter alia*, of:

- (a) failing and omitting to keep and maintain the premises located at 400/500 John James Audubon Parkway, Amherst, New York 14228 in a safe condition, under the circumstances;
- (b) failing and omitting to clean and keep safe the premises as identified above;
- (c) causing, allowing and permitting a dangerous, unsafe and hazardous condition to exist at the accident site;
- (d) failing and omitting to provide persons such as the Claimant with any notice or warning of the existence of the dangerous, unsafe and hazardous condition at the accident site;
- (e) failing and omitting to periodically inspect and maintain the premises so that proper repairs, cleaning, and maintenance were performed thereat;
- (f) failing and omitting to take necessary steps at the accident site so that the site was free and clear of a dangerous condition including, but not limited to, a slippery floor;
- (g) causing, allowing and permitting an unsafe condition to exist at the premises;
- (h) negligently hiring, supervising, and instructing any contractors, servants, employees, or agents to perform cleaning, maintenance, or debris/hazard removal at the premises as identified above;

- (i) Depriving the Claimant of his civil rights pursuant to 42 U.S.C. §1983; and
- (j) the Respondents were otherwise negligent, careless and reckless.

5. **Damages**

The Claimant makes claim for the following damages:

- a) pain and suffering, and all physical injuries sustained;
- b) emotional upset and/or injury;
- c) Pain in left knee;
- d) Headaches;
- e) dizziness;
- f) Pain in neck;
- g) Pain in left elbow;
- h) Pain in left shoulder;
- i) impairment of earning capacity and/or future earnings;
- j) loss of ability to enjoy the life and lifestyle which Claimant was able to participate in and enjoy prior to the happening of the accident;
- k) all expenses associated with medical, hospital, nursing, physical therapy and any and all other rehabilitative and/or therapy care and treatment rendered as to the cure and/or attempted cure of the injuries sustained by the Claimant, including the residual effects thereof as to the past, present and/or future;
- l) loss of services, society and companionship;
- m) any and all other special and general damages as they may manifest themselves subsequent to the date of this Notice; and
- n) as to all of the above, the same will relate to the past to present and present to future damages.

WHEREFORE, the Claimant claims damages against the Respondents in an amount to be determined.

Dated: September 25, 2025  
Buffalo, New York

Respectfully submitted,

THE TARANTINO LAW FIRM, LLP

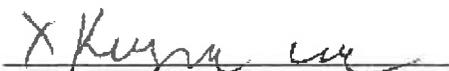
A handwritten signature in black ink, appearing to read 'Jacob A. Piorkowski', is written over a horizontal line. The signature is stylized and somewhat cursive.

Jacob A. Piorkowski  
*Attorneys for the Claimant*  
610 Main Street  
Third Floor  
Buffalo, New York 14202  
(716) 849-6500 Telephone  
(716) 849-6503 Facsimile  
jpiorkowski@taranitnolaw.com

**VERIFICATION**

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

*KEYNONE COLE*, being duly sworn, deposes and says that he/she is the 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.

  
Keynone Cole

Sworn to before me this  
25 day of September, 2025

  
Notary Public

JACOB ANDREW PIORKOWSKI  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02PI0001491  
Qualified in Erie County  
My Commission Expires 02-14-2027



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 6, 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>Muroff, Danielle and Michael v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Danielle and Michael Muroff 111 Ambert Street, Apt. 3 Buffalo, New York 14220
Claimant's attorney:	Robert J. Maranto, Jr., Esq. Andrews, Bernstein & Maranto, PLLC 420 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 : ERIE COUNTY**

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DANIELLE MUROFF  
111 Amber Street, Apartment 3  
Buffalo, New York 14220

Claimant,

**NOTICE OF CLAIM**

vs.

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, New York 14202

Respondent.

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**PLEASE TAKE NOTICE**, Claimant, DANIELLE MUROFF, (hereinafter “Claimant”) hereby intends to file a Claim against COUNTY OF ERIE (hereinafter “Respondent”) and in support of said Claim states the following:

1. The Post Office address of the Claimant is 111 Amber Street, Apartment 3, Buffalo, New York 14220.
2. The attorneys for the Claimant are Andrews, Bernstein & Maranto, PLLC, 420 Franklin Street, Buffalo, New York 14202; Telephone (716) 842-2200.
3. The Claim arose as follows: On or about August 26, 2025, Claimant was attending a pre-season function at 1 Bills Drive, Orchard Park, New York 14127. Upon information and belief, at approximately 3:35 p.m., Claimant in the process of taking photos with her husband, stood next to a large display of lighted Marquee Letters spelling out “DO GOOD” on the top row and “BE GOOD” on the bottom row (hereinafter “The Display”). While posing for pictures, The Display was caused to fall forward onto Claimant, which caused her to suffer serious personal injuries. The display is photographed and attached hereto as **Exhibit A**.

4. This incident was caused by the negligence, carelessness, and/or recklessness of Respondent, and/or their agents, servants and/or employees as follows:

- a. Negligently, carelessly, and recklessly creating a dangerous and hazardous condition on the premises;
- b. Negligently, carelessly, and recklessly maintaining a dangerous and hazardous condition on the premises;
- c. Negligently, carelessly, and recklessly failing to take proper measures to correct the dangerous and hazardous condition on the premises;
- d. Negligently, carelessly, and recklessly failing to properly caution and/or failing to warn the Claimant of the dangerous and hazardous condition on the premises;
- e. Negligent, careless, and reckless inspection of the subject area;
- f. Negligent, careless, and reckless supervision of the subject area;  
and
- g. The Respondent was otherwise negligent.

5. This Claim is for personal injuries, conscious physical, and emotional pain and suffering of Claimant, as well as medical expenses and consequential damages.

6. By virtue of the negligence, carelessness and recklessness of Respondent, their agents, servants, and/or employees, Claimant was caused to suffer serious, significant and permanent injuries from this incident, including but not limited to, her right wrist and right arm.

7. Claimant also suffered other injuries and complications as yet to be

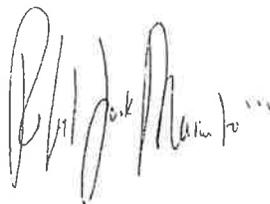
determined as a result of this incident. Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

8. By virtue of the negligence, carelessness, and recklessness of Respondent, their agents, servants, and/or employees, Claimant has also incurred hospital and medical expenses, and other necessary related expenses, the amount of which is undetermined to date.

**WHEREFORE**, Claimant request that Respondent timely accept, adjust and resolve Claimant's claim for injuries.

Dated: Buffalo, New York  
October 29, 2025

Yours, etc.,



By:

---

Robert J. Maranto III, Esq.  
**ANDREWS, BERNSTEIN & MARANTO, PLLC**  
*Attorney for the Claimant*  
420 Franklin Street  
Buffalo, New York 14202  
(716) 842-2200

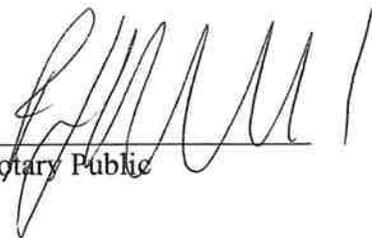
**VERIFICATION**

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

DANIELLE MUROFF, being duly sworn, deposes and says that she is the Claimant in the above-captioned matter; that she has fully read the foregoing Notice of Claim knows the contents thereof; that the same is true to the best knowledge of 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.

  
\_\_\_\_\_  
DANIELLE MUROFF

Sworn to before me this 29 day of October, 2025

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



**EXHIBIT A**





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

---

MICHAEL MUROFF  
111 Amber Street, Apartment 3  
Buffalo, New York 14220

Claimant,

**NOTICE OF CLAIM**

vs.

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, New York 14202

Respondent.

---

**PLEASE TAKE NOTICE**, Claimant, MICHAEL MUROFF, (hereinafter “Claimant) hereby intends to file a Claim against COUNTY OF ERIE (hereinafter “Respondent”) and in support of said Claim states the following:

1. The Post Office address of the Claimant is 111 Amber Street, Apartment 3, Buffalo, New York 14220.
2. The attorneys for the Claimant are Andrews, Bernstein & Maranto, PLLC, 420 Franklin Street, Buffalo, New York 14202; Telephone (716) 842-2200.
3. The Claim arose as follows: On or about August 26, 2025, Claimant was attending a pre-season function at 1 Bills Drive, Orchard Park, New York 14127. Upon information and belief, at approximately 3:35 p.m., Claimant in the process of taking photos with his wife, stood next to a large display of lighted Marquee Letters spelling out “DO GOOD” on the top row and “BE GOOD” on the bottom row (hereinafter “The Display”). While posing for pictures, The Display was caused to fall forward onto Claimant, which caused him to suffer serious personal injuries. The display is photographed and attached hereto as **Exhibit A**.

4. This incident was caused by the negligence, carelessness, and/or recklessness of Respondent, and/or their agents, servants and/or employees as follows:

- a. Negligently, carelessly, and recklessly creating a dangerous and hazardous condition on the premises;
- b. Negligently, carelessly, and recklessly maintaining a dangerous and hazardous condition on the premises;
- c. Negligently, carelessly, and recklessly failing to take proper measures to correct the dangerous and hazardous condition on the premises;
- d. Negligently, carelessly, and recklessly failing to properly caution and/or failing to warn the Claimant of the dangerous and hazardous condition on the premises;
- e. Negligent, careless, and reckless inspection of the subject area;
- f. Negligent, careless, and reckless supervision of the subject area;  
and
- g. The Respondent was otherwise negligent.

5. This Claim is for personal injuries, conscious physical, and emotional pain and suffering of Claimant, as well as medical expenses and consequential damages.

6. By virtue of the negligence, carelessness and recklessness of Respondent, their agents, servants, and/or employees, Claimant was caused to suffer serious, significant and permanent injuries from this incident, including but not limited to, his mid-back and low back.

7. Claimant also suffered other injuries and complications as yet to be

determined as a result of this incident. Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

8. By virtue of the negligence, carelessness, and recklessness of Respondent, their agents, servants, and/or employees, Claimant has also incurred hospital and medical expenses, and other necessary related expenses, the amount of which is undetermined to date.

**WHEREFORE**, Claimant request that Respondent timely accept, adjust and resolve Claimant's claim for injuries.

Dated: Buffalo, New York  
October 29, 2025

Yours, etc.,

By:           /s/ Robert J. Maranto III            
Robert J. Maranto III, Esq.  
**ANDREWS, BERNSTEIN & MARANTO, PLLC**  
*Attorney for the Claimant*  
420 Franklin Street  
Buffalo, New York 14202  
(716) 842-2200

**VERIFICATION**

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

MICHAEL MUROFF, being duly sworn, deposes and says that he is the Claimant in the above-captioned matter; that he has fully read the foregoing Notice of Claim knows the contents thereof; that the same is true to the best knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes them to be true.

  
MICHAEL MUROFF

Sworn to before me this 29 day of October, 2025

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



EXHIBIT A







# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 10, 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>Anderson, Derrick M. v. County of Erie, et al.</i>
Document Received:	Verified Petition
Name of Claimant:	Derrick M. Anderson c/o Little Portion Friary 1305 Main Street Buffalo, New York 14209
Claimant's attorney:	Steven M. Cohen, Esq. Tiveron Law PLLC 2410 North Forest Road Getzville, New York 14068

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

DERRICK M. ANDERSON,

Petitioner.

v.

TOWN OF AMHERST,  
TOWN OF AMHERST POLICE DEPARTMENT  
COUNTY OF ERIE and  
ERIE COUNTY DISTRICT ATTORNEY

Respondents.

NOTICE OF PETITION

This paper received at the  
Index No. Erie County Attorney's Office  
from Thaddeus Kwiatkowski  
the 7th day of Nov, 2025  
at 2:13 a.m./p.m.  
[Signature]  
Assistant County Attorney

MOTION MADE BY:

Claimant DERRICK M. ANDERSON, through his attorneys, TIVERON LAW, PLLC 2410 North Forest Road, Suite 301, Getzville, New York 14068.

