

C-2

RICHMOND \ VONA

August 5, 2024

Via Certified Mail/Return Receipt

Erie County Water Authority
295 Main Street, Suite 350
Buffalo, New York 14203

Re: Wayne Sellers v. Town of Amherst and Erie County Water Authority

Dear Sir or Madam:

Enclosed please find a Notice of Claim in the above matter.

Very truly yours,

RICHMOND VONA, LLC

s/Peter F. Brady

Peter F. Brady

PFB/mn
Enc.

In the Matter of the Claim of

WAYNE SELLERS,

Claimant,

NOTICE OF CLAIM

- against -

TOWN OF AMHERST and
ERIE COUNTY WATER AUTHORITY,

Respondents.

TO: TOWN OF AMHERST
c/o Martin A. Polowy, Town Attorney
5583 Main Street
Williamsville, New York 14221

ERIE COUNTY WATER AUTHORITY
295 Main Street. Room 350
Buffalo, New York 14203

PLEASE TAKE NOTICE, that Wayne Sellers makes a claim against the Town of Amherst and Erie County Water Authority and in support of said claim states the following:

1. The Post Office address of the claimant is 8 Pine Cone Drive, Pittsford, New York 14534.
2. The attorneys for the claimant are Richmond Vona, LLC, whose Post Office address is 192 Seneca Street, Suite 200, Buffalo, New York 14204 and telephone number is (716) 500-5678.
3. The claim of Wayne Sellers is for personal injuries to his right lower extremity, including his Achilles tendon, some or all of which may be of a permanent and irreparable nature. He has and will incur pain and suffering and medical expenses.
4. Wayne Sellers's claim arose on May 11, 2024 while he was lawfully on the Central Amherst Little League baseball field located at 400 Wehrle Drive, Amherst, New York.

On this date at approximately 11:00 a.m., he stepped into a hole in the ground at the AA Junior baseball field. The subject hole was situated beyond the bleachers outside the fence adjacent to the third base line. It was overgrown with grass. Attached as **Exhibit A** is a photo of the defect taken on May 11, 2024. As a direct result of stepping in the hole, Wayne Sellers sustained serious personal injuries.

5. Upon information and belief, the Town of Amherst has an ownership interest and/or exercised control over the operation or maintenance of the premises on which Wayne Sellers was injured.

6. Upon information and belief, Erie County Water Authority has an ownership interest and/or exercised control over the operation or maintenance of the premises on which Wayne Sellers was injured.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, and recklessness of the Town of Amherst and Erie County Water Authority, through its agents, servants and/or employees in that they owned, maintained, operated, managed and controlled the premises in such a careless, reckless and negligent manner so as to create, cause and permit the defect and occurrence herein; in maintaining said premises in disrepair and in a defective, dangerous and hazardous condition; in allowing and permitting the premises to remain in such a hazardous and dangerous condition; in allowing and permitting such dangerous condition to exist when the respondent had both notice and knowledge, or in the exercise of reasonable care, could and should have had knowledge of such dangerous condition; in maintaining a hazardous and dangerous condition for an extended period of time; in failing to exercise a degree of care which

would be reasonably prudent under the circumstances; in failing and omitting to reasonably anticipate that persons traversing in the area could sustain physical injury by the reason of aforesaid dangerous, unsafe condition; in failing to employ proper, adequate and competent personnel to maintain, manage and inspect said premises; and in failing to comply with the statutes, rules, ordinances, and regulations in the manner as provided by law and in being otherwise careless and negligent in maintaining the premises.

8. The total sum claimed is in an amount to be determined by a jury and it shall include past and future pain and suffering and medical expenses.

WHEREFORE, claimant, Wayne Sellers, requests that the Town of Amherst and Erie County Water Authority honor and pay his claim.

Dated: Buffalo, New York
August 2, 2024



Wayne Sellers

PLEASE DIRECT INQUIRIES TO:

Peter F. Brady ESQ.
Richmond Vona, LLC
Attorneys for Claimant
192 Seneca Street, Suite 200
Buffalo, New York 14204
(716) 500-5678

VERIFICATION

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


WAYNE SELLERS, being duly sworn, deposes and says that: he makes this claim on his own behalf; he has read the foregoing Notice of Claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.



WAYNE SELLERS

Sworn to before me this
2 day of August, 2024.

MELISSA M. NEWHOUSE
No. 01NE6261728
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 05/14/28



Notary Public

EXHIBIT A



In the Matter of the Claim of

WAYNE SELLERS,

Claimant,

AFFIDAVIT OF SERVICE

- against -

TOWN OF AMHERST and
ERIE COUNTY WATER AUTHORITY,

Respondents.

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

MELISSA NEWHOUSE, being duly sworn, deposes and says:

1. I am not a party to this action, am 18 years of age or older, and reside at Buffalo, New York.

2. On August 5, 2024, I served a true copy of the Notice of Claim, via Certified Mail, by depositing the papers, enclosed in a first class postpaid wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the state, addressed to the following addresses, which are designated by the addressees for the purpose or, if none is designated, which are the last known address of the addressees:

TOWN OF AMHERST
c/o Martin A. Polowy, Town Attorney
5583 Main Street
Williamsville, New York 14221

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

Melissa Newhouse
MELISSA NEWHOUSE

Subscribed and sworn to before me
this 5 day of August, 2024.
[Signature]
Notary Public

