

C-4

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

MARY F. REFERMAT
139 LAKE AVENUE
LANCASTER, NY 14086

SUMMONS
Served with Complaint

Plaintiff,

-v-

Index No.: 808794/2019

ERIE COUNTY WATER AUTHORITY
350 ELLICOTT SQUARE BUILDING
BUFFALO, NY 14203

Defendant.

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the Plaintiff's attorney, at the address below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within 20 days after service, not counting the day of service. If this Summons 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.

If you do not respond to the attached Complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie because of:

- Plaintiff's residence, or place of business;
- Defendant's residence;
- Designation made by Plaintiff.

Dated: Lancaster, New York

June 25, 2019
ERIE COUNTY WATER AUTHORITY
24 JUL '19 AM 11:52

Paul T. Bumbalo
Paul T. Bumbalo, Esq.
Attorney for Plaintiff
5600 Broadway
Lancaster, New York 14086
(716) 685-2640

24 JUL 19 AM 11:52

ERIE COUNTY WATER AUTHORITY

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STATE OF NEW YORK
SUPREME COURT: ERIE COUNTY

MARY F. REFERMAT

Plaintiff,

COMPLAINT

-v-

Index No.: 808794/2019

ERIE COUNTY WATER AUTHORITY

Defendant.

Plaintiff, by her attorney, PAUL T. BUMBALO, ESQ., complaining of the defendant, herein alleges:

1. The plaintiff is a resident of the State of New York, Erie County.
2. The defendant is a Authority according to the operation of law with offices located in the County of Erie, and State of New York.
3. On or about Wednesday, December 12, 2018 at 7:00 p.m. Plaintiff pulled down East Payne Street and noticed wet pavement in a certain area of the road. Neighbors who noticed the same wet pavement also went to investigate same. Neighbor Paul Grejszak determined said wet pavement was a water main break; he called the ECWA Emergency Hotline at approximately 10:00 p.m. on December 12, 2018 and reported the issue. He waited and when no one from the ECWA arrived, he called the ECWA Emergency hotline again and still no one responded.
4. On or about Thursday, December 13, 2018, Plaintiff heard a loud crash noise; plaintiff began looking for source of noise. When plaintiff got to the top of the basement stairs, there were boxes floating in water that was approximately two feet off of the floor. Plaintiff called an employee of the Village of Lancaster DPW and was told the Crew Chief would immediately be notified and would send someone out.
4. Two Village employees from the DPW arrived, upon seeing the amount of water one of the employees placed a call to the ECWA and told them to expedite someone immediately. The Village employees then hooked up a pump and began pumping out the water. Shortly afterwards, the ECWA trucks arrived as well as the gas company and electric company.

5. An ECWA crew supervisor referred Plaintiff to speak with an ECWA adjuster. Upon speaking with said adjuster, said adjuster advised that an investigation had to be done before ECWA could do anything. The adjuster sent Plaintiff forms to fill out via e-mail and to told Plaintiff to contact her insurance company. Plaintiff complied with both requests. After doing so, Plaintiff was notified by her insurance carrier that she was not covered for such loss.

6. The pump pumped water continually out of Plaintiff's basement for more than 24 hours. During this time, Plaintiff had no heat or hot water. Plaintiff called several plumbers before finding one who was available 24 hours. The plumber was able to restart the furnace but the water tanks were ruined. Said water tanks could not be replaced until late evening of December 14, 2018. The plumber sent a furnace technician to evaluate the dependability of the furnace due to the level of the water in the basement. Carpeting, items stored on the floor and the potential of mold growing is a concern.

AS AND FOR A CAUSE OF ACTION, PLAINTIFF ALLEGES AS FOLLOWS:

7. Defendant, the Erie County Water Authority failed to maintain underground pipes.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST THE DEFENDANT

ALLEGES AS FOLLOWS:

8. Defendant was notified of the condition and failed to respond, and once notified of the condition failed to respond to correct the correction, failed to drain the water off to continue additional flooding and damage to the plaintiff's property, etc.

WHEREFORE, Plaintiff demands judgment against the defendant in the amount of \$25,000.00

DATED: Lancaster, New York
June 19, 2019

Yours, etc.



PAUL T. BUMBALO, ESQ.
Attorney for Plaintiff
5600 Broadway
Lancaster, New York 14086
(716) 685-2640

CLIENT VERIFICATION

STATE OF NEW YORK)

ss:


COUNTY OF ERIE)

I, **MARY F. REFERMAT**, being duly sworn deposes and says that she is the Plaintiff in the foregoing action; that she has read the foregoing Complaint and knows the contents thereof; that the same is true to the knowledge of the deponent, except to the matters therein stated to be alleged on information and belief, and that as to those matter he believes it to be true.


MARY F. REFERMAT

Sworn to before me this

2 day of July, 2019



Notary Public

PAUL T. BUMBALO
Notary Public, State of New York
No. 02BU4737417
Qualified in Erie County
Commission Expires 11/26/ 2021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF

-----X
MARY F. REFERMAT

Plaintiff/Petitioner,

- against -

Index No.

808794/2019

ERIE COUNTY WATER AUTHORITY

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: 7/17/2019

PAUL T. BUMBALO, ESQ.
Name

5600 Broadway
Address

Law Office of Paul T. Bumbalo, Esq.
Firm Name

Lancaster, New York 14086

(716) 685-2640
Phone

paul@bumbalolaw.net
E-Mail

To: Erie County Water Authority

350 Ellicott Square Building

Buffalo, New York 14203

6/6/18