

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

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NATIONAL FUEL GAS DISTRIBUTION CORPORATION,

Plaintiff/Petitioner,

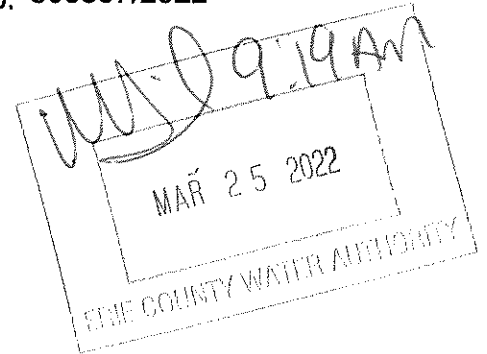
- against -

ERIE COUNTY WATER AUTHORITY,

Index No. 803557/2022

Defendant/Respondent.  
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**NOTICE OF ELECTRONIC FILING  
(Consensual Case)  
(Uniform Rule § 202.5-b)**



**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: <http://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](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

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

Dated: MARCH 24, 2022

DENNIS P. MESSALL, ESQ.

Name

Smith, Murphy & Schoepperle, LLP

Firm Name

295 Main Street, Suite 786

Address

Buffalo, New York 14203

(716) 852-1544, ext. 316

Phone

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E-Mail

To: Erie County Water Authority

295 Main Street, Room 350

Buffalo, New York 14203

6/6/18

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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NATIONAL FUEL GAS DISTRIBUTION  
CORPORATION  
6363 Main Street  
Williamsville, New York 14221,

**SUMMONS AND NOTICE**

Index No.:

Plaintiff,

vs.

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

Plaintiff designates **ERIE** County as the place of trial. Venue is based upon the principal office for the transaction of business of the Plaintiff and the location of the Defendant.

Defendant.

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**TO THE ABOVE NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED AND REQUIRED TO RESPOND** to the claim for the relief sought by the Plaintiff by either serving a written Demand for a Complaint or a written Notice of Appearance on the Plaintiff, at the address stated below.

If this Summons and Notice is personally served upon you within the State of New York, you must respond within twenty (20) days after the service, not counting the day of service. If this Summons and Notice is not personally delivered to you within the State of New York, you must respond within thirty (30) days after service is completed, as provided by law.

**TAKE NOTICE THAT THE NATURE OF ACTION AND RELIEF SOUGHT IS:**

To recover monetary damages in the amount of \$21,568.96, plus interest and fees, against the Defendant and in favor of Plaintiff, to compensate Plaintiff and make Plaintiff whole for damages sustained by Plaintiff caused by negligence and/or reckless disregard by Defendant, and/or its agents, servants and employees, in their design, construction, ownership, inspections and

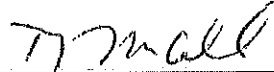
maintenance of a water pipe located at or near 1520 Lovejoy Street, Cheektowaga, New York, that Defendant owned and operated, and which broke on or about January 1, 2021, causing damage to Plaintiff's gas line and equipment, which required repairs.

The relief sought in the within action is a final judgment awarding Plaintiff compensatory damages for Defendant's negligence and/or reckless disregard for the safety of others and/or the property of others.

On or about March 4, 2021 Plaintiff timely served Defendant with a Notice of Claim with regard to the incident referred to above. At least thirty (30) days have elapsed since service of such Notice of Claim, and adjustment or payment of Plaintiff's damages have been neglected or refused.

In case of Defendant's failure to appear or demand a Complaint, Judgment will be taken against Defendant by default, for the relief demanded in this Summons and Notice.

DATED: March 24, 2022  
Buffalo, New York



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DENNIS P. MESCALL, ESQ.  
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CORPORATION  
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