

STEVEN M. COHEN*
LITIGATION CHAIR

PHONE: 716.636.7600
DIRECT FAX: 716.932.6718
SCOHEN@HOGANWILLIG.COM

*ALSO LICENSED IN PA

MR. COHEN'S SECRETARY:
STEPHANIE SWEENEY
DIRECT PHONE: 716.932.6754
SSWEENEY@HOGANWILLIG.COM



HOGANWILLIG
ATTORNEYS AT LAW

MAIN OFFICE:
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
PHONE: 716.636.7600 | TOLL FREE: 800.636.5255 | FAX: 716.636.7606

WWW.HOGANWILLIG.COM
SERVICE BY FAX AND EMAIL NOT ACCEPTED

ADDITIONAL OFFICES:
155 SUMMER STREET
BUFFALO, NY 14222

43 CENTRAL AVENUE
LANCASTER, NY 14086

6133 ROUTE 219 S
ELLCOTTVILLE, NY 14731

770 DAVISON ROAD
LOCKPORT, NY 14094

July 12, 2022

Via Certified Mail
Return Receipt Requested

COUNTY OF ERIE
Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
Commissioner William Geary
95 Franklin Street, 14th Floor
Buffalo, New York 14202

ERIE COUNTY WATER AUTHORITY
Jerome D. Schad, Chair of the Board of Commissioners
295 Main Street, Room 350
Buffalo, New York 14203

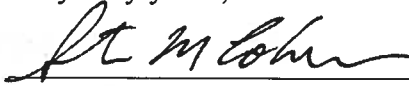
TOWN OF AMHERST
Brian J. Kulpa, Supervisor
5583 Main Street
Williamsville, New York 14221

Re: Notice of Claim of HoganWillig, PLLC

Dear Sir/Madam:

Enclosed herein for service upon you, please find a Notice of Claim of HoganWillig, PLLC.

Very truly yours,


Steven M. Cohen, Esq.

SMC/sms
Enc.

STATE OF NEW YORK : COUNTY OF ERIE

In the Matter of the claim of

HOGANWILLIG, PLLC

Claimants,

NOTICE OF CLAIM

- against -

COUNTY OF ERIE, ERIE COUNTY
DEPARTMENT OF PUBLIC WORKS, ERIE
COUNTY WATER AUTHORITY, TOWN OF AMHERST,

Respondents.

**TO: COUNTY OF ERIE
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
ERIE COUNTY WATER AUTHORITY
TOWN OF AMHERST**

PLEASE TAKE NOTICE, HOGANWILLIG, PLLC, the Claimant herein, hereby makes a claim and demand against the COUNTY OF ERIE, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY and TOWN OF AMHERST pursuant to § 50-e of the General Municipal Law, as follows:

1. The names and post-office addresses of the Claimants and Claimants attorneys are:

CLAIMANTS

HoganWillig, PLLC.
2410 N. Forest Road, Suite 301
Amherst, New York 14068

ATTORNEY

Steven M. Cohen, Esq.
HoganWillig PLLC
2410 North Forest Road, Suite 301
Amherst, New York 14068

2. The nature of the claim:

This is an action to recover damages for nuisance, money damages, interference with the quiet enjoyment of real property and loss of revenue caused in whole or in part by acts or omissions of the County of Erie, Erie County Department of Public Works, Erie County Water Authority and Town of Amherst by the intentional, negligent, reckless or unlawful conduct of the County of Erie, Erie County Department of Public Works, Erie County Water Authority and Town of Amherst, its agents, servants and/or employees in failing to properly install, maintain, perform maintenance, and/or failing to/negligently supervising employees working on the water supply system providing water to 2410 N. Forest Road, Suite 301, Amherst, New York, and for failing to alleviate the problems complained of, to the detriment of Claimant.

