

MS-D 9:41 AM
DEC 30 2021
ERIE COUNTY WATER AUTHORITY

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

CALVIN CAUDLE

Claimant,

NOTICE OF CLAIM

v.

ERIE COUNTY WATER AUTHORITY

Respondent,

PLEASE TAKE NOTICE, that the above named Claimant claims and demands from the Respondent, ERIE COUNTY WATER AUTHORITY ("ECWA"), recompense for personal injuries and damages sustained by Claimant by reason of the wrongful, negligent and careless acts and omissions of the Respondent, its agents, servants and/or employees, and in support thereof, the Claimant states:

1. Claimant's address is [REDACTED] Kenmore, New York 14217.
2. The Claimant is represented by Cellino Law, LLP with offices located at 800 Delaware Avenue, Buffalo, New York 14209, telephone (716) 888-2020.
3. On or about October 13, 2021, at approximately 6:30 p.m., the Respondent, ECWA, had contracted to have work performed along Meadow Place in Cheektowaga. This work included the removal and replacement of sidewalks and driveway aprons. The ECWA, and/or its contracting agent, had ripped out driveway aprons and installed new sidewalks outside 80 Meadow Place before October 13, 2021.

The ECWA, and/or its contracting agent, had failed to replace the driveway apron outside 80 Meadow Place and there was a significant depression from the level of the new sidewalk into the ripped-out area of the driveway apron. On October 13, 2021, claimant walked off the sidewalk into the depression while walking a dog in limited lighting conditions.

4. As a result of the aforementioned collision, Claimant sustained serious physical injuries which included a left ankle sprain, cervical spine injury and lumbar spine injury. Currently, the full extent of Claimant's injuries are not yet known.

5. It is alleged that the Respondent, through its agents, servants and employees, was negligent in the design of the aforementioned sidewalk. It is alleged that this negligence by Respondent contributed to the occurrence of Claimant's fall on October 13, 2021.

6. By virtue of the negligence of the employees, agents or servants of ECWA, Claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

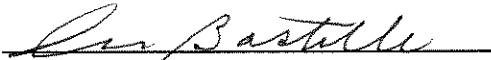
7. Upon information and belief, Claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that Claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
December 27, 2021

Yours, etc.,

CELLINO LAW, LLP


By: 
Denis J. Bastible, Esq.
Attorneys for Plaintiff
800 Delaware Avenue
Buffalo, NY 14209
(716) 919-3252

TO: ERIE COUNTY WATER AUTHORITY
295 Main Street, Suite 350
Buffalo, New York 14202

VERIFICATION

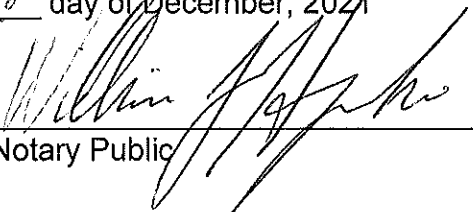
STATE OF NEW YORK) ss:
ERIE COUNTY WATER AUTHORITY)

Calvin Caudle, being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.



Calvin Caudle

Sworn to before me this
28th day of December, 2021



Notary Public

WILLIAM J. HARZEWSKI
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires 05/11/2022