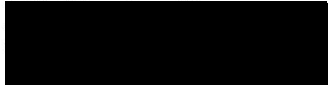


STATE OF NEW YORK

MARIA I. BURKE



Claimant

**AMENDED
NOTICE OF CLAIM**

-vs-

TOWN OF AMHERST
5583 Main Street
Williamsville, NY 14221

COUNTY OF ERIE
95 Franklin Street
Buffalo, NY 14202

G&I IX EMPIRE WILLIAMSVILLE
c/o PLACE LLC
DLC MANAGEMENT
565 Taxter Road
Elmsford, NY 10523

ERIE COUNTY WATER AUTHORITY
295 Main Street
Room 350
Buffalo, NY 14203

Respondents

TO THE RESPONDENTS:

PLEASE TAKE NOTICE, that the claimant claims damages against respondents in accordance with the requirements of General Municipal Law Section 50-e, and states as follows:

1. The name and address of the claimant is:

Maria I. Burke



2. The claimant is represented herein by:

SHAW & SHAW, P.C.
Leonard D. Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com

3. The claim is one founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the claimant against the respondents when said claimant was caused to fall on the sidewalk adjacent to property located at 5395-5495 Sheridan Drive in Amherst, Erie County, New York which is under the possession, control and ownership of the respondents. A copy of the area where claimant fell is attached hereto.

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was October 20, 2019 at approximately 10:30 a.m.

6. The incident occurred on the sidewalk adjacent to the plaza located at 5395-5495 Sheridan Drive in Amherst, Erie County, New York which, upon information and belief, is under the possession, control and ownership of the respondents.

7. That the cause of action which forms the substance of this claim arose in the following manner:

On or about October 20, 2019, the claimant was on the sidewalk adjacent to the plaza located at 5395-5495 Sheridan Drive in Amherst, Erie County, New York when she was caused to fall as the result of a dangerous condition, causing claimant to come into contact with the ground, and seriously injuring herself.

8. That the aforesaid incident and the injuries and damages resulting therefrom occurred by reason of the fault, neglect, and carelessness of the respondents, their agents, servants and/or employees, and that said respondents failed to properly, adequately, and safely maintain the aforesaid premises; failed to properly and adequately supervise and control the area where claimant fell on the date of the incident; carelessly and negligently designed the area on said premises where the incident occurred; failed to take the necessary steps to fill in gaps between concrete slabs of the sidewalk adjacent to said property which gaps, upon information and belief, were made by the respondents' agents, servants and/or employees; failed to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident; and in that the respondents, their agents, servants and/or employees were otherwise careless and negligent.

9. By reason of the aforesaid, the claimant sustained severe, painful and permanent injuries in and about her body including, but not limited to, a fractured left knee, and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend

large sums of money for hospital care, surgical care, physicians' services, nursing care, x-rays and medical supplies, for which the exact amount of such expenses cannot be determined at the present time.

WHEREFORE, the claimant respectfully prays and requests that these claims, as set forth herein, be paid and allowed by the respondents.

Dated this 20th day of December 2019.

Maria I. Burke

VERIFICATION

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

MARIA I. BURKE, being duly sworn, deposes and says that she is the claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her 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.



Maria I. Burke

Sworn to before me this
20th day of December 2019.



Notary Public





