

6720 MAIN STREET, SUITE 100, WILLIAMSVILLE, NEW YORK 14221 • (716) 633 - 3535

October 10, 2023

Town of Newstead
5 Clarence Center Rd
Akron, New York 14001

County of Erie
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, New York 14202

Erie County Water Authority
Ellicott Square Building
Room 350
Buffalo, New York 14203

RE: Tyler D. Bartkowiak v. Town of Newstead, County of Erie, and Erie County Water Authority
Date of Accident: December 21, 2022

Dear Sir/Madam:

Please be advised that our office has been retained to represent Tyler Bartkowiak for injuries sustained on December 21, 2022.

We hereby serve Town of Newstead, County of Erie, and Erie County Water Authority with a Notice of Claim in the above captioned matter.

Very truly yours,
WILLIAM MATTAR, P.C.

James M. O'Keefe / cf
James M. O'Keefe, Esq.

JMO:cm
cc: Tyler D. Bartkowiak

IN THE MATTER OF THE CLAIM OF:

TYLER D. BARTKOWIAK

7582 Eddy Road
Colden, New York 14033

Claimant,

-against-

NOTICE OF CLAIM

TOWN OF NEWSTEAD

5 Clarence Center Rd
Akron, New York 14001

COUNTY OF ERIE

Edward A. Rath County Office Building
95 Franklin Street
Buffalo, New York 14202,

ERIE COUNTY WATER AUTHORITY

Ellicott Square Building
295 Main Street
Room 350
Buffalo, New York 14203

Respondents.

PLEASE TAKE NOTICE that Tyler D. Bartkowiak (hereinafter referred to as the claimant), hereby makes claim against the Town of Newstead, County of Erie, and the Erie County Water Authority (hereinafter collectively referred to as the respondents) and in support thereof the claimant alleges:

1. That the claimant resides at 7582 Eddy Road, Colden, New York 14033, and makes this notice of claim by and through his attorneys, William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, New York 14221 against the respondents for personal injuries, pain and suffering, general and special damages, medical expenses, and other damages sustained by him.

2. That the nature of the claim is for personal injuries sustained by the claimant on December 21, 2022 at approximately 1:00 p.m. at 12810 Main Street, Akron, New York 14001, while providing services to the respondents on said property that was owned, operated, and under the direction and control of the respondents, their servants, agents, and employees, to wit: a water tower situated in the Town of Newstead 12810 Main Street, Akron, New York 14001. The claimant sustained injuries due to falling ice and other debris that fell from the water tower several times, until the ice and other debris struck the claimant.


3. That the claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others by the respondents, their servants, agents, and employees who failed to provide a safe place to work and failed to provide protection from overhead falling objects, namely falling ice.

4. That the respondents by and through their agents, servants, and employees had actual or constructive notice of the dangerous condition and hazard before the claimant sustained injury.

5. That as a result of the foregoing, the claimant sustained very serious injuries, including: splenic hemorrhage, left upper quadrant pain, ruptured spleen, splenic laceration, splenic infarct, splenic artery aneurysm with rupture, intraperitoneal hemorrhage, and hemorrhagic shock, amount other injuries. Some of these injuries are permanent and indefinite in nature, and the claimant has and will in the future be forced to expend sums of money for hospitals, doctors, and other medical expenses.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the respondents by and through their agents, servants, and employees and without any negligence on the part of the claimant contributing thereto.

DATED: Williamsville, New York
 October 5, 2023



James M. O'Keefe, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716)633-3535


STATE OF NEW YORK)
COUNTY OF ERIE) ss:

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



Tyler Bartkowiak

Sworn to before me this
10th day of October, 2023



Notary Public

James O'Keefe
Notary Public, State of New York
Registration No. 02OK6383588
Qualified In Erie County
My Commission Expires January 14, 20__

**William
Mattar**
LAW OFFICES

6720 MAIN STREET, SUITE 100
WILLIAMSVILLE, NEW YORK 14221

CERTIFIED MAIL



7015 1730 0000 7849 2891



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Erie County Water Authority
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Room 350
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