DATE, TIME, AND PLACE OF HEARING:

On January 14, 2025 @ 10am at a Special Term of the Supreme Court held before the Hon. Diane Devlin, J.S.C., located at Part 6 92 Franklin St, Buffalo, NY 14202.

SUPPORTING PAPERS:

Petition of Steven M. Cohen, Esq., dated September 2, 2025, with exhibits.

RELIEF DEMANDED AND GROUNDS THEREFORE:

Entry of an Order for the following relief:

1. Granting Plaintiff's application to serve a late Notice of Claim pursuant to General Municipal Law § 50-c (5)
2. Such other and further relief as this Court deems just, proper and equitable.

ANSWERING AFFIDAVITS:  
least

Answering affidavits, if any, must be served at seven (7) days prior to the return date of this motion pursuant to CPLR § 2214(b). Reply papers, if any, to be served one (1) day prior to the return date.

¶

1

ORAL ARGUMENT:

At the discretion of the Court.

Dated: *September 2, 2025*  
Amherst, New York

TIVERON LAW, PLLC



Steven M. Cohen, Esq.  
Attorneys for Claimant  
2410 North Forest Road, Ste. 301  
Amherst, New York 14068  
Telephone: 716-636-7600  
Email: [scohen@tiveronlaw.com](mailto:scohen@tiveronlaw.com)

To: Eric County Department of Law  
Jeremy C. Toth, Esq.  
95 Franklin Street, Rm. 1634  
Buffalo, New York 14202  
Telephone: 716-858-2208  
Email: [jeremy.toth@eric.gov](mailto:jeremy.toth@eric.gov)

Town of Amherst, Attorney's Office  
Samuel A. Alba, Esq.  
5583 Main Street  
Williamsville, New York 14221  
Telephone: 716-631-7037

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

DERRICK M. ANDERSON,

PETITION

Petitioner,

v.

TOWN OF AMHERST,  
TOWN OF AMHERST POLICE DEPARTMENT  
COUNTY OF ERIE and  
ERIE COUNTY DISTRICT ATTORNEY

Index No.:

Respondents.

Steven M. Cohen , Esq., affirms the following under the penalties of perjury pursuant to CPLR § 2106:

1. I am an attorney duly admitted to practice in the Courts of New York and am associated with Tiveron Law, PLLC., attorneys for Claimant, Derrick M. Anderson, and as such I am familiar with the facts and circumstances of this matter.

2. This Petition is submitted in support of Claimant’s application for an Order permitting him to serve the Town of Amherst and the County of Erie with a late Notice of Claim pursuant to General Municipal Law § 50-e (5).

3. This is an action for malicious prosecution, false arrest and emotional distress and other damages stemming from Claimant being indicted for violations of Penal Law §§ 265.01, 160.15, 155.25 and 120.14 and later being acquitted of those charges on March 27, 2025

4. Service of the Notice of Claim was delayed as Claimant’s was unable to communicate with legal counsel as he is homeless, does not own a phone, has no transportation and does not have internet access.

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5. Pursuant to New York General Obligations Law § 50-e, “[i]n any case founded upon tort where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against a public corporation...the notice of claim shall comply with and be served in accordance with the provisions of this section within ninety days after the claim arises”. See NY General Obligations Law § 50-e(1)(a).

6. Claimant has one (1) year and ninety (90) days period in which leave for permission to file late Notice of Claim may be entertained. See New York General Obligations Law § 50-e; see also Hochberg v. New York, 63 N.Y.2d. 665 (1984).

7. In deciding whether to permit service of a late notice of claim, the primary focus of the Court is whether the public corporation had acquired actual knowledge of the essential facts constituting the claim within ninety days, or a reasonable time thereafter, of the event(s) that serve the basis for the notice of claim.

8. The determination as to whether to grant leave to serve a late notice of claim is a question committed to the sound discretion of the Court. See Clark v. Roswell Park Cancer Institute Corporation, 92 A.D.3d. 1273 (4th Dep., 2012).

9. The key factor that should be accorded great weight in whether the Respondent received actual knowledge of the facts constituting the claim in a timely manner. See Clark v. Roswell Park Cancer Institute Corporation, 92 A.D.3d. 1273 (4th Dep., 2012).

10. Respondents had actual notice of the facts constituting the claim by virtue of the fact that the Town of Amherst Police responded to the initial 911 call, investigated the alleged crimes and charged the Claimant with violations of the New York Penal Law §§ 265.01, 160.15, 155.25 and 120.14 The Erie County District attorney then prosecuted the case before the Honorable Susan Eagan of the Erie County Court. Under these circumstances, the New York

State Court, Appellate Division, Fourth Department has held that a grant of an application for leave to serve a late notice of claim by the New York State Court of Claims was not an abuse of discretion. See *Clark v. Roswell Park Cancer Institute Corporation*, 92 A.D. 3d. 1273 (4th Dep., 2012).

11. The delay in service of the Notice of Claim upon Respondents has not substantially prejudiced the Respondents in maintaining a defense on the merits because of all the relevant facts regarding Claimant’s claim are contained in the records that are in the control of the Town of Amherst Police Department and the Erie County District Attorney’s Office.

12. Pursuant to General Municipal Law § 50-e(7), a copy of the Notice of Claim that is proposed to be served is annexed as Exhibit “A”.

13. In light of the foregoing, the Claimant respectfully requests that this Court enter an Order granting Claimant leave to serve a late Notice of Claim against the Respondents, Town of Amherst, Town of Amherst Police Department, Erie County and the Erie County District Attorney’s Office.

14. No previous application for the relief requested herein has been made.

**WHEREFORE**, it is respectfully requested that this Court grant Claimant an Order, pursuant to General Obligations Law § 50-e (5) permitting Claimant to serve a late notice of claim on the Respondents named herein; and granting such other relief as the Court may deem just and proper.

Dated: September 2, 2025  
Amherst, New York

  
Steven M. Cohen

# EXHIBIT A

STATE OF NEW YORK  
COUNTY OF ERIE

In the Matter of the Claim of  
DERRICK M. ANDERSON,

**PROPOSED NOTICE OF CLAIM**

Claimant,

v.

TOWN OF AMHERST,  
TOWN OF AMHERST POLICE DEPARTMENT  
COUNTY OF ERIE,  
ERIE COUNTY DISTRICT ATTORNEY,

Defendants.

TO: Town of Amherst  
5583 Main Street  
Williamsville, New York 14221

Town of Amherst Police Department  
500 J.J. Audubon Parkway  
Amherst, New York 14228

County of Erie  
Erie County Department of Law  
95 Franklin Street, Rm. 1634  
Buffalo, New York 14202

Erie County District Attorney  
25 Delaware Avenue  
Buffalo, New York 14202

**PLEASE TAKE NOTICE** that the named Claimant, **DERRICK M. ANDERSON**, hereby makes and demands against the **TOWN OF AMHERST, TOWN OF AMHERST POLICE DEPARTMENT** the **COUNTY OF ERIE** and **ERIE COUNTY DISTRICT ATTORNEY'S OFFICE** pursuant to section 50-e of the General Municipal Law, as follows:

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1. **The names and post office addresses of the claimant and her attorneys are:**

**CLAIMANT**

Derrick M. Anderson  
C/O Little Portion Friary  
1305 Main Street  
Buffalo, New York 14209

**ATTORNEYS**

Tiveron Law, PLLC  
Steven M. Cohen, Esq.  
2410 North Forest Rd., Ste. 301  
Amherst, New York 14068

2. **The nature if this claim:** This is an action for recovery for damages arising out of injuries sustained by Claimant caused solely by the tortious (and unconstitutional) conduct of the **TOWN OF AMHERST, TOWN OF AMHERST POLICE DEPARTMENT** and the **COUNTY OF ERIE** and **ERIE COUNTY DISTRICT ATTORNEY's OFFICE** (malicious prosecution only) including but not limited to abuse of process, deprivation of liberty without due process, harassment, negligence, false arrest, malicious prosecution, negligent infliction of emotional distress, intentional infliction of emotional distress, negligent hiring, training and supervision of police officers employed by Respondents, employer breach of employee manual, employer liability for employee acts, and otherwise tortious acts by **TOWN OF AMHERST, TOWN OF AMHERST POLICE DEPARTMENT, COUNTY OF ERIE** and **ERIE COUNTY DISTRICT ATTORNEY**, their agents, servants and/or employees, causing emotional injury (and depriving Claimant of his Constitutional and Civil rights) without basis and/or reason.

The Respondents did, through the instrumentality of law enforcement, commit torts including, but not limited to abuse of process, deprivation of liberty without due process, unlawful imprisonment, harassment, negligence, negligent infliction of emotional distress, intentional infliction of emotional distress, false arrest, malicious prosecution, and otherwise tortious acts stated previously herein.

3. **Date, time and place of tortious contact:** On April 17, 2024, Respondents did charge Claimant with violations of New York Penal Law §§ 160.15, 155.25, 265.01 and 120.14 for which Respondents knew, or should have known that there was insufficient evidence to

{

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charge the Claimant with the alleged crimes. On March 27, 2025, Defendant was acquitted of all charges.

4. **The items of damages or injuries claimed are:** Claimant suffered injuries, including but not limited to, mental anguish, anxiety, depression, stress and post-traumatic stress, humiliation, embarrassment, intimidation, punitive damages and all associated damages. Said claim and demand in the amount of ONE MILLION DOLLARS (\$1,000,000) is hereby presented for adjustment.

Dated: September 2, 2025  
Amherst, New York

**TIVERON LAW, PLLC**



Steven M. Cohen, Esq.  
Attorneys for Claimant  
2410 North Forest, Suite 301  
Amherst, New York 14068  
Telephone: (716) 636-7600  
Email: [scohen@tiveronlaw.com](mailto:scohen@tiveronlaw.com)

REQUEST FOR JUDICIAL INTERVENTION

Supreme COURT, COUNTY OF Erie



Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_\_

For Court Use Only:

**CAPTION** Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

Derrick M Anderson

Plaintiff(s)/Petitioner(s)

-against-

Town of Amherst, Town of Amherst Police Department, County of Erie, Erie County District Attorney

Defendant(s)/Respondent(s)

IAS Entry Date

Judge Assigned

RJI Filed Date

**NATURE OF ACTION OR PROCEEDING:** Check only one box and specify where indicated.

**COMMERCIAL**

Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)

Contract

Insurance (where insurance company is a party, except arbitration)

UCC (includes sales and negotiable instruments)

Other Commercial (specify): \_\_\_\_\_

**NOTE:** For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.

**TORTS**

Asbestos

Environmental (specify): \_\_\_\_\_

Medical, Dental or Podiatric Malpractice

Motor Vehicle

Products Liability (specify): \_\_\_\_\_

Other Negligence (specify): \_\_\_\_\_

Other Professional Malpractice (specify): \_\_\_\_\_

Other Tort (specify): False Arr./Malicious Pros

**MATRIMONIAL**

Contested

**NOTE:** If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum (UCS-840M)**.

For Uncontested Matrimonial actions, use the **Uncontested Divorce RJI (UD-13)**.

