

SUPREME COURT: COUNTY OF ERIE  
National Fuel Gas Distribution Corporation  
6363 Main Street  
Williamsville, New York 14221

Claimant,

NOTICE OF CLAIM

-VS-

Index No.

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

Defendant.

TO THE ABOVE NAMED DEFENDANT:

SIR:

PLEASE TAKE NOTICE that the Claimant herein hereby makes claim and demand against the Erie County Water Authority as follows:

1. The name and post-office address of the Claimant is: National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221. The name and post office address of Claimant's attorney is: Kenneth M. Gossel, Esq., National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221.

2. The nature of the claim is an action for the recovery of property damage to Claimant's facilities, and for the cost of the repair of said facilities and equipment, caused solely by the Defendant's failure to use reasonable care to avoid damage to Claimant's facilities and equipment and Defendant's negligence while improperly supporting exposed facilities while excavating in the Town of Amherst, County of Erie and State of New York.

ERIE COUNTY WATER AUTHORITY  
JUN 28 PM 1:01

3. The time when, the place where and the manner in which the incidents underlying the claim arose are as follows:

- (i) Damage to Claimant's underground facilities occurred on August 24, 2023, at approximately 1:50 p.m., at or near 3080 Millersport Hwy., Town of Amherst, County of Erie and State of New York, when the Defendant's excavation collapsed, caused damage to Claimant's natural gas meter set, which required repair.

4. The items of damage are property damage to Claimant's underground facilities, detailed above, and the cost of repairing said damage. That said claim and demand is hereby presented for adjustment and payment. PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, and upon the default of the Erie County Water Authority, to pay Claimant the full amount of the damages suffered by reason of the foregoing, within the time limited for compliance with this demand by the said Erie County Water Authority, by the statutes in such cases made and provided, Claimant will institute an action against the Erie County Water Authority, to recover the full amount of Claimant's damages, with interest and costs.

DATED:     Williamsville, New York  
              October 30<sup>th</sup>, 2023

Respectfully yours,  
National Fuel Gas Distribution Corporation

By: \_\_\_\_\_  
Patrick Kelly Jr.  
Senior Claims Supervisor of the Risk  
Department of National Fuel Gas Distribution  
Corporation

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE  
National Fuel Gas Distribution Corporation  
6363 Main Street  
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Claimant,

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Defendant

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

Patrick Kelly Jr., being duly sworn, deposes and says that I am an employee in the Risk Management Department for National Fuel Gas Distribution Corporation; that I have read the forgoing Notice of Claim; that the same is true to my knowledge, except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true based upon information supplied to me; and the reason the verification is made by me because National Fuel Gas Distribution Corporation is a corporation.

  
Patrick Kelly Jr.

Sworn to before me this  
30<sup>th</sup> day of October, 2023.

  
Notary Public

JASON D. CRATER  
Notary Public, State of New York  
Qualified in Genesee County  
My Commission Expires 4/30/2024

**CERTIFIED MAIL**

neoboson

10/30/2023

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ZIP 14225

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**Figure 6**

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*[Musical notation]*

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