

BRIAN F. ATTEA
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11 Main Street
Hamburg, New York 14075

August 25, 2023

Via Hand Delivery

Erie County Water Authority
295 Main Street
350 Ellicott Square Building
Buffalo, NY 14203

RECEIVED
AUG 25 2023
BY: *[Signature]*
11:46 AM

**Re: Claimants: Lake View Storage of WNY, LLC, et al.
Date of Incident: 05/31/2023**

To Whom It May Concern:

Please be advised that this office has been retained to represent Lake View Storage of WNY, LLC, Brian Meess, and Matthew Barnack regarding an incident that occurred on May 31, 2023. Enclosed herewith for service upon you, please find a Notice of Claim on behalf of the claimants.

If you should have any questions relating to this matter, please contact the undersigned.

Thank you for your time and attention to this matter.

Yours truly,
ATTEA & ATTEA

Ryan F. McCann

RFM/lrs
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of

LAKE VIEW STORAGE OF WNY, LLC,

BRIAN MEESS, and

MATTHEW BARNACK,

Claimants,

NOTICE OF CLAIM

-against-

ERIE COUNTY WATER AUTHORITY,

Respondent.

TO: ERIE COUNTY WATER AUTHORITY
295 Main Street
350 Ellicott Square Building
Buffalo, New York 14203

PLEASE TAKE NOTICE that the Claimants herein, LAKE VIEW STORAGE OF WNY, LLC (hereinafter referred to as "LAKE VIEW STORAGE"), BRIAN MEESS, and MATTHEW BARNACK (hereinafter collectively referred to as "Claimants"), by and through their attorneys of record, ATTEA & ATTEA, P.C., hereby make claim and demand against the ERIE COUNTY WATER AUTHORITY, as follows:

1. The names and post office addresses of the Claimants and their Attorneys are:

CLAIMANTS

LAKE VIEW STORAGE OF
WNY, LLC
1975 Lakeview Road
Lake View, New York 14085

BRIAN MEESS
2150 West 41st Street
Cleveland, Ohio 44113

ATTORNEYS

Ryan F. McCann, Esq.
ATTEA & ATTEA, P.C.
11 Main Street
Hamburg, New York 14075

MATTHEW BARNACK
103 Forest Drive
North Syracuse, New York 13212

2. *The Nature of the Claim:*

Claimants sustained damage to their real and personal property due to the negligence and wrongful acts and/or omissions of the ERIE COUNTY WATER AUTHORITY.

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

The claim arose on May 31, 2023 at the real property owned by LAKE VIEW STORAGE located at and commonly referred to as 1975 Lakeview Road, Lake View, New York 14085 (hereinafter referred to as "Real Property"). LAKE VIEW STORAGE operates a self-storage facility at the Real Property with six (6) buildings housing approximately 174 storage units. On May 31, 2023, the main building at LAKE VIEW STORAGE became flooded, when an agent and/or employee of the ERIE COUNTY WATER AUTHORITY negligently and carelessly opened a valve causing water to flow through an inactive water line. The water entered multiple storage units including, but not limited to, Units 38 and 39, causing damage to the personal property and contents therein. At the time of the flood, MATTHEW BARNACK leased Unit 38 and BRIAN MEISS leased Unit 39.

4. *The Items of Damage and Injuries Claimed:*

By reason of the facts aforesaid, BRIAN MEISS sustained damages totaling \$7,273.00. A detailed list of the items of personal property damaged with values is attached hereto and made a part hereof as **Exhibit "A"**.

By reason of the facts aforesaid, MATTHEW BARNACK sustained damages totaling \$19,473.58. A detailed list of the items of personal property damaged with values and other expenses incurred is attached hereto and made a part hereof as **Exhibit "B"**.

Photographs showing where the water entered the building are attached hereto and made a part hereof as **Exhibit "C"**.

WHEREFORE, Claimants request that the ERIE COUNTY WATER AUTHORITY honor and pay the claims of BRIAN MEESS and MATTHEW BARNACK as set forth herein. The ERIE COUNTY WATER AUTHORITY is hereby notified that unless the said claims are settled or paid within the time provided by law from the date of service of this notice upon the ERIE COUNTY WATER AUTHORITY, the Claimants intend to commence an action on this claim.

Dated: Hamburg, New York
August 24, 2023



Ryan F. McCann, Esq.
ATTEA & ATTEA, P.C.
Attorneys for Claimants
11 Main Street
Hamburg, New York 14075
Tel: (716) 648-7000
Email: rmccann@attealaw.com

CLIENT VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

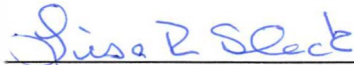
CHARLES J. BACKUS, JR. being duly sworn, says: that deponent is the President of LAKE VIEW STORAGE OF WNY, LLC, that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same are true to deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true. The reason why this verification is made by deponent is that deponent is the Managing Member of LAKE VIEW STORAGE OF WNY, LLC, which is a domestic limited liability company, and deponent is fully familiar with the facts and circumstances herein.

The source of deponent's information and the grounds of deponent's belief as to all matters therein stated upon deponent's knowledge are as follows: books and records of the company.



CHARLES J. BACKUS, JR.

Sworn to before me on this
24TH day of August, 2023



Notary Public

LISA R. SLACK
Notary Public-State of New York
No. 01SL6026681
Qualified in Erie County
Commission Expires June 21, 2027

CLIENT VERIFICATION

STATE OF OHIO)
COUNTY OF CUYAHOGA)ss:

BRIAN MEESS, being duly sworn, deposes and says: that your deponent is a Claimant in the within matter; 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 the matters therein stated to be alleged on information and belief, and that as to those matters, your deponent believes it to be true.

Brian Meess

BRIAN MEESS

Sworn to before me on this
22nd day of August, 2023

Georgina M. Bodamer

Notary Public


GEORGINA M. BODAMER
NOTARY PUBLIC • STATE OF OHIO
My commission expires **Mar. 9, 2027**



CLIENT VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE)ss:

MATTHEW BARNACK, being duly sworn, deposes and says: that your deponent is a Claimant in the within matter; 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 the matters therein stated to be alleged on information and belief, and that as to those matters, your deponent believes it to be true.


MATTHEW BARNACK

Sworn to before me on this
21st day of August, 2023


Notary Public

LISA R. SLACK
Notary Public-State of New York
No. 01SL6026681
Qualified in Erie County
Commission Expires June 21, 2027