

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MARK BENDER,

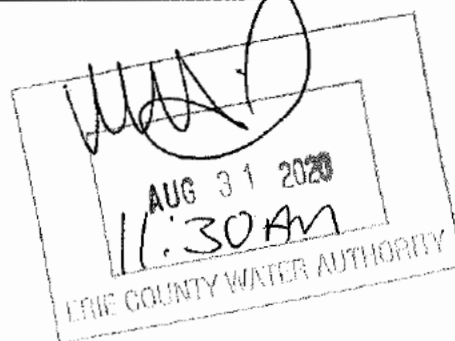
Claimant,

-vs-

ERIE COUNTY WATER AUTHORITY,

Respondent.

NOTICE OF CLAIM



TO: Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203-2494

PLEASE TAKE NOTICE that the Claimant, MARK BENDER, hereby gives Notice of a Claim against the ERIE COUNTY WATER AUTHORITY, (hereinafter "Respondent,") and its agents, employees, and others for whom the Respondent is vicariously and/or contractually liable, for the injuries and damages suffered by the Claimant as a result of an incident that occurred on June 7, 2020.

In support of this Notice of Claim, the Claimant states the following:

1. The post office address of the Claimant, MARK BENDER, is [REDACTED]



2. The attorneys for the Claimant are Terrence M. Connors, Esq. and Kelly E. Riley, Esq., CONNORS LLP, 1000 Liberty Building, Buffalo, New York 14202; telephone number (716) 852-5533.

3. Unless otherwise indicated, the facts set forth in this Notice of Claim are based upon information and belief, the source of which includes investigation into this matter.

4. This claim arises out of an incident that occurred on Sunday, June 7, 2020, in the Walden Consumer Square shopping plaza, located at 1700-1750 Walden Avenue in Cheektowaga, New York, County of Erie.

5. This is a claim for personal injuries as well as other damages and losses suffered by the Claimant, MARK BENDER, as a result of the acts, omissions, and negligence of the Respondent, its agents, and/or employees.

6. Upon information and belief, on the date described above, the Claimant, MARK BENDER, exited his car near the Price Rite grocery store and tripped and fell on a fire hydrant valve box cover.

7. Upon information and belief, the fire hydrant valve box cover is owned, maintained, and/or controlled by the Respondent.

8. Upon information and belief, the above trip and fall was due to, among other things, an unsafe and dangerous condition, including improper placement and location of the fire hydrant valve box cover.

9. Upon information and belief, at the date and time noted above, the Respondent was reckless, careless, and negligent in: designing, constructing, and maintaining the fire hydrant valve box cover; in failing to inspect the unsafe and dangerous condition; in failing to discover the unsafe and dangerous condition; requiring patrons of the shopping plaza to walk where there was an unsafe and dangerous condition; in failing to reasonably protect patrons from an unreasonably dangerous and hazardous condition; in failing to warn patrons of the existence of an unreasonably dangerous and hazardous condition; in failing to correct the

unreasonably dangerous and hazardous condition; and by being otherwise careless, reckless, and negligent.

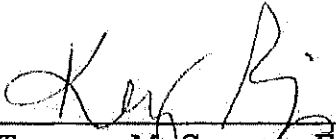
10. As a result of the acts and/or omissions described above, MARK BENDER sustained serious and permanent injuries, including but not limited to a concussion, and injuries to his neck, leg, and knee.

11. Upon information and belief, the Respondent had notice of and/or created the above-described dangerous conditions.

12. Upon information and belief, the incident alleged herein was the result of the negligence, carelessness, and recklessness of the Respondent, and its agents and/or employees, without any negligence on the part of the Claimant, MARK BENDER.

WHEREFORE, the Claimant, MARK BENDER, respectfully requests that this claim be allowed and paid by the Respondent, ERIE COUNTY WATER AUTHORITY. You are hereby notified that unless it is adjusted and paid within thirty (30) days from the date of presentation to you, the Claimant intends to commence an action on this matter.

DATED: Buffalo, New York
August 31, 2020

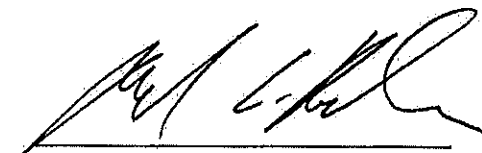


Terrence M. Connors, Esq.
Kelly E. Riley, Esq.
CONNORS LLP
Attorneys for the Claimant
1000 Liberty Building
Buffalo, New York 14202
(716) 852-5533

VERIFICATION

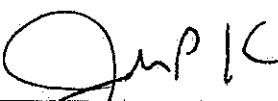
STATE OF NEW YORK)
COUNTY OF ERIE)ss.
CITY OF BUFFALO)

MARK BENDER, being duly sworn, deposes and says that he is a Claimant in the within action, that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his knowledge except as to those matters therein alleged upon information and belief, and as to those matters, he believes them to be true.



Mark Bender

Sworn to before me this
28th day of August, 2020



Notary Public

JOHN P. KROMER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 07/19/20 24