

STATE OF NEW YORK  
SUPREME COURT : ERIE COUNTY

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LATOYA ALLEN  
1689 Kensington Avenue  
Cheektowaga, New York 14215

Claimant,

**NOTICE OF CLAIM**

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

ERIE COUNTY WATER AUTHORITY  
295 Main St #350  
Buffalo, NY 14203

DIVISION OF SEWERAGE MANAGEMENT  
95 Franklin St, Room# 1034  
Buffalo, NY 14202

BUFFALO WATER DEPARTMENT  
281 Exchange St  
Buffalo, NY 14202

BUFFALO MUNICIPAL WATER FINANCE AUTHORITY  
281 Exchange Street  
Buffalo, NY 14204

BUFFALO SEWER AUTHORITY OFFICE  
65 Niagara Square # 1038  
Buffalo, NY 14202

Respondents.

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**PLEASE TAKE NOTICE**, that the Claimant LATOYA ALLEN, hereby intends to file a claim against the CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, BUFFALO

MUNICIPAL WATER FINANCE AUTHORITY, and/or BUFFALO SEWER AUTHORITY OFFICE, and in support of said Claim states the following:

1. The Post Office address of the Claimant is 1689 Kensington Avenue, Cheektowaga, New York 14215.

2. The attorneys for the Claimant are Andrews, Bernstein, Maranto & Nicotra, PLLC, 420 Franklin Street, Buffalo, New York 14202; Telephone (716) 842-2200.

3. The Claim arose as follows: On or about May 23, 2023, at approximately 2:50 p.m., Claimant, LATOYA ALLEN, was walking past The Sweeney Building located at 268 Main Street, Buffalo, New York 14202, when she was caused to trip and fall over a water main/cap protruding from the sidewalk in front of the patio of The Sweeney Building. Contemporaneous photographs of the condition of the sidewalk are attached hereto as **Exhibit A**.

4. Upon information and belief, the CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, and/or BUFFALO SEWER AUTHORITY OFFICE owns, controls, operates, maintains and/or regularly inspects Main Street as well as the sidewalk and water main/cap fronting The Sweeney Building outside of 268 Main Street, Buffalo, New York 14202.

5. This incident was caused by the negligence, carelessness, and recklessness of the CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, and/or BUFFALO SEWER AUTHORITY OFFICE and/or their agents, servants and/or employees as follows:

- a. Negligently creating a dangerous and hazardous condition in the subject area;
- b. Negligently maintaining a dangerous and hazardous condition in the subject area;
- c. Negligently failing to maintain the sidewalk and water main/cap in the subject area in a reasonably safe condition;
- d. Negligently failing to recognize a known dangerous and hazardous condition in the subject area;
- e. Negligently failing to take proper measures to correct the dangerous and hazardous condition regarding the sidewalk and water main/cap in the subject area;
- f. Negligent inspection of the sidewalk and water main/cap in the subject area;
- g. Negligent supervision of the sidewalk and water main/cap in the subject area;
- h. Negligent construction and repair of the sidewalk, and water main/cap which caused a dangerous threat and created a hazardous condition to pedestrians;
- i. Improper use of materials in the construction and repair of the sidewalk and water main/cap in the subject area; and
- j. The Respondents were otherwise negligent.

5. By virtue of the negligence, carelessness and recklessness of the CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, and/or BUFFALO SEWER AUTHORITY OFFICE and/or their agents, servants and/or employees, Claimant, LATOYA ALLEN, was caused to suffer serious, significant and permanent injuries from this incident, including but not limited to injuries to her left leg and low back.

6. Claimant, LATOYA ALLEN, also suffered other injuries and complications as yet undetermined as a result of this incident and, by reason of the same, Claimant sustained damages in an amount which cannot be reasonably calculated at this time.

7. This claim is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages incurred by Claimant.

8. By virtue of the negligence, carelessness, and recklessness of the CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, and/or BUFFALO SEWER AUTHORITY OFFICE and/or their agents, servants and/or employees, Claimant has also incurred medical expenses and other necessary related expenses, and the amount of which is undetermined to date.

**WHEREFORE**, Claimant, LATOYA ALLEN requests that the CITY OF BUFFALO, ERIE COUNTY WATER AUTHORITY, DIVISION OF SEWERAGE MANAGEMENT, BUFFALO WATER DEPARTMENT, BUFFALO MUNICIPAL WATER FINANCE AUTHORITY, and/or BUFFALO SEWER AUTHORITY OFFICE compensate her for her injuries.

DATED: Buffalo, New York  
August 10, 2023

Yours, etc.,


By: s/ Anthony V. Iacono  
Anthony V. Iacono, Esq.  
**ANDREWS, BERNSTEIN, MARANTO &  
NICOTRA, PLLC**  
*Attorneys for Claimant*

420 Franklin Street  
Buffalo, New York 14202  
Telephone: (716) 842-2200

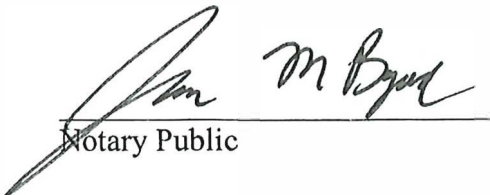
VERIFICATION

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

LATOYA ALLEN, being duly sworn, deposes and says that she is the Claimant in this action for herself; that she has read the foregoing Notice of Claim in this action and know the contents thereof; that the same is true to the 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.

  
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Latoya Allen

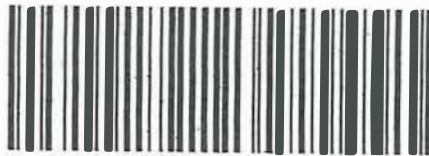
Sworn to before me this 10  
day of August 2023

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

JAMES M BOGOLD  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01806438062  
Qualified in Erie County  
My Commission Expires 08-08-2026

ANDREWS, BERNSTEIN, MARANTO & NICC  
Attorneys and Counselors at Law  
420 Franklin Street  
Buffalo, New York 14202

**CERTIFIED MAIL**



7022 2410 0001 7821 2081



**FP** <sup>®</sup> **US POSTAGE**  
**\$008.77<sup>2</sup>**  
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ERIE COUNTY WATER AUTH  
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ERIE COUNTY WATER AUTHORITY  
295 Main St #350  
Buffalo, NY 14203

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