**REAL PROPERTY** Specify how many properties the application includes: \_\_\_\_\_

Condemnation

Mortgage Foreclosure (specify):  Residential  Commercial

Property Address: \_\_\_\_\_

**NOTE:** For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.

Partition

**NOTE:** Complete and attach the **PARTITION RJI ADDENDUM (UCS-840P)**.

Tax Certiorari (specify): Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Tax Foreclosure

Other Real Property (specify): \_\_\_\_\_

**SPECIAL PROCEEDINGS**

Child-Parent Security Act (specify):  Assisted Reproduction  Surrogacy Agreement

CPLR Article 75 - Arbitration [see **NOTE** in **COMMERCIAL** section]

CPLR Article 78 - Proceeding against a Body or Officer

Election Law

Extreme Risk Protection Order

MHL Article 9.60 - Kendra's Law

MHL Article 10 - Sex Offender Confinement (specify):  Initial  Review

MHL Article 81 (Guardianship)

Other Mental Hygiene (specify): \_\_\_\_\_

Other Special Proceeding (specify): \_\_\_\_\_

**OTHER MATTERS**

Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]

Emergency Medical Treatment

Habeas Corpus

Local Court Appeal

Mechanic's Lien

Name Change/Sex Designation Change

Pistol Permit Revocation Hearing

Sale or Finance of Religious/Not-for-Profit Property

Other (specify): \_\_\_\_\_

**STATUS OF ACTION OR PROCEEDING** Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date filed: _____
Has a summons and complaint or summons with notice been served?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, judgment date: _____

**NATURE OF JUDICIAL INTERVENTION** Check one box only and enter additional information where indicated.

Infant's Compromise

Extreme Risk Protection Order Application

Note of Issue/Certificate of Readiness

Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: \_\_\_\_\_

Notice of Motion Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_

Notice of Petition Relief Requested: Miscellaneous Return Date: \_\_\_\_\_

Order to Show Cause Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_

Other Ex Parte Application Relief Requested: \_\_\_\_\_

Partition Settlement Conference

Request for Preliminary Conference

Residential Mortgage Foreclosure Settlement Conference

Waiver of Court Costs, Fees and Expenses

Writ of Habeas Corpus

Other (specify): \_\_\_\_\_

<b>RELATED CASES</b> List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the <b>RJI Addendum (UCS-840A)</b> .				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to Instant case

<b>PARTIES</b> For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the <b>RJI Addendum (UCS-840A)</b> .				
Un-Rep	Parties <small>List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3<sup>rd</sup> party plaintiff, etc.)</small>	Attorneys and Unrepresented Litigants <small>For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.</small>	Issue Joined <small>For each defendant, indicate if issue has been joined.</small>	Insurance Carriers <small>For each defendant, indicate insurance carrier, if applicable.</small>
<input type="checkbox"/>	Name: Anderson, Derrick M. Role(s): Plaintiff/Petitioner	STEVEN COHEN, Tiveron Law PLLC, 2410 N. Forest Road, Suite 301, Amherst, NY 14068, 716-636-7600, scohen@tiveronlaw.com	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Town of Amherst Role(s): Defendant/Respondent	Samuel Alba Esq., 5583 Main Street, Williamsville, NY 14221	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Town of Amherst Police Department Role(s): Defendant/Respondent	Samuel Alba Esq, 5583 Main Street, Williamsville, NY 14221	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: County of Erie Role(s): Defendant/Respondent	Jeremy Toth, 95 Franklin Street, Buffalo, NY 14202	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Erie County District Attorney Role(s): Defendant/Respondent	Jeremy Toth, 95 Franklin Street, Buffalo, NY 14202	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.**

Dated: 09/23/2025

\_\_\_\_\_  
STEVEN MICHAEL COHEN  
Signature

2271187  
Attorney Registration Number

\_\_\_\_\_  
STEVEN MICHAEL COHEN  
Print Name





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 12, 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>Harris, Louie G. v. County of Erie</i>
Document Received:	Verified Petition
Name of Claimant:	Louie G. Harris 390 Koons Avenue, Apt. 1 Buffalo, New York 14211
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.



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

-----X Louie G. Harris,

Petitioner,

-against-

FILED  
09/03/2025/ 15:59:34  
ERIE COUNTY CLERK  
RCPT # 25150693  
X 2025600498

Index No. : \_\_\_\_\_

Department of Law of Erie County,

Respondent. -----X NOTICE OF PETITION

PLEASE TAKE NOTICE that upon the verified petition of Louie G. Harris, sworn to on the 3 day of September, **2025**, and the exhibits attached thereto, the undersigned will move this Court at the Courthouse located at 25 Delaware Avenue, Buffalo, New York, on the \_\_\_ day of \_\_\_\_\_, **2025**, at : [a.m./p.m.], or as soon thereafter as counsel can be heard, for a judgment pursuant to Article 78 of the Civil Practice Law and Rules:

1. Compelling Respondent to perform the duties required by law;
2. Granting such other and further relief as the Court deems just and proper; and
3. Awarding Petitioner the costs and disbursements of this proceeding.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 7804(c), answering affidavits must be served upon the undersigned at least five (5) days before the return date of this petition.

Dated: 9/3, **2025** Buffalo, New York

Louie G. Harris



390 Koons Ave. Apt. 1, Buffalo, New York

716-948-8364

Pro Se Petitioner

This paper received at the  
Erie County Attorney's Office

from Kurt Meyers on

the 16<sup>th</sup> day of September, 202

at 2:02 a.m./p.m.

Anton Rubin

Assistant County Attorney

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ERIE

-----X Louie G. Harris,

Petitioner,

-against-

Index No.: \_\_\_\_\_

Department of Law of Erie County,

Respondent. -----X VERIFIED PETITION

Petitioner, appearing pro se, respectfully alleges:

**PARTIES**

1. Petitioner Louie G. Harris resides at 390 Koons Ave. Apt.1 Buffalo, New York 14211.
2. Respondent Department of Law of Erie County is a county agency located at 95 Franklin St. Buffalo, New York 14202.

**JURISDICTION & VENUE** 3. This Court has jurisdiction pursuant to CPLR Article 78 and CPLR § 506(b). 4. Venue is proper in Erie County because the Respondent is located here and the actions complained of occurred here.

**FACTS** 5. On August 7, 2025, Petitioner submitted a written demand to Respondent requesting :

- Corrective action to prevent future violations
- Legislative steps taken immediately to ensure no one has to suffer this way again.
- I am demanding that you take action in petitioning the **Erie County Supreme Court** and the **United States Supreme Court** for **Orders of Protection** against **Erie County District Attorney's Office** and its delegates in my favor and in my family's favor that were involved in the retaliation.
- I am also demanding that you take action in petitioning the Erie County Supreme Court and the **United States Supreme Court** for Orders of Protection against the **Buffalo Police Department**, its delegates, its informants, (official and unofficial), in my favor and in my family's favor that were involved in the retaliation.
- I am also demanding that you take action in petitioning the Erie County Supreme Court and the **United States Supreme Court** for Orders of Protection against the **Federal Bureau of Investigation**, it's delegates, it's informants, (official and unofficial), in my favor and in my family's favor that were involved in the retaliation.

- I also formally demand you and **ALL LAW ENFORCEMENT AGENCIES** acting under your direction and all Law Enforcement agencies not acting under your direction, also any **Clandestine Agencies** to take **IMMEDIATE ACTION** in ceasing any and all **investigations and pusuits** against my **civil liberties** bestowed upon me by The **International Human Rights Laws** and the **United States Constitution**, along with my family and friends that were involved in the retaliation.
- I also demand that you provide restitution in the amount of **\$20,000,000 USD** for the totality of injuries suffered because of events of retaliation in Violation of my 1<sup>st</sup> Amendment right to freedom of speech and to petition the Government for redress, since the investigation and filing of the malicious indictment known as 72776-22 in Erie Couty Supreme Court and the filing of the malicious appeal KA 23-01657 filed in August of 2024 and refiled on October 3, 2024 with the Appellate Division Fourth Department.
- I also demand to have my criminal record deleted completely and issued certificates of good standing and favorable recommendations and instatements for possessing firearms (side arms and fully automatic weapons) for the self defense of myself and my family anywhere in the Internationally, considering the unjustic and retaliation I have suffered.
- I also demand to have the criminal records of my family members involved in the illegal retailation efforts, criminal record's deleted completely as the State can no longer be trusted to hold sway over them, considering the retaliation efforts that have taken place.
- I also demand to be informed on the software, hardware, Ai, and all technology that was used to survail me digitally, physically, mentally, thermally and otherwise/etc, hence, I will be informed to equip myself against these kinds of attacks.

6. A true copy of this demand is attached as Exhibit "A".

7. The Respondent received this demand on August 7, 2025 (see proof of delivery attached as Exhibit "B").

8. Pursuant to 31 CFR § 901.2, Respondent was required to respond within 30 business days.

9. As of today, Respondent has failed to respond as required by law.

10. Petitioner has no other adequate remedy at law.

CAUSES OF ACTION 11. Petitioner brings this proceeding to compel Respondent to perform a duty enjoined upon it by law (mandamus to compel) pursuant to CPLR § 7803(1).

RELIEF REQUESTED WHEREFORE, Petitioner respectfully requests that this Court issue a judgment:

**A. Compelling Respondent to :**

- Take immediate corrective action to prevent future violations.
- Legislative steps taken immediately to ensure no one has to suffer this way again.
- I am demanding that you take action in petitioning the **Erie County Supreme Court** and the **United States Supreme Court** for **Orders of Protection** against **Erie County District Attorney's Office** and its delegates in my favor and in my family's favor that were involved in the retaliation.
- I am also demanding that you take action in petitioning the Erie County Supreme Court and the **United States Supreme Court** for Orders of Protection against the **Buffalo Police Department**, its delegates, its informants, (official and unofficial), in my favor and in my family's favor that were involved in the retaliation.
- I am also demanding that you take action in petitioning the Erie County Supreme Court and the **United States Supreme Court** for Orders of Protection against the **Federal Bureau of Investigation**, it's delegates, it's informants, (official and unofficial), in my favor and in my family's favor that were involved in the retaliation.
- I also formally demand you and **ALL LAW ENFORCEMENT AGENCIES** acting under your direction and all Law Enforcement agencies not acting under your direction, also any **Clandestine Agencies** to take **IMMEDIATE ACTION** in ceasing any and all **investigations and pusuits** against my **civil liberties** bestowed upon me by The **International Human Rights Laws** and the **United States Constitution**, along with my family and friends that were involved in the retaliation.
- I also demand that you provide restitution in the amount of **\$20,000,000 USD** for the totality of injuries suffered because of events of retaliation in Violation of my 1<sup>st</sup> Amendment right to freedom of speech and to petition the Government for redress, since the investigation and filing of the malicious indictment known as 72776-22 in Erie Couty Supreme Court and the filing of the malicious appeal KA 23-01657 filed in August of 2024 and refiled on October 3, 2024 with the Appellate Division Fourth Department.
- I also demand to have my criminal record deleted completely and issued certificates of good standing and favorable recommendations and instatements for possessing firearms (side arms and fully automatic weapons) for the self defense of

myself and my family anywhere in the Internationally, considering the unjust and retaliation I have suffered.

- I also demand to have the criminal records of my family members involved in the illegal retaliation efforts, criminal record's deleted completely as the State can no longer be trusted to hold sway over them, considering the retaliation efforts that have taken place.
- I also demand to be informed on the software, hardware, Ai, and all technology that was used to surveil me digitally, physically, mentally, thermally and otherwise/etc, hence, I will be informed to equip myself against these kinds of attacks.

B. Granting such other and further relief as the Court deems just and proper;

C. Awarding costs and disbursements of this proceeding to Petitioner.

Dated: 9/3, 2025 Buffalo, New York

Louie G. Harris

Pro Se Petitioner

390 Koons Ave. Apt. Buffalo, New York 14202

716-948-8364

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

I, Louie Harris, being duly sworn, depose and say that I am the Petitioner in the within proceeding; I have read the foregoing Verified Petition and know the contents thereof; the same is true to my knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters, I believe them to be true.

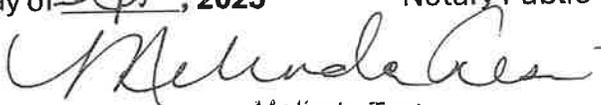
Louie G. Harris



Sworn to before me this

3<sup>rd</sup> day of Sept, 2025

Notary Public



Melinda Tesi  
Notary Public, State of New York  
Registration # 04TE6403483  
Qualified In Erie County  
My Commission Expires 1/27/28





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 14, 2025

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

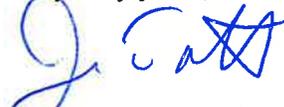
Dear Ms. Owens:

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>Boniface, Virginia v. County of Erie, City of Buffalo, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Virginia Boniface 31 Dundee Street Buffalo, New York 14220
Claimant's attorney:	Elisa M. Orlowski, Esq. Richmond Vona LLC 192 Seneca Street, Suite 200 Buffalo, New York 14204

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

---

VIRGINIA BONIFACE,

Claimant,

- against -

CITY OF BUFFALO,

CITY OF BUFFALO DEPARTMENT OF  
PUBLIC WORKS,

COUNTY OF ERIE, and

ERIE COUNTY  
DEPARTMENT OF PUBLIC WORKS,

Respondents.

