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OF COUNSEL
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(NOT FOR SERVICE OF PAPERS)

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DANIEL J. BOBBETT
JESSE G. HOELSCHER

September 1, 2020

Via Certified Mail, Return Receipt Requested

Mr. Gary A. Dickson
Supervisor – Town of West Seneca
Town Hall
1250 Union Road
West Seneca, NY 14224

Via Certified Mail, Return Receipt Requested

Michael A. Siragusa, Esq.
Erie County Attorney
Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, NY 14202

Via Certified Mail, Return Receipt Requested

X Erie County Water Authority
295 Main Street, Room 350
Buffalo, NY 14203

Re: Oakridge MFR Holdings LLC

Gentlemen:

We are legal counsel to Oakridge MFR Holdings LLC. Enclosed herewith, please find a notice of claim.

Very truly yours,



Daniel J. Bobbett

Encl.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

OAKRIDGE MFR HOLDINGS LLC

Claimant,

NOTICE OF CLAIM

v.

TOWN OF WEST SENECA
COUNTY OF ERIE
ERIE COUNTY WATER AUTHORITY

Respondents.

TO: Mr. Gary A. Dickson
Supervisor – Town of West Seneca
Town Hall
1250 Union Road
West Seneca, NY 14224

Michael A. Siragusa, Esq.
Erie County Attorney
Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, NY 14202

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

PLEASE TAKE NOTICE, that Oakridge MFR Holdings LLC (“Claimant”), by and through its undersigned counsel, hereby files a claim against the Town of West Seneca, the County of Erie, and the Erie County Water Authority (collectively the “Respondents”) pursuant to applicable law and rules. Pursuant to § 50(e) of the General Municipal Law, the Claimant hereby states as follows:

1. The post office address of the Claimant herein is 491 Delaware Avenue, Buffalo, NY 14202.

2. The attorney for the Claimant is Daniel J. Bobbett, Esq., of the law firm Zdarsky, Sawicki & Agostinelli LLP, with an office and post office address at 1600 Main Place Tower, 350 Main Street, Buffalo, NY 14202; telephone 716-855-3200.

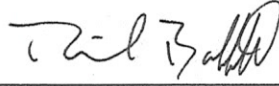
3. The time when, the place where, and the manner in which the claim arose are, upon information and belief, as follows: On June 2, 2020, the Respondents caused water damage to occur at the apartment building owned by Claimant that is commonly known as 1190 Orchard Park Road that is located in the Town of West Seneca, County of Erie, and State of New York (the "Property"). On or about the aforesaid date, water entered the Property through the drains, sump, and foundation located therein that caused damage to the Property. Upon further information and belief, Respondents are responsible for the design, construction, management, maintenance, and repair of the sewage and storm water lines that service the Property. Upon further information and belief, on June 2, 2020, Respondents' negligent and reckless design, construction, management, repair, and/or maintenance of the sewage and storm water systems caused flood water to invade Claimant's Property, causing structural damage and damage to fixtures and personal property. As a result of the aforesaid negligence and recklessness by Respondents, Claimant has been damaged.

4. Pursuant to General Municipal Law § 50(e), an itemized statement of the damages as set forth herein will be provided upon the request of the Respondents.

WHEREFORE, the Claimant hereby files this Notice of Claim seeking compensation for injuries in a fair and reasonable amount.

Dated: September 1, 2020
Buffalo, New York

ZDARSKY, SAWICKI & AGOSTINELLI LLP

By: 

Daniel J. Bobbett, Esq.

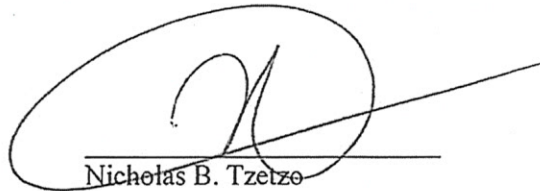
Attorneys for Claimants
1600 Main Place Tower
350 Main Street
Buffalo, NY 14202
Tel.: (716) 855-3200
Email: dbobbett@zsa.cc

CORPORATE VERIFICATION

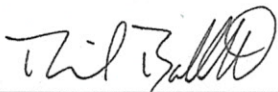
STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

NICHOLAS B. TZETZO, being duly sworn, deposes and says that he is the manager of Oakridge MFR Holdings LLC, the claimant in this notice of claim, that he has read the foregoing notice of claim and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

Deponent further says that the reason this verification is made by deponent and not by Oakridge MFR Holdings LLC is because Oakridge MFR Holdings LLC is a limited liability company and the grounds of deponent's belief as to all matters in the said notice of claim not stated upon his own knowledge, are investigations which deponent has caused to be made concerning the subject matter of this notice of claim and information acquired by deponent in the course of his duties as a member of said limited liability company and from the books and papers of said limited liability company.


Nicholas B. Tzetzso

Sworn to before me this
1st day of September, 2020



Daniel J. Bobbett
Notary Public – State of New York
Qualified in Erie County
Commission Expires June 9, 2022

ZDARSKY, SAWICKI & AGOSTINELLI LL

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7019 1120 0002 0860 6476

Erie County Water Authority
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