3. The date, time when, the place where and the manner in which the claim arose is as follows:

The incidents giving rise to this matter began on or about April 13, 2022 and June 30, 2022. The location of the incidents giving rise to this matter is 2410 N. Forest Road, Suite 301, Amherst, New York 14068. During the time of the first incident, upon information and belief, a COUNTY OF ERIE owned water pipe providing water supply to a fire hydrant—located under the surface of the property at 2410 N. Forest Road, Suite 301, Amherst, New York 14068—which, upon information and belief is operated, controlled and/or maintained by ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY and/or TOWN OF AMHERST burst and/or exploded. This burst and/or explosion caused significant damage to the property located at 2410 N. Forest Road, Suite 301, Amherst, New York 14068 and interrupted the water supply to the aforementioned property.

During the second incident, upon information and belief, a COUNTY OF ERIE owned water pipe, located near the property at 2410 N. Forest Road, Suite 301, Amherst, New York

(H3446683.1)

2

HOGANWILLIG
Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

14068, was damaged by workers who were negligently supervised by the COUNTY OF ERIE, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY and/or TOWN OF AMHERST causing an interruption of the water supply to the property located at 2410 N. Forest Road, Suite 301, Amherst, New York 14068.

4. The items of damages or injuries claimed are:

HOGANWILLIG, PLLC, by reason of the negligence, negligent supervision, recklessness and/or carelessness of the COUNTY OF ERIE, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY and/or TOWN OF AMHERST sustained significant damages in the form of loss of revenue.

By reason of the foregoing, Claimant has been damaged and seeks damages in the amount of \$50,000.00 resulting from the loss of revenue from the above incidents.

Claimant presents this claim to be paid by the COUNTY OF ERIE, ERIE COUNTY DEPARTMENT OF PUBLIC WORKS, ERIE COUNTY WATER AUTHORITY and TOWN OF AMHERST, and notifies you that unless their claim is adjusted and paid within the time period provided for by law from the date of presentation to you, Claimant intends to commence an action on their claims.

Dated: July 6, 2022
Amherst, New York



Steven M. Cohen, Esq.
HoganWillig, PLLC
2410 North Forest Road, Suite 301
Amherst, New York 14068
(716) 636-7600

TO: COUNTY OF ERIE
Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
Commissioner William Geary
95 Franklin Street, 14th Floor
Buffalo, New York 14202

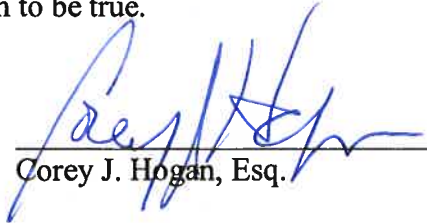
ERIE COUNTY WATER AUTHORITY
Jerome D. Schad, Chair of the Board of Commissioners
295 Main Street, Room 350
Buffalo, New York 14203

TOWN OF AMHERST
Brian J. Kulpa, Supervisor
5583 Main Street
Williamsville, New York 14221

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Corey J, Hogan, Esq. being duly sworn, deposes and says that he is the owner of the claimant in the foregoing claim, that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief as to those matters, he believes them to be true.



Corey J. Hogan, Esq.

Sworn to before me this
12th day of July 2022.



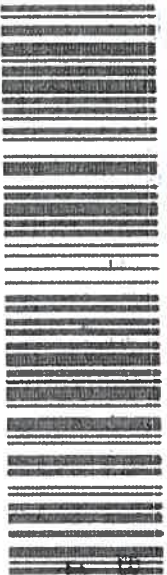
NOTARY PUBLIC

Kristen M. Stohl
Notary Public, State of New York
Qualified in Erie County
ID No. 01ST6410600
My Commission Expires October 26, 2024



HOGANWILLIG
ATTORNEYS AT LAW
 2410 North Forest Road, Suite 301
 Amherst, New York 14068

CERTIFIED MAIL™



9171 9690 0935 0190 9597 58

NEOPOST

07/12/2022

US POSTAGE

\$006.81¹⁰

FIRST-CLASS MAIL



ZIP 14068
 041M11459085

RECEIVED
 JUL 15 2022

BY: *(Signature)* 12:30pm
 W305

ERIE COUNTY WATER AUTHORITY
 Jerome D. Schad, Chair of the Board of
 Commissioners
 295 Main Street, Room 350
 Buffalo, New York 14203

14203-245453