---

**R E C E I V E D**  
SEP 26 2025

ERIE COUNTY  
DEPARTMENT OF LAW

**NOTICE OF CLAIM**

**TO: CITY OF BUFFALO  
CORPORATION COUNSEL  
Attn: Law Department  
65 Niagara Square  
Room 1100  
Buffalo, New York 14202**

**TO: CITY OF BUFFALO DEPARTMENT  
OF PUBLIC WORKS  
Attn: Law Department  
65 Niagara Square  
Room 502  
Buffalo, New York 14202**

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

**TO: ERIE COUNTY DEPARTMENT  
OF PUBLIC WORKS  
Attn: Law Department  
Edward A. Rath County Office Building  
95 Franklin Street  
14<sup>th</sup> Floor  
Buffalo, New York 14202**

PLEASE TAKE NOTICE, that VIRGINIA BONIFACE, makes claims against the CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, COUNTY OF ERIE, and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, and in support of said claims states the following:

1. The Post Office address of the Claimant is 31 Dundee Street, Buffalo, New York 14220.

2. The attorneys for the Claimant are RICHMOND VONA, LLC, whose Post Office address is 192 Seneca Street, Suite 200, Buffalo, NY 14204, and whose telephone number is (716) 500-5678.

3. The claims of VIRGINIA BONIFACE are for personal injuries including, without limitation, serious bodily injuries, some or all of which may be of a permanent and irreparable nature, including but not limited to injuries to the mouth, teeth, hands, wrists, legs, and arms. Claimant has and will incur pain and suffering, economic loss and mental and emotional anguish. Claimant's medical treatment is ongoing and reserves the right to allege additional injuries that may develop.

4. VIRGINIA BONIFACE's claims arose from an incident that occurred on September 8, 2025, while Ms. Boniface was walking on the sidewalk in front of 715 Abbott Road, Buffalo, New York. On this date, while walking in front of 715 Abbott Road, Ms. Boniface tripped

and fell due to a dangerous, defective, and hazardous condition consisting of a metal street sign post that had been partially cut and left protruding from the sidewalk. **See photograph enclosed as Exhibit A.** As a direct result of the incident, VIRGINIA BONIFACE suffered serious and permanent injuries.

5. Upon information and belief, the sidewalk where the incident occurred is located within the CITY OF BUFFALO in the COUNTY OF ERIE.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, and recklessness of the Respondents, through their agents, servants, contractors, and/or employees, in that Respondent(s) owned, maintained, operated, managed and/or controlled the premises/property in such a careless, reckless and negligent manner, including but not limited to: creating the hazardous condition; permitting a dangerous or defective condition to exist on the premises for an extended period of time when Respondent(s) had written, actual or constructive notice and knew or should have known of the dangerous condition; failing to inspect the condition and safety of this area; failing to discover the unreasonably dangerous condition of the sidewalk/street sign post; failing to correct the unreasonably dangerous condition, failing to maintain the subject sidewalk/street sign post in a reasonably safe manner, and failing to provide sufficient warnings, markings, signs or signals of the dangerous condition.

7. As a result of the acts and/or omissions described above, Claimant, VIRGINIA BONIFACE, sustained serious and permanent injuries.

8. Upon information and belief, the incident alleged herein was the result of the negligence, carelessness, and recklessness of Respondents, CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, COUNTY OF ERIE, ERIE COUNTY

DEPARTMENT OF PUBLIC WORKS, and their agents, servants, contractors, and/or employees, without any negligence on the part of Claimant, VIRGINIA BONIFACE.

9. The total sum claimed is in an amount to be determined by a jury and it shall include past and future pain and suffering, past and future medical expenses and economic loss.

WHEREFORE, Claimant, VIRGINIA BONIFACE, requests that the CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, COUNTY OF ERIE, and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS honor and pay her claims.

Dated: Buffalo, New York  
September 11, 2025

**PLEASE DIRECT INQUIRIES TO:**

ELISA M. ORLOWSKI, ESQ.

RICHMOND VONA, LLC

*Attorneys for Claimant*

192 Seneca Street, Suite 200

Buffalo, New York 14204

P: (716) 500-5678

F: (716) 500-5679

VERIFICATION

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

VIRGINIA BONIFACE, being duly sworn, deposes and says that: she makes this claim on her own behalf; she 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, she believes them to be true.

*Virginia Boniface*  
\_\_\_\_\_  
VIRGINIA BONIFACE

Sworn to before me this  
22nd day of September, 2025

*Jessica L. Dyson*  
\_\_\_\_\_  
Notary Public



# EXHIBIT A







JEREMY C. TOTH  
COUNTY ATTORNEY

# COUNTY OF ERIE

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 14, 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>Debouse, James v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	James Debouse 9 Halbert Street Buffalo, New York 14214
Claimant's attorney:	Richard A. Nicotra, Esq. Nicotra Law Firm, PC 487 Main Street, Suite 500 Buffalo, NY 14203

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



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

---

JAMES DEBOUSE  
9 HALBERT ST  
BUFFALO, NY 14214-2415  
Claimant,

**NOTICE OF CLAIM**

vs.

VILLAGE OF ANGOLA  
41 COMMERCIAL STREET  
ANGOLA, NY 14006

TOWN OF EVANS  
8787 ERIE ROAD  
ANGOLA NY 14006

COUNTY OF ERIE  
SEWER DISTRICT #2  
95 FRANKLIN ST  
BUFFALO, NY 14202

COUNTY OF ERIE  
95 FRANKLIN ST  
BUFFALO, NY 14202

Respondents.

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**PLEASE TAKE NOTICE**, that the Claimant, JAMES DEBOUSE, hereby intends to file a claim against the VILLAGE OF ANGOLA, TOWN OF EVANS, COUNTY OF ERIE SEWER DISTRICT #2 AND/OR COUNTY OF ERIE, and in support of said claim states the following:

1. The Post Office address of the Claimant, JAMES DEBOUSE is 9 Halbert St Buffalo, NY 14214.
2. The attorneys for the Claimants are The Nicotra Law Firm, P.C., 487 Main Street, Buffalo, New York 14203, Telephone (716) 333-3000.
3. The Claim arose as follows: Upon information and belief, on or about June 12<sup>th</sup>, 2025, at approximately 2:00 P.M., Claimant, JAMES DEBOUSE was moving bags of mortar

in a wheelbarrow on Lake Shore Rd, when, upon information and belief, he was caused to trip over a pipe laying on the ground, which moved and caused him to trip and fall into an unprotected trench. Upon information and belief, this property is owned, maintained and controlled by the VILLAGE OF ANGOLA, TOWN OF EVANS, COUNTY OF ERIE SEWER DISTRICT #2 AND/OR COUNTY OF ERIE.

4. Upon information and belief, this incident was caused by the negligence, carelessness, and recklessness of the VILLAGE OF ANGOLA, TOWN OF EVANS, COUNTY OF ERIE SEWER DISTRICT #2 AND/OR COUNTY OF ERIE, and/or their agents, servants and/or employees as follows:

- a. Negligently failing to maintain the premises in a reasonably safe condition, resulting in the unprotected trench.
- b. Negligently failing to foresee the risk of injury from the unprotected trench and to take steps to mitigate this risk.
- c. Negligently breaching the duty of care owed permitting unsafe conditions, specifically the pipe and unprotected trench, to exist on the premises.
- d. Negligently failing to provide adequate warnings or signs to alert individuals to the presence of the pipe.
- e. Negligently violating local building codes or safety regulations by allowing the unprotected trench to remain.
- f. Negligently conducting inspections that did not identify or address the unprotected trench.
- g. Negligently and carelessly created a hazardous condition;
- h. Negligently failing to take proper measures to correct the dangerous and hazardous condition regarding the unprotected trench and the subject area; and
- i. Respondents were otherwise negligent;

5. Upon information and belief, by virtue of the negligence, carelessness and recklessness of the VILLAGE OF ANGOLA, TOWN OF EVANS, COUNTY OF ERIE

SEWER DISTRICT #2 AND/OR COUNTY OF ERIE, its agents, servants and/or employees, Claimant JAMES DEBOUSE was caused to suffer serious, significant and permanent injuries, including but not limited to his neck, left shoulder, left elbow, left hand and extremities, and left side and ribs from this incident.

6. Upon information and belief, Claimant JAMES DEBOUSE also suffered other injuries and complications as yet undetermined as a result of this accident and, and by reason of the same, Claimant, JAMES DEBOUSE, sustained damages in an amount which cannot be reasonably calculated at this time.

7. Upon information and belief, this claim is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages.

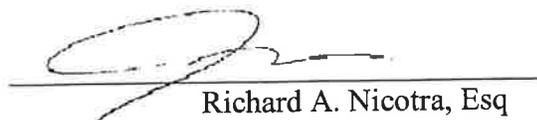
8. By virtue of the negligence and carelessness of the VILLAGE OF ANGOLA, TOWN OF EVANS, COUNTY OF ERIE SEWER DISTRICT #2 AND/OR COUNTY OF ERIE, Claimant, JAMES DEBOUSE, has also incurred hospital and medical expenses and other necessary related expenses, the amount of which is undetermined to date.

**WHEREFORE**, Claimant, JAMES DEBOUSE, requests that the VILLAGE OF ANGOLA, TOWN OF EVANS, COUNTY OF ERIE SEWER DISTRICT #2 AND/OR COUNTY OF ERIE compensate her for her injuries and loss.

Dated: Buffalo, New York  
September 8, 2025

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

By:



Richard A. Nicotra, Esq  
*Attorney for Claimant*  
*The Nicotra Law Firm, P.C.*  
487 Main Street  
Buffalo, New York 14203  
(716) 333-3000

**VERIFICATION**

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

I, Richard Nicotra, am an attorney duly admitted to practice law before the courts of the State of New York. I am the attorney for the claimant in the within Notice of Claim. I have read the foregoing Notice of Claim and know the contents thereof. The same is true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, I believe them to be true.

  
\_\_\_\_\_  
Richard Nicotra



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 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>Zirpola, Lucy v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Lucy Zirpola 3685 Marlow Avenue Blasdell, New York 14219
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

---

LUCY ZIRPOLA,

Claimant,

v.

ERIE COUNTY,

Defendants.

---

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

NOTICE OF CLAIM

This paper received at the  
Erie County Attorney's Office  
from Dina DeFilippo on  
the 3rd day of September, 2025  
at 12:44 a.m./p.m.

  
Assistant County Attorney

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

1. Claimant's address is 3685 Marlow Avenue, Blasdell, County of Erie, New York 14219. 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 Defendant.

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 August 7, 2025, at approximately 3:40 p.m., at the Erie County Fair, Agricultural Center, located at 5600 McKinley Parkway, Hamburg, County of Erie, New York 14075.

4. The claim arises from the following acts or omissions of the Defendant. Defendant, and its agents, servants, and/or employees, negligently failed to properly maintain the area of the occurrence in the Agricultural Center to be reasonably free from dangerous conditions included accumulations of water on the concrete walking surface as to which conditions presented a danger and hazard to the Claimant and which existed due to the negligence of the Defendant in the care, custody, maintenance and control of the area where of the occurrence and, upon information and belief, which was created by Defendant and/or its agents, servants or employees and/or which existed for a sufficient period of time such that Defendant and its agents, servants or employees 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 bodily injuries to her right lower extremity, 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  
August 25, 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**

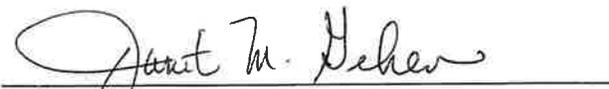
STATE OF NEW YORK    )  
COUNTY OF ERIE       : SS.:  
CITY OF BUFFALO       )

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

  
\_\_\_\_\_  
Lucy Zirpola

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

On the 25 day of August, in the year 2025 before me, the undersigned, personally appeared Lucy Zirpola, 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.

