

ERIE COUNTY WATER AUTH
14 JAN '22 PM3:01

IN THE MATTER OF THE CLAIM OF:

PAUL GUST

**[REDACTED]
Amherst, New York 14228**

Claimant,

NOTICE OF CLAIM

vs.

**COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202**

**TOWN OF AMHERST
5583 Main Street
Williamsville, New York 14221**

**TOWN OF AMHERST SEWER
MAINTENANCE DIVISION
1100 North Forest Road
Williamsville, NY 14221**

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

Respondents.

**TO: County of Erie, Town of Amherst, Town of Amherst Sewer Maintenance Division and
Erie County Water Authority**

Claimant, Paul Gust, by and through his attorneys, Nicholas, Perot, Smith, Bernhardt &
Zosh, P.C., Daniel T. Smith, Esq., of counsel, hereby presents his claim as follows, upon
information and belief:

1. That the claimant's proper name is Paul Gust.
2. The claimant's date of birth is [REDACTED] and the claimant resides at [REDACTED]

[REDACTED]

3. That the attorneys for the claimant herein are Nicholas, Perot, Smith, Bernhardt & Zosh, P.C., Daniel T. Smith, Esq., 12364 Main Road, Akron, New York 14001.

4. Town of Amherst is a municipal corporation and/or entity located within the County of Erie.

5. County of Erie is an existing county within the State of New York.

6. This claim is against the Town of Amherst, County of Erie, and Erie County Water Authority, their respective employees, servants, agents, and/or representatives for injuries sustained by Paul Gust, as a result of an accident which occurred on or about November 28, 2021 at approximately 2:30 P.M.

7. On November 28, 2021, at approximately 2:30 P.M., claimant, Paul Gust, was traveling in a parking lot located at 15 Willow Ridge Drive, in the Town of Amherst and County of Erie, where he fell of his bike at or near the sewer grate located in said parking lot.

8. Claimant, Paul Gust, was caused to sustain serious personal injuries.

9. That the aforesaid incident occurred as a result of the acts and/or omissions of the Town of Amherst, County of Erie, Erie County Water Authority, their agents, servants, and/or employees in creating a dangerous condition, in negligently and recklessly owning, operating, maintaining, and managing the parking lot and associated sewer grate, in failing to guard, warn, or protect the public from dangerous and trap-like conditions existing on and around the sewer grate, and in failing to have adequate concrete/asphalt around the sewer hole so as to be safe for the public.

10. The location of the incident is further shown by the attached picture wherein the sewer grate is circled in blue.

11. As of this date, and so far, as can be presently determined, the claimant, PAUL GUST, has sustained injuries and/or damages which include, but are not limited to the following:

a. [REDACTED]

b. Injuries requiring medical attention;

c. Injuries that will leave permanent and severe problems;

d. Great bodily injuries which require medical aid, which were in fact rendered;

e. Great bodily injuries which result in pain and suffering both, mental and physical;

f. Great bodily injuries which caused the claimant to become incapacitated from her usual duties and activities; and

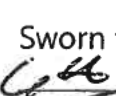
g. Great bodily injury resulting in possible future medical aid and attention, pain and suffering, expenses, and incapacitation from her usual activities.

PLEASE TAKE NOTICE, that in the event that these claims are not adjusted and settled, it is the intention of the claimant, PAUL GUST, to bring an action against the the TOWN OF AMHERST and COUNTY OF ERIE.

