

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

DORIS FLANAGAN



Lockport, New York 14094

Plaintiff,

vs.

SUMMONS

Index No.: 802272/2020

TOWN OF WEST SENECA

1250 Union Road, Room 212
West Seneca, New York 14224

ERIE COUNTY WATER AUTHORITY

295 Main Street Suite #350
Buffalo, New York 14203

JANET T CHOCHRANE

231 Covington Drive
West Seneca, New York 14220

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

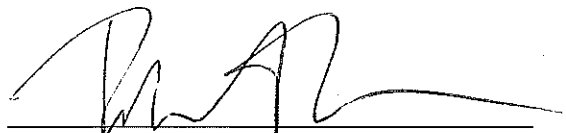
You are hereby summoned and required to serve upon the Plaintiff's attorney, at the address stated below, an Answer to the Plaintiff's Complaint. If the Summons was personally served upon you in the State of New York, the Answer must be served within twenty (20) days after such service of the Summons, excluding the date of service. If the Summons was not personally delivered to you within the State of New York, the Answer must be served within thirty (30) days after service of the Summons is complete as provided by law.

ERIE COUNTY WATER AUTHORITY
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If you do not serve an Answer for the attached Complaint within the applicable time limitations stated above, a judgment will be entered against you by default for the relief demanded in the Complaint without further notice to you.

The Plaintiff designates Erie County as the place of trial. The basis of venue is the where the cause of action occurred. This is an action in negligence.

DATED: Buffalo, New York
February 17, 2020



Robert D. Berkun, Esq.
LAW OFFICES OF ROBERT D. BERKUN, LLC
Attorney for Plaintiff
Office and Post Office Address
Main Place Tower – Suite 2150
350 Main Street
Buffalo, New York 14202
(716) 856-4080

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

DORIS FLANAGAN,

Plaintiff,

COMPLAINT

vs.

**TOWN OF WEST SENECA,
ERIE COUNTY WATER AUTHORITY, and
JANET T COCHRANE,**

Index No.: 802272/2020

Defendants.

Plaintiff, DORIS FLANAGAN, by and through her attorneys, the Law Offices of Robert D. Berkun LLC, for her Complaint against the Defendants, TOWN OF WEST SENECA, ERIE COUNTY WATER AUTHORITY, and JANET T COCHRANE, herein alleges as follows:

1. That at all times herein mentioned, Plaintiff, DORIS FLANAGAN, was and still is a resident of the County of Niagara and State of New York.

2. Upon information and belief, at all times herein mentioned, the Defendant, TOWN OF WEST SENECA, was and still is a domestic municipal entity, existing by virtue of the Laws of the State of New York, with an office for the transaction of business located in the County of Erie and State of New York.

3. Upon information and belief, at all times herein mentioned, the Defendant, ERIE COUNTY WATER AUTHORITY, was and still is a public benefit corporation, existing by the Laws of the State of New York, with an office for the transaction of business located in the County of Erie and State of New York.

4. Upon information and belief, at all times herein mentioned, the Defendant, JANET T COCHRANE, was and still is a resident of the County of Erie and State of New York.

5. Upon information and belief, at all times herein mentioned, Defendant, JANET T CHOCHRANE, was and still is the owner of the real property located at 231 Covington Drive in the Town of West Seneca and State of New York.

6. As the owners of the aforementioned real property, the Defendant, had a duty to maintain, inspect and keep the premises reasonably safe and free of hazards, which could cause injury to persons lawfully thereon.

7. Upon information and belief, at all times herein mentioned, the Defendants knew, or should have known in the exercise of reasonable care, that a hazardous condition existed and persisted on the premises, which caused a tripping and falling hazard due to a water pipe sticking out of the sidewalk on, appurtenant, and/or adjacent to the property located at 231 Covington Drive.

8. Upon information and belief, at some time prior to February 14, 2019, the Defendant, TOWN OF WEST SENECA, by and through its employees, agents, servants and/or contractors, installed and maintained the sidewalk located on, adjacent and/or appurtenant to the property located at 231 Covington Drive.

9. Upon information and belief, at some time prior to February 14, 2019, the Defendant, ERIE COUNTY WATER AUTHORITY, by and through its employees, agents, servants and/or contractors, installed and maintained the pipes on or near the sidewalk located on, adjacent and/or appurtenant to the property located at 231 Covington Drive.

10. That on or about the 14th day of February, 2019, the Plaintiff was lawfully walking on the sidewalk located on, appurtenant, and/or adjacent to the property located at 231 Covington Drive in the Town of West Seneca and State of New York when she was caused to trip and fall due to an unreasonable hazardous condition of a water pipe sticking out of the sidewalk,

and Plaintiff sustained serious bodily injury due to the breach of duty of the Defendants, and each of them, with no culpability on the part of the Plaintiff.

11. The failure of the Defendants, and each of them, to properly inspect and maintain the real property in a safe condition when they knew, or should have known in the exercise of reasonable care, that a hazardous condition existed and/or persisted on the premises, was the actual and proximate cause of the injuries to the Plaintiff.

12. As a result of the aforesaid negligence and breach of duty of the Defendants, and each of them, the Plaintiff was rendered sick, sore, lame and disabled, and has sustained past, present and will continue to sustain future pain and suffering, loss of enjoyment of life, medical expenses, and lost wages; all to the Plaintiff's damage in a sum which exceeds the jurisdictional limits of all lower Courts that may otherwise have jurisdiction over the subject of this matter.

13. The Defendant, TOWN OF WEST SENECA, was put on notice of Plaintiff's claim by way of a Notice of Claim served upon the Defendant on or about the 27th day of February, 2019.

14. The Defendant, ERIE COUNTY WATER AUTHORITY, was put on notice of Plaintiff's claim by way of a Notice of Claim served upon the Defendant on or about the 26th day of February, 2019.

15. That more than thirty (30) days have passed since service of the notice of claim and the above claim has not yet been adjusted.

WHEREFORE: the Plaintiff, DORIS FLANAGAN, demands judgment against the Defendants, TOWN OF WEST SENECA, ERIE COUNTY WATER AUTHORITY, and JANET T CHOCHRANE, on her cause of action, in a sum that exceeds the jurisdictional limits of all lower Courts that may otherwise have jurisdiction over the subject of this matter, together with

the cost and disbursements of this action; and for such other and further relief as this Court may deem just and proper.

DATED: Buffalo, New York
February 12, 2020



Robert D. Berkun, Esq.
LAW OFFICES OF ROBERT D. BERKUN, LLC
Attorney for Plaintiff
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Main Place Tower – Suite 2150
350 Main Street
Buffalo, New York 14202
(716) 856-4080

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Erie**

-----X
Doris Flanagan

Plaintiff/Petitioner,

- against -

Town of West Seneca , Erie County Water
Authority , Janet T Chochrane

Index No. 802272/2020

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

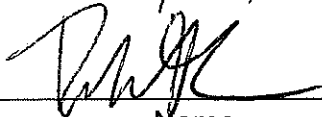
An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 07/20/20



Name

The Law Offices of Robert Berkun, LLC

Firm Name

350 Main Street, Suite 2150

Buffalo, New York 14202

Address

7168564080

Phone

rbd62@yahoo.com

E-Mail

To: _____

6/6/18