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FEB 28 2024
ERIE COUNTY WATER AUTHORITY

IN THE MATTER OF THE CLAIM OF:

AMR NOMAN
4273 Bailey Avenue
Amherst, NY 14226

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
65 Niagara Square
Room 1100
Buffalo, NY 14202

CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS
65 Niagara Square
Room 502
Buffalo, NY 14202

CITY OF BUFFALO FIRE DEPARTMENT,
195 Court Street
Buffalo, NY 14202

ERIE COUNTY WATER AUTHORITY,
295 Main St #350
Buffalo, NY 14203

Respondents.

PLEASE TAKE NOTICE that **AMR NOMAN**, hereby makes claim against the **CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS CITY OF BUFFALO FIRE DEPARTMENT, and ERIE COUNTY WATER AUTHORITY** in support thereof Claimant alleges:

1. That the undersigned Claimant, AMR NOMAN, residing at 4273 Bailey Avenue, Amherst, NY 14226, by and through his attorney, Brendan M. Denz, Esq, WILLIAM MATTAR, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the **CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS**, and the **CITY OF BUFFALO FIRE DEPARTMENT**, and **ERIE COUNTY WATER AUTHORITY**, for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.

2. That the said injuries were sustained by AMR NOMAN on December 13, 2023 at approximately 7:47 a.m at the traffic light in front of 3495 Bailey Avenue in the City of Buffalo, County of Erie and State of New York. *See Exhibit "A"*, the MVA-104 attached hereto.

3. On that day and approximate time, Mr. Noman was stopped in his motor vehicle at a redlight when suddenly and without warning was struck in the rear-end by a vehicle owned and operated by David V. Tower, which was unable to stop due to ice on the roadway caused by a malfunctioning fire hydrant in close proximity to the crash. *See Exhibit "B"*

4. That Claimant, AMR NOMAN, damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others by Respondents, the CITY of BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, CITY of BUFFALO FIRE DEPARTMENT, and ERIE COUNTY WATER AUTHORITY and/or their servants, agents or employees in negligently maintaining, operating, remediating, and/or installing an improperly functioning fire hydrant and fire hydrant water lines, causing water and ice to build up on the

roadway causing a dangerous defect and did not put down salt to prevent ice. The Fire Hydrant is located in front of the VA Hospital Bus Stop in close proximity to the location of this crash. *See*

Exhibit “C”

5. Upon information and belief, the fire hydrant was controlled, operated, owned and maintained by the CITY of BUFFALO.

6. Upon information and belief, the fire hydrant and connecting pipes were controlled, operated, owned and maintained by the CITY of BUFFALO FIRE DEPARTMENT.

7. Upon information and Belief, the fire hydrant was controlled, operated, owned, and maintained by the CITY of BUFFALO DEPARTMENT OF PUBLIC WORKS

8.. Upon Information and belief, the fire hydrant and connecting pipes were controlled, operated, owned and maintained by the ERIE COUNTY WATER AUTHORITY.

9. That Claimant, AMR NOMAN, damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others by Respondents, the CITY of BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, CITY of BUFFALO FIRE DEPARTMENT, and the ERIE COUNTY WATER AUTHORITY and/or their servants, agents or employees in negligently maintaining, operating, remediating, and/or installing an improperly functioning fire hydrant and water piping leading to the fire hydrant, causing water and ice to build up on the roadway near a bus stop and traffic light.

10. That the aforesaid CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS, CITY of BUFFALO FIRE DEPARTMENT, and the ERIE COUNTY WATER AUTHORITY by and through his agents, servants and employees had actual or constructive notice

of the malfunctioning fire hydrant, and the dangerous condition and hazard caused by said activity and that their negligence would foreseeably result injury to others, including Claimant.