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

JANET M GEHEN  
Notary Public, State of New York  
Qualified in Erie County  
Reg. No. 01GE4913424  
My Commission Expires Nov. 30, 2025



# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 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>VerHagen, Francine v. Erie County Child Support Enforcement Unit, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	Francine C. VerHagen Pro Se Plaintiff PO Box 231 Buffalo, New York 14207
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

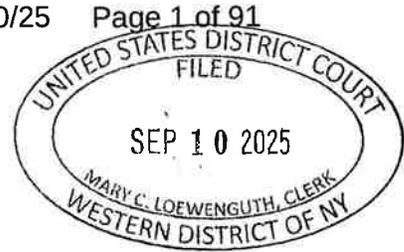
Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.





UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Francine C. VerHagen,  
Plaintiff, pro se,

Case No. \_\_\_\_\_

25 CV 848

v.

**ERIE COUNTY CHILD SUPPORT ENFORCEMENT UNIT;  
MELANIE CAMPANELLA, Supervisor, in her official and individual capacity;  
LISA JACOBS, Investigator, in her official and individual capacity;  
JULIE WELSTED, Supervising Investigator, in her official and individual capacity;  
MR. VALENTIN, Investigator, in his official and individual capacity;  
JACQUELYN O'BRIEN, Caseworker, in her official and individual capacity; and  
JOHN/JANE DOE Caseworkers 1-10, in their official and individual capacities,  
NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, CHILD  
SUPPORT ENFORCEMENT UNIT;**  
Defendants.

---

**VERIFIED COMPLAINT UNDER 42 U.S.C. § 1983**

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**I. JURISDICTION AND VENUE**

1. This action arises under 42 U.S.C. § 1983 and the U.S. Constitution, including the Fourteenth and Fourth Amendments.
2. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343.
3. Venue is proper in this District under 28 U.S.C. § 1391(b) because all events giving rise to this action occurred in Erie County, New York.

**II. PARTIES**

4. Plaintiff, **Francine Carolyn VerHagen**, is a resident of Erie County, New York.
5. Defendant, **New York State Office of Temporary and Disability Assistance, Child Support Enforcement Unit (NYS OTDA SCU)**, administers statewide child support enforcement.



6. Defendant, **Erie County Child Support Enforcement Unit (CSEU)**, administers child support enforcement locally in Erie County.
7. Defendant **Melanie Campanella** is a Supervising Child Support Investigator at Erie County CSEU. She is sued in both official and individual capacity.
8. Defendant **Lisa Jacobs** is a Child Support Investigator at Erie County CSEU. She is sued in both official and individual capacity.
9. Defendant **Jule Welsted** is Supervising Investigator of Erie County CSEU. She is sued in both official and individual capacity.
10. Defendant **Mr. Valentin** is a Child Support Investigator at Erie County CSEU. He is sued in both official and individual capacity.
11. Defendant **Jacquelyn O'Brien** is a Caseworker at Erie County CSEU. She is sued in both official and individual capacity.
12. Defendants **John/Jane Doe 1–10** are employees or agents of OTDA and Erie County CSEU whose identities are unknown.

### **III. FACTUAL ALLEGATIONS**

#### **A. Invalid Orders and Lack of Notice of Entry**

13. In September 2022, a child support order was purportedly issued in Plaintiff's matrimonial case (Index No. 800049/2022).
14. That order was never transcribed, never served on Plaintiff, and **no Notice of Entry was ever filed**.
15. Under New York law, without Notice of Entry, the order is not enforceable.
16. Despite repeated written requests, Defendants—including **Jacobs, Welsted, Valentin, and O'Brien**—refused to produce any valid order with Notice of Entry, while continuing to insist enforcement was proper.

#### **B. Over-Withholding and Unlawful Seizure**

17. Between August 2023 and December 2023, Defendants deducted over **150% of Plaintiff's net income** each month, far exceeding the garnishment caps of 15 U.S.C. § 1673(a) and CPLR § 5241(g).
18. This left Plaintiff with only a few hundred dollars per month, while she was simultaneously ordered to pay:
  - \$2,000/month in supervised visitation costs;
  - \$1,604/month in child support;
  - Alleged \$800/month arrears;



- The full mortgage and marital debt.

19. Plaintiff was forced to work **40 or more hours per week** while Defendants seized most of her wages before she could pay for rent, utilities, or basic necessities.

20. This financial coercion effectively reduced Plaintiff to **economic slavery and involuntary servitude**, functioning as a form of trafficking and debt bondage, in violation of her constitutional rights and human dignity.

#### **C. Failure to Credit Payments / Creation of False Arrears**

21. Plaintiff made direct payments to the custodial parent, which were acknowledged in a sworn affidavit by opposing counsel.

22. Defendants refused to credit these payments, instead falsely creating arrears and continuing garnishment.

#### **D. Bankruptcy Violations**

23. Plaintiff filed for Chapter 13 bankruptcy in May 2024 (Case No. 24-10552, WDNY).

24. Defendants were served with the automatic stay.

25. Despite this, Defendants continued garnishments, froze Plaintiff's Ally Bank account, and redirected funds, in willful violation of 11 U.S.C. § 362.

26. Funds were withheld and returned only after weeks of delay, causing false arrears and preventing Plaintiff from making timely payments.

#### **E. Conflicts of Interest and Retaliation**

27. Public lien records show that Erie County CSEU and OTDA were listed as co-defendants alongside Plaintiff's ex-husband Jason Hill and his associate Stephanie Vogel in financial enforcement actions.

28. Plaintiff repeatedly raised this as a conflict of interest, but Defendants dismissed or ignored the concern.

29. Enforcement has been **one-sided**: aggressively targeting Plaintiff while ignoring misconduct by the other parent, despite documented violations and protection orders.

30. Plaintiff has been subjected to harassment, including multiple IWOs sent to her employer even while unemployed, and unauthorized disclosures of her account information to third parties.

#### **F. Unauthorized Disclosure of Confidential Information**

31. On the record in Plaintiff's Supreme Court case, attorney **Michele Bergevin** admitted to having directly communicated with the Erie County Child Support Enforcement Unit and obtaining Plaintiff's

Faint, illegible text covering the majority of the page, likely bleed-through from the reverse side.

confidential case information.

32. In Plaintiff's bankruptcy proceedings, attorney **Patrick Balkin** similarly admitted on the transcript that he obtained information directly from the Child Support Unit.

33. These disclosures were unauthorized and violated Plaintiff's rights to privacy and due process, as support case records are not public and cannot be shared with opposing counsel absent Plaintiff's consent or lawful court process.

34. After Plaintiff questioned these disclosures, both attorneys altered their explanations and falsely claimed their "client provided the information."

35. Plaintiff possesses emails where **Bergevin was copied (cc'd)** on agency communications, further proving improper disclosure and collusion.

36. Defendants' willingness to provide confidential information to opposing counsel, while denying Plaintiff access and transparency, demonstrates bias, retaliation, and conspiracy under color of law.

#### **IV. CAUSES OF ACTION**

##### **COUNT I – Fourteenth Amendment Due Process Violation**

37. Defendants deprived Plaintiff of property without due process by enforcing non-final, non-entered orders, ignoring her objections, refusing to provide Notice of Entry, and disclosing her confidential case information to opposing counsel.

##### **COUNT II – Fourth Amendment Unlawful Seizure**

38. Defendants unlawfully seized Plaintiff's income and assets through over-withholding and bank levies without a valid legal basis.

##### **COUNT III – Violation of 11 U.S.C. § 362 (Bankruptcy Stay)**

39. Defendants willfully violated the automatic stay by continuing collection efforts during Plaintiff's Chapter 13 case, including garnishments and account freezes.

##### **COUNT IV – Equal Protection / Retaliation**

40. Defendants selectively enforced support obligations against Plaintiff, retaliated against her for representing herself pro se and for filing appeals, and ignored misconduct by the opposing party.

##### **COUNT V – Monell Liability (Erie County CSEU)**

41. The unconstitutional acts described were carried out pursuant to a policy, practice, or custom of Erie County CSEU, including systemic over-withholding, refusal to credit payments, denial of due process, and improper disclosure of confidential information.

The Commission has reviewed the proposed rule and finds that it is necessary and appropriate for the public interest to require the Commission to take the following actions:

1. To require the Commission to take the following actions:

2. To require the Commission to take the following actions:

3. To require the Commission to take the following actions:

The Commission has reviewed the proposed rule and finds that it is necessary and appropriate for the public interest to require the Commission to take the following actions:

4. To require the Commission to take the following actions:

5. To require the Commission to take the following actions:

6. To require the Commission to take the following actions:

The Commission has reviewed the proposed rule and finds that it is necessary and appropriate for the public interest to require the Commission to take the following actions:

7. To require the Commission to take the following actions:

8. To require the Commission to take the following actions:

9. To require the Commission to take the following actions:

## V. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that Defendants' conduct violated Plaintiff's constitutional and statutory rights;
- B. Grant injunctive relief prohibiting further collection absent a valid enforceable order;
- C. Order Defendants to return unlawfully seized funds, estimated at \$50,000-\$75,000;
- D. Award compensatory damages against all Defendants, jointly and severally;
- E. Award punitive damages against the individual Defendants;
- F. Award attorney's fees and costs under 42 U.S.C. § 1988;
- G. Grant such other and further relief as the Court deems just and proper.

## DEMAND FOR JURY TRIAL - -

Plaintiff demands a trial by jury on all issues so triable.

---

### Exhibit List

- **Exhibit A** –Child support order(September 2022) with no Notice of entry (Docket Document List)& IWO Objection (March 2023)
- **Exhibit B** – Emails re: Notice of Entry and Over-Withholding
- **Exhibit C** – Bankruptcy Stay Violation Evidence
- **Exhibit D** – Demand for Refund and Return of Funds (Aug. 21, 2025)
- **Exhibit E** – Child Support Application and Reversal Request (June 27, 2025)
- **Exhibit F** – Notices of Pendency showing Child Support Unit and Jason Hill conflicts of interest

## VERIFICATION (28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 10, 2025

Buffalo, New York.



Francine C. VerHagen

Pro Se Plaintiff

PO Box 231

Buffalo, NY 14207

Tel: (716) 949-8789

Email: [fverhagen1618@gmail.com](mailto:fverhagen1618@gmail.com)





# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 25, 2025

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

Dear Ms. Owens:

In compliance with Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Occhino Corp. v. County of Erie, Erie County Department of Public Works</i>
Document Received:	Summons and Complaint
Name of Claimant:	Occhino Corp. 2650 Seneca Street West Seneca, New York 14224
Claimant's attorney:	Joseph J. Manna, 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 the typed name "JEREMY C. TOTH".

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

OCCHINO CORP.

Plaintiff,

v.

ERIE COUNTY  
ERIE COUNTY DEPARTMENT OF  
PUBLIC WORKS

Defendants.

**SUMMONS**

Index No. \_\_\_\_\_

This paper received at the  
Erie County Attorney's Office  
from John Macaree on  
the 17 day of November, 2025  
at 12:24 a.m./p.m.  
[Signature]  
Assistant County Attorney

TO THE ABOVE-NAMED DEFENDANTS:

**YOU ARE HEREBY SUMMONED**, to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's attorneys within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York  
November 13, 2025

LIPSITZ GREEN SCIME CAMBRIA LLP

By: [Signature]

Joseph J. Manna, Esq.  
Matthew A. Pickard, Esq.

