

C-2

NOTICE OF CLAIM FORM

ERIE COUNTY WATER AUTHORITY
295 MAIN STREET – ROOM 350
BUFFALO, NEW YORK 14203-2494
(716) 849-8465

Claimant(s) Name	Richard Scaduto		
Address	53 Springfield Ave Tonawanda NY 14150	Cell Phone #	716 [REDACTED]
Email Address	[REDACTED]	Home Phone #	N/A

Accident / Damage / Injury Location	Westbound lane of N Ellicott Creek Rd in front of 501 N Ellicott Creek Rd		
Date of Incident	9/16/25	Time of Incident	12:30 a.m. / p.m. PM
Police Contacted?	Yes / No No	Police Report Taken?	Yes / No No
Name of Police Agency	N/A		

PROPERTY DAMAGE CLAIMS ONLY

If this is not your property, give the name and address of the owner:

N/A if not applicable

Name	N/A		
Address	N/A	Zip Code	N/A
Home Phone #	N/A	Work Phone #	N/A

PLEASE ATTACH ESTIMATES

Repair Estimates	\$ 1500 (Approximate)	\$
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PROPERTY DAMAGE AND PERSONAL INJURY WITNESSES

Name	N/A	Name	N/A
Address	N/A	Address	N/A
Phone	N/A	Phone	N/A

Provide copies of Medical bills once submitted to health insurance or automobile insurance.

PROVIDE COPIES OF THE MEDICAL BILLS. DO NOT PROVIDE MEDICAL RECORDS WITH THIS CLAIM FORM.

RECEIVED
SEP 19 2025

BY: BNS

Claimant's Statement (please print legibly and be specific):

On September 16, 2025, at approximately 12:30 PM, the claimant was operating a motor vehicle westbound on N Ellicott Creek Road, in strict compliance with all applicable traffic laws and regulations. The vehicle, a late-model automobile with less than 2,000 miles, was properly registered, inspected in New York State, and maintained in accordance with manufacturer specifications, including factory-recommended tire inflation. Upon passing 501 N Ellicott Creek Road, the claimant encountered a pronounced and abrupt impact, causing an immediate loss of directional control. The vehicle was brought to a stop for inspection. It was then observed that a substantial segment of the roadway had recently been excavated and patched; the repair was materially deficient, being noticeably sunken below grade and forming a sharp vertical lip estimated at nearly two inches in the lane of vehicular travel. The area exhibited clear and unambiguous evidence of prior vehicular impact, as indicated by the presence of road debris and fragments of vehicle components in and around the patch. The subject hazardous condition extended several feet into the lane of travel, rendering avoidance impracticable considering the double yellow traffic line. Notably, there was an absolute absence of any warning signage, such as indicators of a work zone, construction, hazard, or caution, despite the recent roadwork and manifest danger. An ECWA cone was observed in a roadside ditch, obscured from oncoming traffic by a mailbox, and did not constitute an adequate warning of the unsafe condition. Documentary photographic evidence of the defective road patch, captured contemporaneously with the incident, is available and can be furnished upon request. Based upon the totality of circumstances, it is apparent that the hazardous condition at issue was not the result of ordinary wear or weathering (i.e., pothole formation), but was instead a direct consequence of a defective, man-made patch resulting from recent ECWA roadwork. The condition constitutes prima facie evidence of negligence, and, upon information and belief, was created with reckless disregard for public safety. Following the incident, the claimant immediately sought a professional evaluation of the vehicle at Northtown Honda. The dealership's technician determined that the front right wheel was bent beyond repair and required replacement. The right front tire exhibited structural bulging and likewise necessitated replacement. Inspection further revealed that the front right strut mount had shifted and appeared bent, thereby requiring a wheel alignment and presenting the likelihood of additional suspension component replacements. An itemized estimate of required repairs, prepared by Northtown Honda, is attached hereto. The hazardous condition was promptly reported to both the Town of Amherst Highway Department and the Erie County Highway Department. The claimant was subsequently advised that the defective roadwork was the responsibility of the Erie County Water Authority and was reported via phone to Molly Jo Musarra, the Claims Representative/Risk Manager for the Erie County Water Authority. The damages enumerated herein are a direct and proximate result of ECWA's failure to maintain the roadway in a safe condition and to provide adequate warnings of the latent hazard created by its recent construction activity.

All statements herein are made under penalty of perjury.

Add Additional Pages if necessary

Date: 9/19/25

Clarissa Jackson
Notary Public, State of New York
Reg. # 01JA0040014
Qualified in Erie County
Commission Expires 08/01/2029
ss:)



Claimant's Signature

STATE OF NEW YORK
COUNTY OF ERIE

On this 19 day of SEP, 2025 before me, personally appeared, RIEMERD SCADUTO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public