

STATE OF NEW YORK

GIANFRANCO GENOVESE, Individually
and as father and natural guardian of
[REDACTED] GENOVESE
47 Alliger Drive
Tonawanda, NY 14150

Claimant

NOTICE OF CLAIM

-vs-

TOWN OF TONAWANDA
2919 Delaware Avenue
Kenmore, NY 14217

VILLAGE OF KENMORE
2919 Delaware Avenue
Kenmore, NY 14217

COUNTY OF ERIE
65 Niagara Square
Buffalo, NY 14202

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:

Gianfranco Genovese, Individually and as father
and natural guardian of [REDACTED] Genovese, an infant
[REDACTED]
Tonawanda, NY 14150

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 and infant herein against the respondents when said infant claimant was caused to fall on the street adjacent to 20-24 Bellinger Drive in Tonawanda, Erie County, New York (hereafter "the premises") which is under the possession, control and ownership of the respondents.

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was August 30, 2021 at approximately 1:50 p.m.

6. The incident occurred in the street and, more particularly, on a water grate adjacent to the premises 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 August 30, 2021, the infant claimant was riding her scooter in the street as hereinabove identified when she was caused to fall as the result of a dangerous condition, causing the infant 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 water grate on the premises; failed to properly and adequately supervise and control the area where the infant 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 maintain the water grate and street on the premises; 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, cuts, bruises, brush burns, abrasions, and lacerations to her arms and legs and face and losing a front adult tooth and others as yet to be diagnosed, and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend large sums of money for hospital care, surgical care, dental

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 2nd day of September 2021.




Gianfranco Genovese

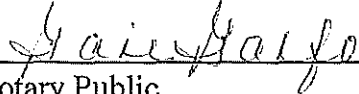
VERIFICATION

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

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



Gianfranco Genovese

Sworn to before me this
21st day of September 2021


Notary Public