*Attorneys for Plaintiff*  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202  
(716) 849-1333  
[jmanna@lglaw.com](mailto:jmanna@lglaw.com)  
[mpickard@lglaw.com](mailto:mpickard@lglaw.com)

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

OCCHINO CORP.

Plaintiff,

**COMPLAINT**

v.

ERIE COUNTY  
ERIE COUNTY DEPARTMENT OF  
PUBLIC WORKS

Index No. \_\_\_\_\_

Defendants.

---

Plaintiff, Occhino Corp. (“Occhino”), by and through its attorneys, Lipsitz Green Scime Cambria, LLP, as and for its complaint against Defendants, Erie County and the Erie County Department of Public Works (collectively referred to herein as, “Defendants”), alleges, upon knowledge of those matters known to it and upon information and belief as to all other matters, as follows:

**PARTIES**

1. Plaintiff is a New York corporation with a principal place of business that is located at 2650 Seneca Street, West Seneca, NY 14224.
2. Upon information and belief, Defendant, Erie County, is a municipality and governmental entity under the laws of the State of New York with its principal place of business located at 95 Franklin Street, Buffalo, New York 14202.
3. Upon information and belief, Defendant, Erie County Department of Public Works, is and was at all times relevant hereto a governmental entity under the laws of the State of New York with its principal place of business located at 95 Franklin Street, Suite 1400, Buffalo, New York 14202.

**VENUE AND JURISDICTION**

4. Jurisdiction lies with the Supreme Court of the State of New York pursuant to the Constitution and laws of the State of New York because this action seeks equitable relief and/or monetary damages that exceed the jurisdictional limits of lower courts.

5. Venue is proper in Erie County under N.Y. C.P.L.R. § 504 because Defendants are municipal and governmental entities located in Erie County.

**FACTUAL BACKGROUND**

6. Occhino is a local site and heavy highway construction contractor that is in the business of bidding on, and performing, public and private construction projects, such as, among other things, construction projects involving bike paths, sidewalks, parking lots, roads, streets, highways and water and sewer utilities, among other things.

7. Heretofore, Occhino and Defendants entered into a written contract dated July 25, 2024 (the “Contract”), for a construction project known as “Bennett Beach Park – Parking Area Restoration, Project 2024-902-01” (the “Project”).

8. The Project consisted of, among other things, site preparation, excavation and disposal; earthwork for drainage and pavements; storm drain inlet structures and piping; vehicular asphalt pavement and markings; concrete curbing, curb ramps and walkways; lawn installation and restoration; provision and installation of site furnishings.

9. Occhino has complied with the terms of the Contract in all material respects.

**FIRST CAUSE OF ACTION**  
**(Breach of Contract)**

10. Occhino repeats and re-alleges the allegations set forth in foregoing paragraphs of this Complaint as though fully set forth and alleged herein.

11. Occhino has performed its duties owed under the Contract.

12. Defendants have breached the Contract in material respects.

13. Defendants have breached the Contract by, among other things, failing to pay Occhino for the work it completed on the Project.

14. As a direct and proximate result of Defendants' breach, Occhino has been damaged and seeks judgment against Defendants in an amount to be proved at trial, plus interest, costs, disbursements, and attorneys' fees.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(Unjust Enrichment)**

15. Plaintiff, Occhino, repeats and realleges the foregoing paragraphs with the same force and effect as if fully set forth herein.

16. Defendants have been enriched at Plaintiff's expense in an amount to be determined at trial but believed to be hundreds of thousands of dollars.

17. It is against equity and good conscious to permit Defendants to retain the benefit of Plaintiff's work without properly compensating Plaintiff.

18. Based on the foregoing, judgment should be entered against Defendants in an amount to be determined at trial, with costs, disbursements, interest, and attorney fees.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(Breach of Implied Duty of Good Faith and Fair Dealing)**

19. Plaintiff, Occhino, repeats and realleges the foregoing paragraphs with the same force and effect as if fully set forth herein.

20. By reason of the foregoing, Defendants breached the implied duty of good faith and fair dealing by, among other things, failure to pay for contracted services provided pursuant to the Contract, not responding to payment inquiries from Occhino, failing to process payment requests, and renegeing on previously agreed upon terms.

21. As a result of Defendants' breach of the implied duty of good faith and fair dealing, Plaintiff, Occhino, has been damaged in an amount to be determined at trial, with costs, disbursements, interest, and attorney fees.

**WHEREFORE**, Plaintiff, Occhino Corp., demands judgment as follows:

- i. On its first, second and third causes of action in an amount to be proved at trial, plus interest, costs, disbursements, and attorneys' fees; and
- ii. Any other or further relief as this Court may deem just and proper.

Date: November 13, 2025  
Buffalo, New York

**LIPSITZ GREEN SCIME CAMBRIA LLP**

By: 

Joseph J. Manna, Esq.

Matthew A. Pickard, Esq.

*Attorneys for Plaintiff*

42 Delaware Avenue, Suite 120

Buffalo, New York 14202-3857

(716) 849-1333

[jmanna@lglaw.com](mailto:jmanna@lglaw.com)

[mpickard@lglaw.com](mailto:mpickard@lglaw.com)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

-----X  
OCCHINO CORP.

Plaintiff/Petitioner,

- against -

Index No. 820243/2025

ERIE COUNTY

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Defendant/Respondent.  
-----X

**NOTICE OF ELECTRONIC FILING**  
**(Consensual Case)**  
(Uniform Rule § 202.5-b)

**You have received this Notice because:**

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)



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# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

December 8, 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>Hall, Brittney, Ind. and as PNG of Nie-Zyr Hall v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Brittney Hall PNG of Nie'Zyr Hall 99 East Amherst Street Buffalo, New York 14214
Claimant's attorney:	Josephine A. Greco, Esq. Greco Trapp, PLLC 1700 Rand Building 14 Lafayette Square Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

JCT:dld  
Enc.



STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

BRITTNEY HALL, individually and as parent and guardian of NIE'ZYR HALL  
99 East Amherst Street  
Buffalo, New York 14214

Claimant,

**NOTICE OF CLAIM**

vs.

THE STATE OF NEW YORK  
Empire State Plaza  
Justice Building, 2<sup>nd</sup> Floor  
Albany, NY 12224

STATE UNIVERSITY OF NEW YORK ERIE COMMUNITY COLLEGE  
121 Ellicott Street  
Buffalo, NY 14203

CITY OF BUFFALO  
801 City Hall  
65 Niagara Square  
Buffalo, NY 14202

BOARD OF EDUCATION FOR THE CITY SCHOOL DISTRICT OF THE CITY OF BUFFALO  
801 City Hall  
65 Niagara Square  
Buffalo, NY 14202

BUFFALO PUBLIC SCHOOLS  
801 City Hall  
65 Niagara Square  
Buffalo, NY 14202

BUFFALO PUBLIC SCHOOL DISTRICT  
801 City Hall  
65 Niagara Square  
Buffalo, NY 14202

BUFFALO PUBLIC SCHOOL #415 MIDDLE EARLY COLLEGE HIGH SCHOOL  
801 City Hall  
65 Niagara Square  
Buffalo, NY 14202

This paper received at the  
Erie County Attorney's Office  
from Jonathan Boyey  
the 16 day of October, 2025  
at 1:30 a.m./p.m.  
Amber  
Assistant County Attorney

THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK  
515 Broadway  
Albany, NY 12207

and

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, NY 14202,

Respondents.

---

**PLEASE TAKE NOTICE**, that BRITTNEY HALL, individually and on behalf of her minor child, NIE'ZYR HALL, hereby makes this claim against THE STATE OF NEW YORK, STATE UNIVERSITY OF NEW YORK ERIE COMMUNITY COLLEGE, CITY OF BUFFALO, BOARD OF EDUCATION FOR THE CITY SCHOOL DISTRICT OF THE CITY OF BUFFALO, BUFFALO PUBLIC SCHOOLS, BUFFALO PUBLIC SCHOOL DISTRICT, BUFFALO PUBLIC SCHOOL #415 MIDDLE EARLY COLLEGE HIGH SCHOOL, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, and COUNTY OF ERIE, and in support thereof states:

1. The current address of BRITTNEY HALL and NIE'ZYR HALL is 99 East Amherst Street, Buffalo, New York 14214.
2. The name and address of BRITTNEY HALL and NIE'ZYR HALL's attorneys is:

Greco Trapp, PLLC  
Josephine A. Greco, Esq., of counsel  
1700 Rand Building  
14 Lafayette Square  
Buffalo, New York 14203

3. BRITTNEY HALL and NIE'ZYR HALL's claim is for personal injuries and damages that they sustained due to the negligence, carelessness, and recklessness of Respondents. Respondents' employees, agents, servants, and/or assigns, who were acting within the scope of their employment by, including, but not limited to, creating, conducting, supervising, coaching, teaching, monitoring, officiating, and/or generally overseeing a touch football game during a physical education class.

4. At all relevant times herein, Respondents maintained, operated, managed, supervised, owned, and/or otherwise controlled the premises located at 21 Oak Street, Buffalo, NY 14203 commonly known as The Burt Flickinger Center located on the campus of Erie Community College where BRITTNEY HALL and NIE'ZYR HALL's claim for personal injuries and damages arose.

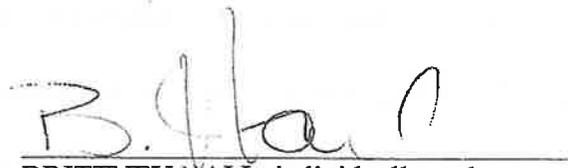
5. BRITTNEY HALL and NIE'ZYR HALL's claim arose on July 21, 2025 at about 12:15 p.m.

6. More specifically, BRITTNEY HALL and NIE'ZYR HALL's claim arose while NIE'ZYR HALL was a student of Respondents attending Respondents' summer pre-college course. NIE'ZYR HALL was a student who was injured while taking a summer pre-college gym class playing two-hand touch football at the Erie Community College Flickinger Center in the gymnasium. Respondents' teachers, employees, agents, servants, and/or assigns acted negligently, carelessly and recklessly by, including, but not limited to, having the students, one of whom was NIE'ZYR HALL, engage in two-hand touch football in an area of the gym which had insufficient space, unpadded gym walls, no boundary lines, and was otherwise inadequate for the activity which was undertaken. Further, Respondents failed to give adequate instructions on how to play two-hand touch football in this gym setting; left the students unsupervised while playing the game;

failed to take timely action to prevent the student's injury; and failed to timely take action to care for the student 's injury.

7. As a result solely of the Respondents' negligence, carelessness and/or recklessness, NIE'ZYR HALL has suffered significant and severe personal injuries to his head, scarring of forehead, severe headaches, injuries to left shoulder and injuries to other parts of his body that may later reveal themselves. BRITTNEY HALL, individually and as parent and guardian of NIE'ZYR HALL is entitled on this claim to receive due compensation for medical expenses, loss of services, and other causally related losses and damages that may later reveal themselves, together with any costs and disbursements. This claim and these damages are hereby presented for adjustment and payment. You are hereby notified that, unless this claim is adjusted and paid within the time provided by law from the date of presentation to you, BRITTNEY HALL, individually and as parent and guardian of NIE'ZYR HALL intends to commence an action on this claim.

DATED: Buffalo, New York  
October 15, 2025

  
BRITTNEY HALL, individually and as  
parent and guardian of NIE'ZYR HALL







# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

December 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>Walsh, Gerald v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Gerald Walsh 5432 Ellicott Road Orchard Park, New York 14127
Claimant's attorney:	Theresa M. Walsh, Esq. Brown Chiari, LLP 2470 Walden Avenue Cheektowaga, New York 14225

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

---

GERALD WALSH,  
Claimant,

vs.

**NOTICE OF CLAIM**

ERIE COUNTY,  
Respondent.