Dated: December 6, 2021



PAUL GUST

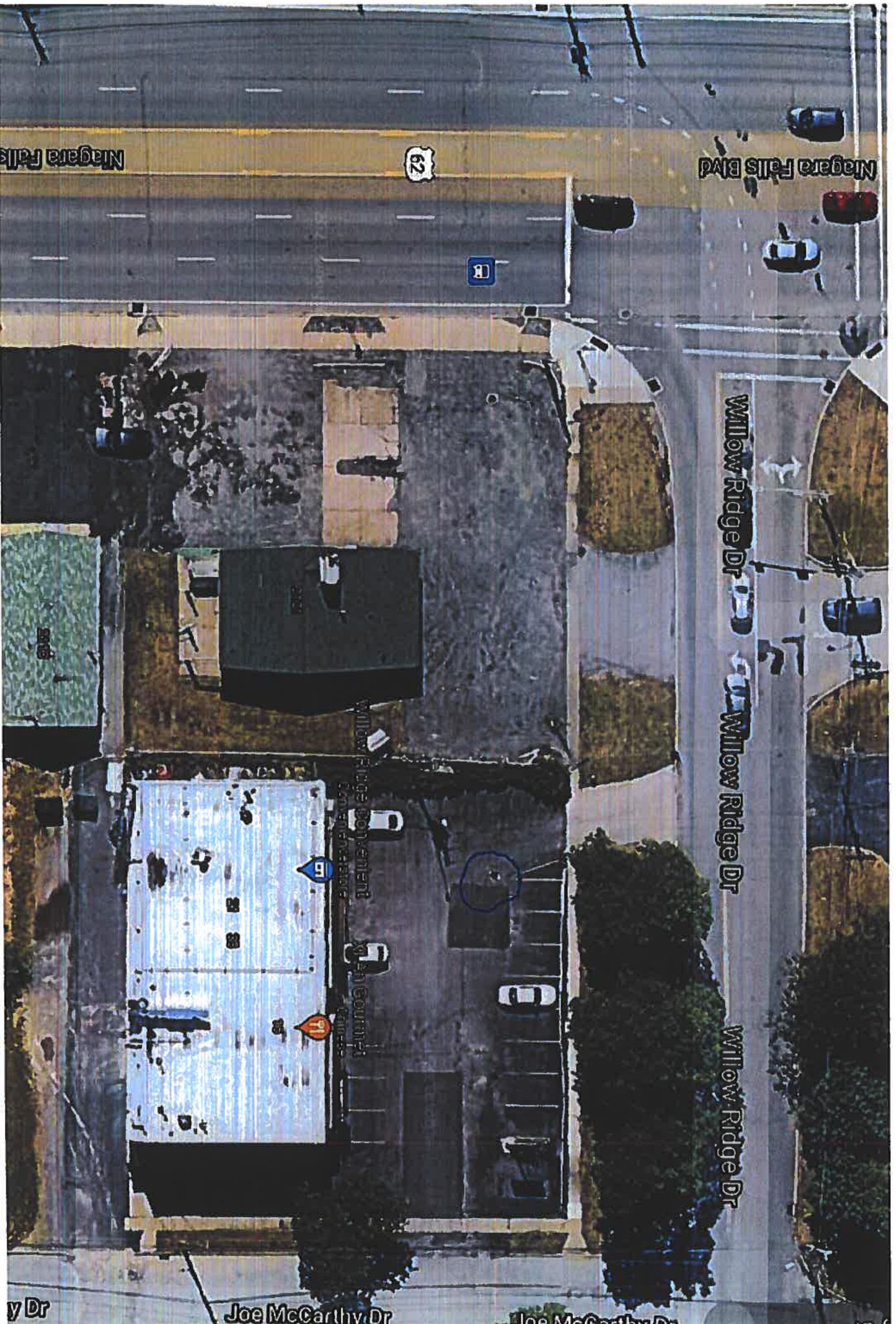
Sworn to before me this  day of September 2021


Notary Public

DANIEL T. SMITH
Notary Public, State of New York
Notary Public No. 025345605361
Commission Expires April 13, 2022



Daniel T. Smith, Esq.
NICHOLAS, PEROT, SMITH,
BERNHARDT & ZOSH, P.C.
Attorneys for Claimants
12364 Main Road, P.O. Box 176
Akron, New York 14001
(716) 542-5413



Niagara Falls Blvd

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Willow Ridge Dr

Willow Ridge Dr

Willow Ridge Dr

WILLOW RIDGE GOVERNMENT

WILLOW RIDGE COURT

Joe McCarthy Dr

Joe McCarthy Dr

y Dr

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NICHOLAS, PEROT, SMITH, BERNHARDT & ZOSH

JOHN E. NICHOLAS ^ (RETIRED)
LAWRENCE A. PEROT
DANIEL T. SMITH
CRAIG H. BERNHARDT
MICHAEL R. ZOSH

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Service by Electronic or Facsimile Transmittals Not Accepted

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January 12, 2022

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ARTICLE NO.: 7021 0350 0001 1935 1141

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

RE: *Paul Gust vs. County of Erie, Town of Amherst, Town of Amherst Sewer Maintenance Division, and Erie County Water Authority*

Dear Sir or Madam,

Enclosed herewith is a Notice of Claim in reference to the above, for service upon you.

Sincerely,


Christopher P. Franjoine, Esq.

CPF/sm
Enclosure

Nicholas, Perot, Smith, Bernhardt & Zosh P.C.
12364 Main Road
Akron, New York 14001
Attn.: Christopher P. Franjoine, Esq.



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



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