11. That as a result of the foregoing, the Claimant, AMR NOMAN, suffered serious and permanent injuries to his head, neck, back, shoulders and knees, of indefinite duration, and Claimant, AMR NOMAN, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

12. That the said injuries were caused wholly or in part as a result of the negligence of CITY of BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS, CITY OF BUFFALO FIRE DEPARTMENT, and the ERIE COUNTY WATER AUTHORITY and through his agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant requests that his claim be allowed and paid by Respondent. PLEASE TAKE FURTHER NOTICE that unless a hearing under General Municipal Law §50 is requested by Respondent within ninety (90) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against Respondent for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs, and disbursements.

DATED: 2/23/24
Williamsville, New York



Brendan M. Denz, Esq
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716)633-3535

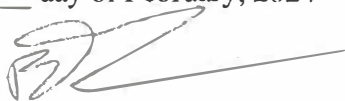
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

AMR NOMAN., being duly sworn, depose and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.



AMR NOMAN

Sworn to before me this
23 day of February, 2024



Notary Public

Brendan M. Denz, Esq.
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02DE6376096
Qualified in Erie County
Commission Expires June 4, 2026

Exhibit A

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (8/22)

E1781

Local Codes 1731
23-347-0200

AMENDED REPORT

1	Accident Date Month: 12, Day: 13, Year: 2023	Day of Week Wed.	Military Time 07:47	No. of Vehicles 2	No. Injured 1	No. Killed 0	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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2	VEHICLE 1 License ID Number: 177 000 205 Driver Name: David Vincent Tower Address: 169 Presidents Walk City/Town: Williamsville, NY, Zip Code: 14221				VEHICLE 2 <input checked="" type="checkbox"/> VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN License ID Number: 265 718 938 Driver Name: Amrabdo Farca Noman Address: 4273 Bailey Ave City/Town: Amherst, NY, Zip Code: 14226			