---

TO: Jeremy C. Toth, Esq.,  
Erie County Attorney  
Erie County Attorney's Office  
95 Franklin Street, Room 1634  
Buffalo, NY 14202

To whom it may concern:

PLEASE TAKE NOTICE, that the undersigned, Michael C. Scinta, Esq. of Brown Chiari LLP, as attorneys for Claimant GERALD WALSH, hereby makes claim on behalf of Claimant GERALD WALSH, against Respondent ERIE COUNTY, and submits the following in compliance with the applicable statutes of the State of New York.

1. The Claimant herein is Gerald Walsh, who resides at 5432 Ellicott Road, Orchard Park, NY 14127.
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, medical expenses and associated injuries sustained by reason of injury to Claimant Gerald Walsh.

4. The incident giving rise to these damages occurred on or about July 22, 2025, while Claimant was a passenger in a vehicle driven by her husband, Gerald Walsh. At that time Mr. and Mrs. Walsh were traveling eastbound on Armor Duell Road (Route 952J) in the Town of Orchard Park when they were struck by another vehicle that was traveling northbound on Murphy Road. The Town of Orchard Park Police Report is attached hereto as Exhibit A.

5. The said damages for which claim is hereby made arose in the following manner, to wit:

Mr. and Mrs. Walsh were traveling eastbound on Armor Duells Road (Route 952J) in the Town of Orchard Park when they were struck by another vehicle that was traveling northbound on Murphy Road.

Upon information and belief, a cause of the aforementioned accident was the negligence of ERIE COUNTY, by and through its agents, servants, and employees, in that they were negligent in failing to properly design, construct, and maintain Murphy Road in the area of this incident, failing to provide proper traffic control devices, and or signage in the area of the incident, failing to provide adequate safety measures for vehicular traffic at or near the intersection of Murphy Road and Armor Duells Road, Orchard Park New York, failing to provide proper warnings and signage to vehicular traffic in and around the area of Murphy Road and Armor Duells Road, Orchard Park New York, failing to properly mark, indicate or otherwise notify vehicular traffic of the intersection of Murphy Road and Armor Duells Road, Orchard Park New York, failing to conduct proper and adequate studies of the area, failing to install alternative features to safely direct traffic, and failing to take proper notice of the dangers existing with the design of the intersection and failing to heed warnings and complaints regarding the intersection.

6. Claimant Carol Walsh sustained, among other injuries, personal injuries in the nature of neck and chest pain; bruising to chest and hands, C2 fracture for which she underwent a cervical fusion at ECMC, headaches, stiffness, reduced range of motion, disability, loss of enjoyment of life, and medical expenses.

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

DATED: October 20, 2025

  
\_\_\_\_\_  
Michael C. Scinta

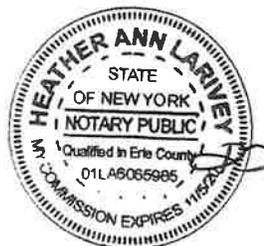
STATE OF NEW YORK     )  
COUNTY OF ERIE        )     ss:

On the 20th day of October, 2025, Michael C. Scinta, being duly sworn, deposes and says that on behalf of the Claimant in this matter, he has read the foregoing Notice of Claim and, upon information and belief, understands the contents thereof to be true.

  
\_\_\_\_\_  
Michael C. Scinta

Sworn to before me on this  
20<sup>th</sup> day of October, 2025.

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



**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.



---

Michael C. Scinta, Esq.  
**BROWN CHIARI** LLP  
**Attorneys for Claimant**  
2470 Walden Avenue  
Buffalo, New York 14225-4751  
(716) 681-7190

# **EXHIBIT A**

# POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes  
25-021640  
RNTP02KL5SKK

AMENDED REPORT

1	Accident Date Month: 7, Day: 22, Year: 2025	Day of Week TUESDAY	Military Time 19:22	No. of Vehicles 2	No. Injured 3	No. Killed 0	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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VEHICLE 1  VEHICLE 2  BICYCLIST  PEDESTRIAN  OTHER PEDESTRIAN

2	VEHICLE 1- Driver License ID Number: 683952312 Driver Name - exactly as printed on license: TANNER, SCOTT A Address (Include Number and Street): 6105 POWERS RD	State of Lic. NY	VEHICLE 2- Driver License ID Number: 525073845 Driver Name - exactly as printed on license: WALSH, GERALD J Address (Include Number and Street): 5432 ELLICOTT RD	State of Lic. NY
---	---	------------------	---	------------------

3	City or Town: ORCHARD PARK, State: NY, Zip Code: 14127	City or Town: ORCHARD PARK, State: NY, Zip Code: 14127
---	--	--

3	Date of Birth: 7/17/1956, Sex: M, Unlicensed: <input type="checkbox"/> , No. of Occupants: 01, Public Property Damaged: <input type="checkbox"/>	Date of Birth: 8/22/1943, Sex: M, Unlicensed: <input type="checkbox"/> , No. of Occupants: 02, Public Property Damaged: <input type="checkbox"/>
---	--	--

4	Name - exactly as printed on registration: TANNER, SCOTT A, Sex: M, Date of Birth: 7/17/1956 Address (Include Number and Street): 6105 POWERS RD	Name - exactly as printed on registration: WALSH, GERALD J, Sex: M, Date of Birth: 8/22/1943 Address (Include Number and Street): 5432 ELLICOTT RD
---	---	---

5	City or Town: ORCHARD PARK, State: NY, Zip Code: 14127 Plate Number: HXL5685, State of Reg. NY, Vehicle Year & Make: 2015 CHEV, Vehicle Type: PICK, Ins. Code: 113	City or Town: ORCHARD PARK, State: NY, Zip Code: 14127 Plate Number: KKV5932, State of Reg. NY, Vehicle Year & Make: 2015 FORD, Vehicle Type: SUBN, Ins. Code: 349
---	---	---

1 Ticket/Arrest Number(s): TPXXKL9DSL

6 Violation Section(s): 1142A

7	<p>Check if involved vehicle is:</p> <p><input type="checkbox"/> more than 95 inches wide;</p> <p><input type="checkbox"/> more than 34 feet long;</p> <p><input type="checkbox"/> operated with an overweight permit;</p> <p><input type="checkbox"/> operated with an overdimension permit.</p> <p>VEHICLE 1 DAMAGE CODES</p> <p>Box 1 - Point of Impact: 1, 2</p> <p>Box 2 - Most Damage: 12, 12</p> <p>Enter up to three more damage codes: 1, 2, 14</p> <p>Vehicle By: OP COLLISION Towed To: OP COLLISION</p> <p>VEHICLE DAMAGE CODING:</p> <p>1-13 SEE DIAGRAM ON RIGHT.</p> <p>14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER</p>	<p>Check if involved vehicle is:</p> <p><input type="checkbox"/> more than 95 inches wide;</p> <p><input type="checkbox"/> more than 34 feet long;</p> <p><input type="checkbox"/> operated with an overweight permit;</p> <p><input type="checkbox"/> operated with an overdimension permit.</p> <p>VEHICLE 2 DAMAGE CODES</p> <p>Box 1 - Point of Impact: 2, 2</p> <p>Box 2 - Most Damage: 2, 2</p> <p>Enter up to three more damage codes: 3, 1, 14</p> <p>Vehicle By: EMPIRE Towed To: EMPIRE</p>	<p>Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.</p> <p>1. Rear End, 2. Sidewipe (same direction), 3. Left Turn, 4. Flight Angle, 5. Right Turn, 6. Flight Angle, 7. Head On, 8. Right Turn, 9. Sidewipe (opposite direction)</p> <p>ACCIDENT DIAGRAM</p> <p>See the last page of the MV-104A for the accident diagram.</p> <p>9. Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to determine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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8	Reference Marker: 9 5 2 J, 5 3 0 1, 1 0 0 0	Coordinates (if available): Latitude/Northing: 4739849 Longitude/Easting: 191553	Place Where Accident Occurred: County: ERIE <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town of ORCHARD PARK Road on which accident occurred: ARMOR DUELLS ROAD at 1) intersecting street: MURPHY RD (Route Number or Street Name) or 2) _____ (Route Number or Street Name) feet _____ miles _____ (Milepost, Nearest intersecting Route Number or Street Name)
---	---	--	--

Accident Description/Officer's notes

Vehicle 1, traveling northbound on Murphy Rd. failed to yield to the right of way of vehicle 2 which was traveling eastbound on state route 952J. All parties involved in the motor vehicle accident with inclusion to the eye witness did validate said statement. WITNESS #1 LISA B WEAVER 3830 SHELDON RD LOWER ORCHARD PARK, NY 14127 (716) 982-2701

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY			
	A 1	1	4	1	69	M	07	03	6	OPEMS	1418	TANNER, SCOTT A	
	B 2	1	4	1	81	M	08	04	6	opems	1405	WALSH, GERALD J	
	C 2	3	4	1	82	F	04	03	6	opems	1405	WALSH, CAROL H	
Officer's Rank and Signature: PATROL C CLARK													
Print Name in Full: C CLARK		Badge/ID No.:	NCIC No.:	Precin/Post Troop/Zone:	Station/Beat Sector:	Reviewing Officer:	Date/Time Reviewed:						
		0091	01460			LAGODA, D	7/25/2025 12:17						

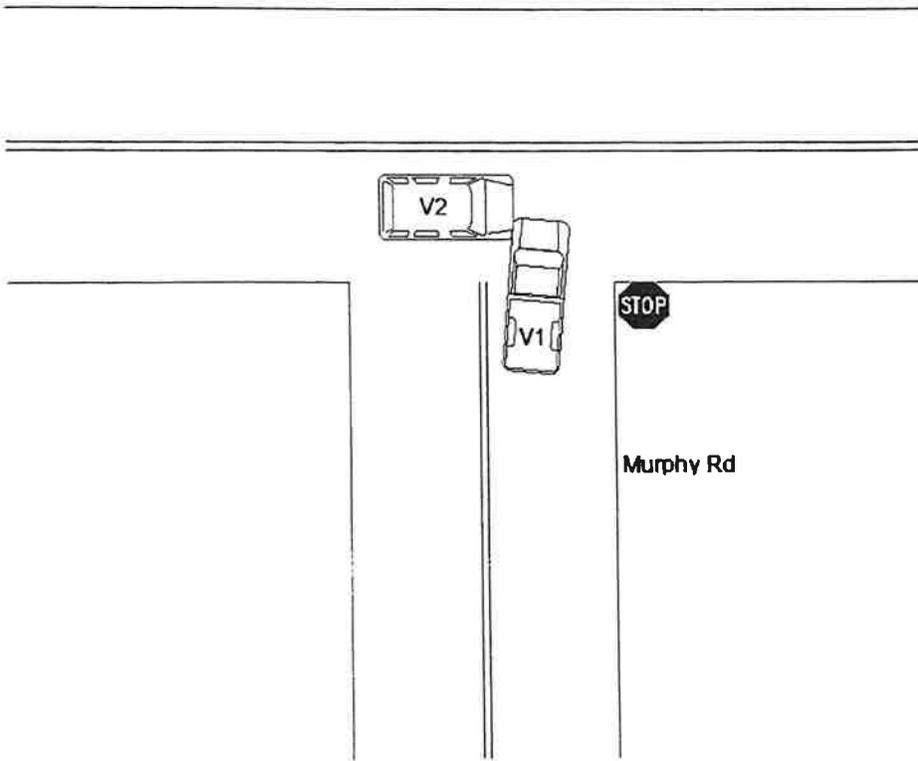
New York State Department of Motor Vehicles  
**POLICE ACCIDENT REPORT**

Local Codes  
25-021640  
Rntp02KL5SKK

MV-104A (6/04)

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						Accident Reconstructed		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7	22	2025	TUESDAY	19:22	2	3	0		<input type="checkbox"/>	







# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

December 18, 2025

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

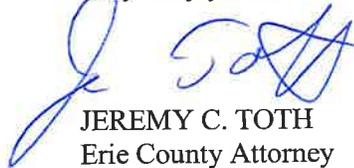
Dear Ms. Owens:

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>Weeden, Angelica v. Erie County Department of Social Services et al.</i>
Document Received:	Summons with Notice
Name of Claimant:	Angelica Weeden 345 Evants Street, F Williamsville, New York 14221
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.



NYSCEF DOC. NO. 1

INDEX NO. 811493/2024  
RECEIVED NYSCEF: 06/07/2024

COURT OF THE STATE OF NEW YORK

COUNTY OF

Albany County

Plaintiff,

Index No.        /20       

- against -

Erie County Department of Social Service **COMPLAINT**  
Madison County Department of Social Service  
Defendant

TO THE Supreme COURT OF THE STATE OF NEW YORK

The complaint of the plaintiff, Angela Weaver, respectfully

shows and alleges as follows:

The respondents removed my daughter  
as a newborn out of the hospital facility  
at Women's Orthopedics hosp. to which  
was sent there during or after 3/5/12.  
They then had a case initiation date  
started in 1/1/2016. They then stated I  
needed to provide a lot of expenses for  
services and treatment, but I am not  
paying. Exbit A shows the allegation of  
abuse which is defamatory. Exbit B and  
C shows a recording reading by myself  
on 3/25/18 and 3/21/17. They then opened  
another case 1/4/2017 which shows an  
alleging mental health issues, which were  
never discussed by my doctor prior to their  
involvement. They then contacted me 11

NYSCEF DOC. NO. 1

INDEX NO. 811493/2024  
RECEIVED NYSCEF: 06/07/2024

more times which shows harassment  
in the 2017 documents.

RECEIVED  
NOV 06 2025

ERIE COUNTY  
DEPARTMENT OF LAW

This document received at  
**ECDSS OFFICE OF COUNSEL**  
from Ashley Hardy on the  
5 day of November 2025  
at 12:28 p.m.  
Paullette Rejmal  
RECEIVED BY

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ERIE COUNTY  
DEPARTMENT OF LAW



INDEX NO. 811493/2024  
RECEIVED NYSCEF: 08/07/2024

1 of 7

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF Erie

Angelica Weeden  
\_\_\_\_\_  
\_\_\_\_\_  
(Names of Plaintiff(s) / Person(s))

VS

Erie County Department of Social Services  
Niagara County Department of Social Services  
\_\_\_\_\_  
(Names of Defendant(s) / Respondent(s))

Summons with Notice  
Index No. \_\_\_\_\_

To the Person(s) Named as Defendant(s) Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the plaintiff(s) at the address set forth below, and to do so within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: 8/7 2024  
(Date of Courtment)

Angelica Weeden  
(Plaintiff's name - person bringing on lawsuit)  
5415 Evans Street, E  
(Plaintiff's street address)  
Williamport, NY 14182  
(Plaintiff's city, state, zip)  
716-547-9948  
(Plaintiff's telephone no.)

Erie County Department of Social Services  
(Defendant's name - person(s) sued)  
158 Park Street  
(Defendant's street address)  
Saratoga Springs, NY 14202  
(Defendant's city, state, zip)

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INDEX NO. 811493/2024  
RECEIVED NYSCEF: 08/07/2024

NYSCEF DOC. NO. 1

Notice: The nature of this action is: They illegally removed my daughter from the hospital when I was hospitalized myself; denied return my daughter; on different occasions made the car seat was damaged and damaged, could not seem to get me; with my by the way

The relief sought is: \$75,000.00 for pain and suffering and missed time with my daughter. And for her to be returned home and for a study and for damages to her life





Notice:

The nature of this action is: They illegally removed my daughter from the hospital when she was hospitalized; did not return my daughter in different circumstances; the CPS case was going on and daughter could not see anyone but CPS workers.

(Briefly describe the nature of your case against the defendant(s), such as breach of contract, negligence. Please note that this form may NOT be used for divorce actions.)

The relief sought is: \$75,000.00 for pain and suffering and missed time with my daughter. And for her to be returned home and full custody and for damage to health.

(Briefly describe the kind of relief you are asking for, such as, money damages in the amount of \$xxxx)

Should defendant(s) fail to appear herein, judgment will be entered by default for the sum of \$75,000.00, with interest from the date of 8/7/24 and (Amount of money demanded) (Date from which interest on the amount demanded is claimed)

Venue:

Plaintiff(s) designate(s) \_\_\_\_\_ County as the place of trial. The basis of this designation is: (Enter County above; then select a category, below, listing specific County)

- Plaintiff(s)' Residence in \_\_\_\_\_ County.
Defendant(s)' Residence in \_\_\_\_\_ County.
Other (See CPLR Article 5): \_\_\_\_\_

Form header with NYSCEF DOC. NO. 1, INDEX NO. B11493/2024, RECEIVED NYSCEF: 08/07/2024. Court of the State of New York, County of Allegany, Plaintiff: Angela Weeden, Defendant: Erie County Department of Social Service. Title: COMPLAINT.







# COUNTY OF ERIE

JEREMY C. TOTH  
COUNTY ATTORNEY

KRISTEN M. WALDER  
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

December 23, 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>Wilson, Stephanie, as Legal Guardian of Ameera Oden, a Minor and Distributee of the Estate of Elizabeth Calaty v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Stephanie Wilson for Ameera Oden, a Minor 1623 Linwood Avenue Niagara Falls, New York 14305
Claimant's attorney:	Nicole T.C. Marques, Esq. Brown Chiari LLP 2470 Walden Avenue Cheektowaga, New York 14225

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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STEPHANIE WILSON as Legal Guardian of AMEERA  
ODEN, a minor and distributee of the Estate of  
ELIZABETH CALATY

Claimant(s),

vs.

**NOTICE OF CLAIM**

COUNTY OF ERIE  
95 Franklin Street  
Buffalo, New York 14202

SHERIFF JOHN C. GARCIA, ERIE COUNTY SHERIFF'S OFFICE  
10 Delaware Avenue  
Buffalo, New York 14202

JOHN DOE 1-10, Erie County Sheriff's Deputy

JOHN DOE 11-20, Erie County Medical Personnel

Respondents.

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TO: COUNTY OF ERIE  
Attn: Jeremy C. Toth, Esq.  
Erie County Law Department  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

SHERIFF JOHN C. GARCIA  
Erie County Sheriff's Office  
10 Delaware Avenue  
Buffalo, New York 14202

JOHN DOE 1-10, Erie County Sheriff's Deputies  
Attn: Jeremy C. Toth, Esq.  
Erie County Law Department  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

JOHN DOE 11-20, Erie County Medical Personnel  
Attn: Jeremy C. Toth, Esq.  
Erie County Law Department  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

PLEASE TAKE NOTICE that the undersigned hereby makes Claim and demands against the COUNTY OF ERIE; SHERIFF JOHN C. GARCIA, Erie County Sheriff's Office; JOHN DOE 1-10, Erie County Sheriff's Deputies; and JOHN DOE 11-20, Erie County Medical Personnel, for injuries, damages, and the wrongful death of ELIZABETH CALATY, and submits the following in compliance with the applicable statutes of the State of New York:

1. The Claimant herein is Stephanie Wilson, as Legal Guardian of Ameera Oden, a minor and distributee of the Estate of ELIZABETH CALATY, who resides at 1623 Linwood Avenue, Niagara Falls, NY 14305.

2. Decedent ELIZABETH CALATY died on September 20, 2025, while in the custody of the COUNTY OF ERIE; SHERIFF JOHN C. GARCIA, Erie County Sheriff's Office; JOHN DOE 1-10, Erie County Sheriff's Deputies; and JOHN DOE 11-20, Erie County Medical Personnel, at the Erie County Holding Center.

3. The Claimant herein is represented by the law firm of BROWN CHIARI LLP, 2470 Walden Avenue, Buffalo, New York 14225-4751.

4. This Notice of Claim is served pursuant to General Municipal Law §§50-e and 50-i. Claimant seeks damages for wrongful death, conscious pain and suffering, negligence, and for failure to provide medical care and supervision to an incarcerated person.

5. That the negligence giving rise to these damages occurred for the duration of Respondents' detention of decedent ELIZABETH CALATY at the Erie County Holding Center, until the time of her death.

6. The said damages for which claim is hereby made arose in the following manner, to wit:

Upon information and belief, on September 19, 2025, at approximately 10:45 a.m., ELIZABETH CALATY was booked into the Erie County Holding Center. Upon information and belief, she was placed on "detox observation" for being physically incapacitated due to alleged drug intoxication, with a known history of seizure activity. Upon information and belief, decedent ELIZABETH CALATY was last known to be seen alive at approximately 11:45 p.m. on September 19, 2025. Upon information and belief, Respondents next checked on decedent ELIZABETH CALATY more than eight (8) hours later, at approximately 8:15 a.m. on September 20, 2025, when she was found unresponsive and later pronounced dead.

Upon information and belief, decedent ELIZABETH CALATY suffered a medical emergency and her emergent medical needs were deliberately and/or wrongfully ignored. As a result, decedent ELIZABETH CALATY suffered serious and permanent injuries, including seizure(s); contusion(s); respiratory failure; deprivation of dignity and basic human rights; and, ultimately, death.

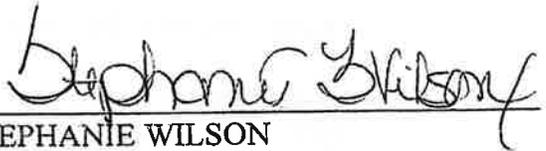
These injuries were the direct result of the negligence of the COUNTY OF ERIE; SHERIFF JOHN C. GARCIA, Erie County Sheriff's Office; JOHN DOE 1-10, Erie County Sheriff's Deputies; and JOHN DOE 11-20, Erie County Medical Personnel, their agents, servants, and employees, including in that they failed to provide required detox observation supervision; failed to follow detox observation protocols; failed to provide increased supervision; failed to provide prompt medical assessment and care; improperly relied on an alleged refusal of treatment; failed to render emergency assistance; failed to protect a medically vulnerable detainee; violated provisions of the New York State Corrections law; failed to properly train, supervise, and/or staff the subject facility, Erie County Holding Center.

7. As a result of the failures of the COUNTY OF ERIE; SHERIFF JOHN C. GARCIA, Erie County Sheriff's Office; JOHN DOE 1-10, Erie County Sheriff's Deputies; and JOHN DOE 11-20, Erie County Medical Personnel, decedent ELIZABETH CALATY sustained injury and death. Her surviving distributees are minor children and have sustained pecuniary injuries, including the loss of nurturing, guidance and support.

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

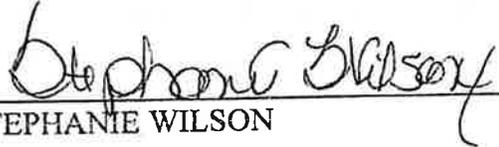
**PLEASE TAKE FURTHER NOTICE** that the Claimant demands payment of said claims and unless said claims are paid within the statutory period provided therefore, it is the intention of claimant to commence suit against the Respondents, COUNTY OF ERIE; SHERIFF JOHN C. GARCIA, Erie County Sheriff's Office; JOHN DOE 1-10, Erie County Sheriff's Deputies; and JOHN DOE 11-20, Erie County Medical Personnel, to recover for the injuries sustained as a result of this matter.

DATED: December 15, 2025

  
STEPHANIE WILSON

STATE OF NEW YORK     )  
COUNTY OF ERIE        ) ss:

On the 15<sup>th</sup> day of December, 2025, STEPHANIE WILSON, being duly sworn, deposes and says that she is the Claimant in this matter; that she has read the foregoing Notice of Claim and knows the contents thereof; that it is true to her personal knowledge, except as to matters stated to be upon information and belief, and as those matters she believes to be true.

  
STEPHANIE WILSON

Sworn to before me on this  
15<sup>th</sup> day of December, 2025.

  
Notary Public

Nicole T.C. Marques  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02MA0009819  
Qualified in Erie County  
Commission Expires June 26, 2027

**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.



Nicole T.C. Marques  
BROWN CHIARI LLP  
**Attorneys for Claimant(s)**  
2470 Walden Avenue  
Buffalo, New York 14225-4751  
(716) 681-7190