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3	Date of Birth: 02/09/1970, Sex: M, Unlicensed: <input type="checkbox"/>	No. of Occupants: 1, Public Property Damaged: <input type="checkbox"/>	Date of Birth: 03/30/1987, Sex: M, Unlicensed: <input type="checkbox"/>	No. of Occupants: 1, Public Property Damaged: <input type="checkbox"/>
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4	Plate Number: BLM 4970, State of Reg: NY, Vehicle Year & Make: 2017 Ford Truck, Ins. Code: 240	Plate Number: KAJ 8762, State of Reg: NY, Vehicle Year & Make: 2019 Ford Truck, Ins. Code: 413
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5	VEHICLE DAMAGE CODING: 1-19. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER	VEHICLE DAMAGE CODING: 1-19. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER	ACCIDENT DIAGRAM: [Diagram showing vehicle positions and directions]
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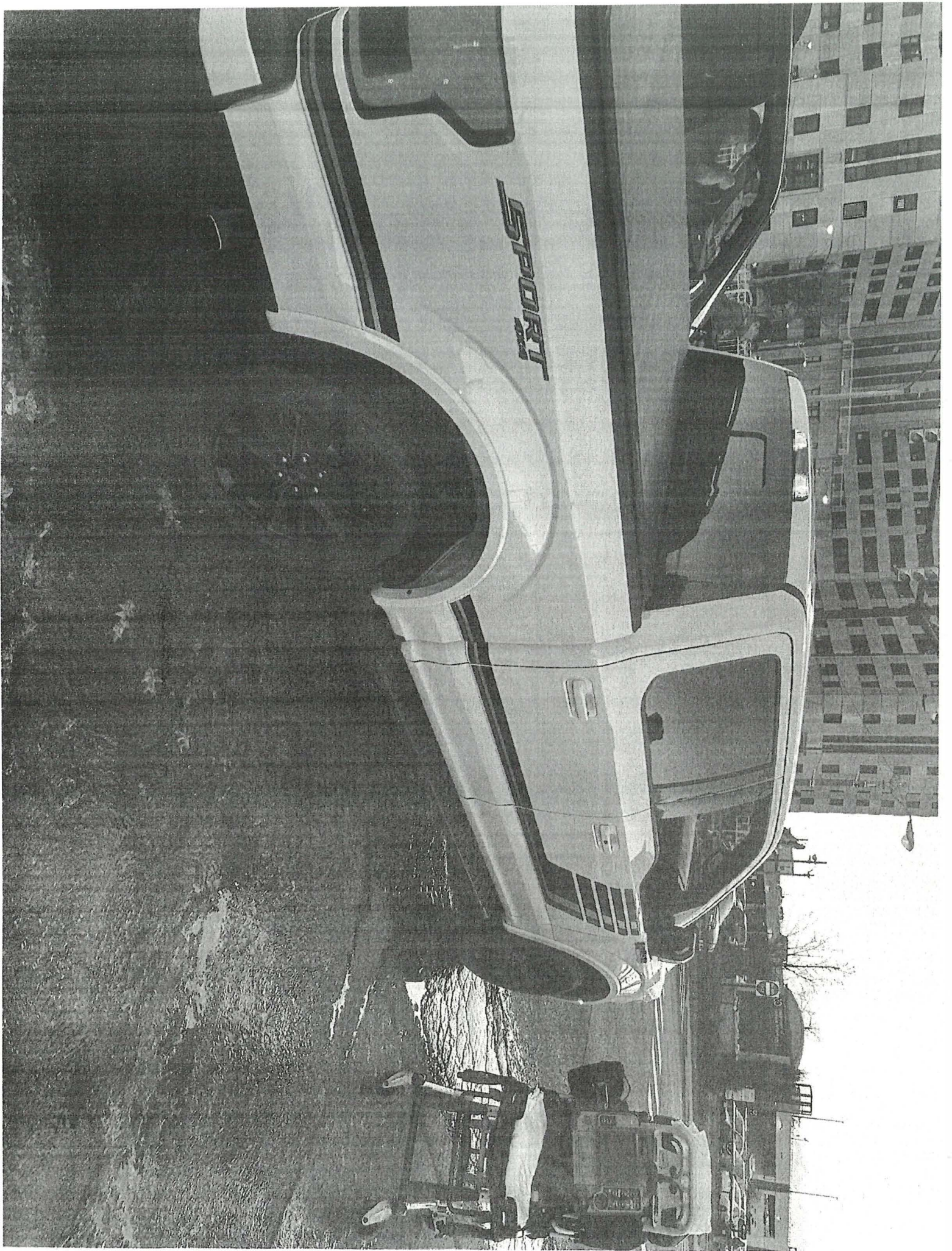
6	Reference Marker	Coordinates (if available)	Place Where Accident Occurred: County: Erie, City/Village/Town: Buffalo Road on which accident occurred: 3495 Bailey Ave at 1) intersecting street: [] or 2) [] N/S E/W of []
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Accident Description/Officer's Notes: On above date time and location V1 and V2 were both heading S/B on Bailey Ave when they began to slow in the right lane approaching a traffic light that was red. V1 did strike into the rear of V2 due to a watermain break that covered much of the right lane in ice. V1 did have a dog inside.

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17	BY	TO	18	Names of all involved	Date of Death Only
A	1	1	4	1	53	M	12	14	6	-	-	-	-	David Vincent Tower	-
B	2	1	4	1	35	M	4	14	6	AMP520	1405	-	-	Amrabdo Farca Noman	-
C															
D															
E															
F															

Officer's Rank and Signature: PPO Sean McCarthy	Badge/ID No.: 175595	NCIC No.: 1401	Precinct/Post Troop/Zone: E	Station/Beat/Sector: 1	Reviewing Officer: [Signature]	Date/Time Reviewed: 12/13/23
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Exhibit B









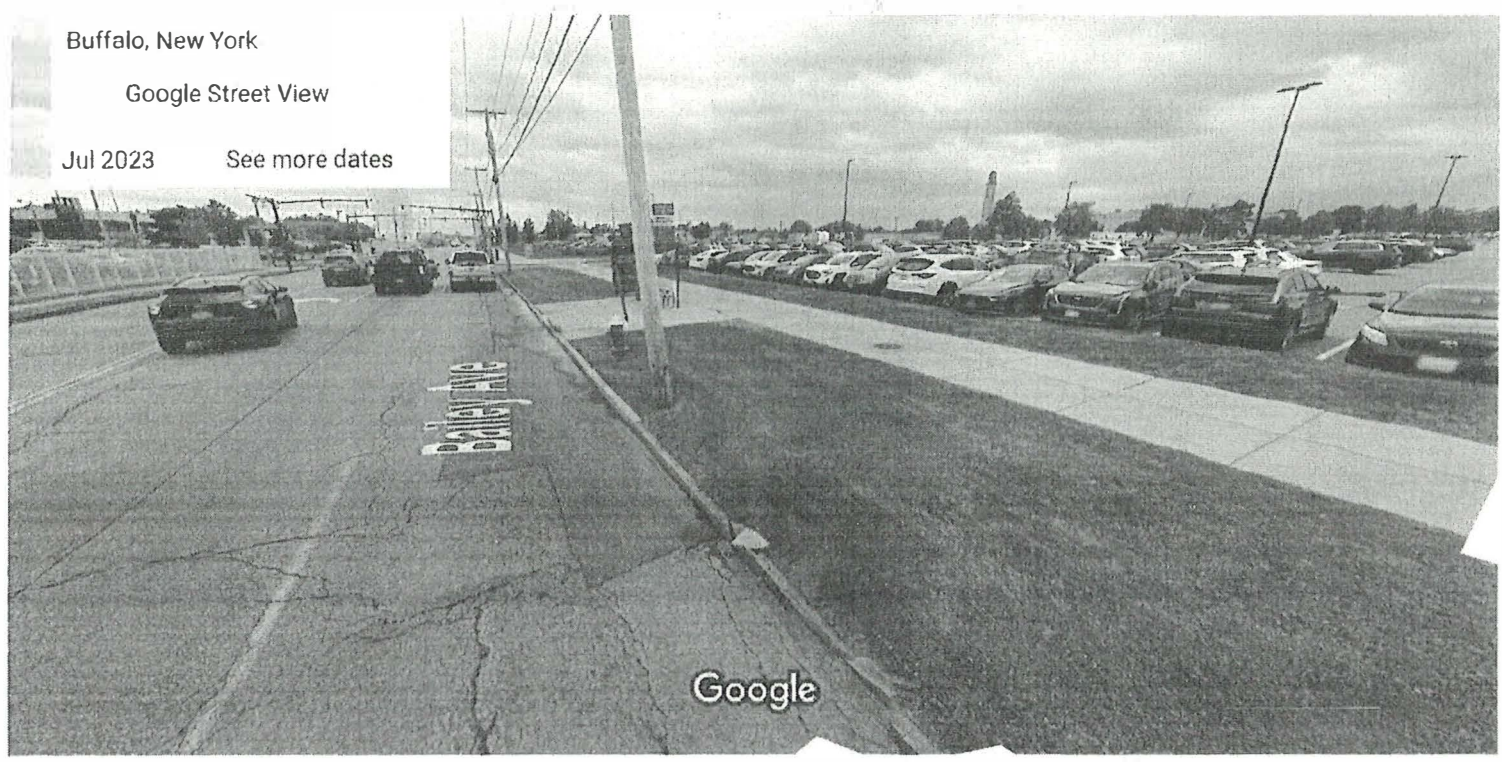


814-4970



Exhibit C

Google Maps 3495 Bailey Ave



Buffalo, New York

Google Street View

Jul 2023

See more dates

Image capture: Jul 2023 © 2024 Google

Google Maps 3495 Bailey Ave

Buffalo, New York

Google Street View

Jul 2023

See more dates



Image capture: Jul 2023 © 2024 Google