

MM
MAXWELL MURPHY
ATTORNEYS AT LAW

JOHN F. MAXWELL
ALSO ADMITTED IN PA

ALAN D. VOOS
ALSO ADMITTED IN CT

WILLIAM D. MURPHY

OF COUNSEL
MICHAEL G. DWYER

October 20, 2020

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article No. 7016 2140 0001 1523 8597

Margaret A. Murphy, Esq., General Counsel
Erie County Water Authority
350 Ellicott Square Building
295 Main Street
Buffalo, New York 14203

Re: Daley v. County of Erie and Erie County Water Authority

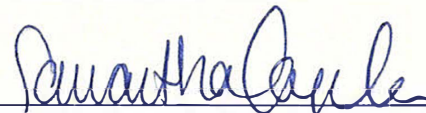
Dear Sir or Madam:

Enclosed is a Notice of Claim against the Erie County Water Authority in the above-captioned matter.

Please contact me to discuss this matter further.

Very truly yours,

MAXWELL MURPHY, LLC

By: 
Samantha L. Cappola, Legal Assistant to
ALAN D. VOOS, ESQ.
scappola@MaxwellMurphyLaw.com

ADV/slc
Enclosure

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of
ERROLD B. DALEY

Buffalo, New York 14215,

Claimant,

vs.

COUNTY OF ERIE, and
ERIE COUNTY WATER AUTHORITY,

Respondents.

NOTICE OF CLAIM

TO: COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY WATER AUTHORITY
350 Ellicott Square Building
295 Main Street
Buffalo, New York 14203

PLEASE TAKE NOTICE, that the Claimant, ERROLD B. DALEY, claims and demands the following against the Respondents, COUNTY OF ERIE, and ERIE COUNTY WATER AUTHORITY, in accordance with the requirements of the New York General Municipal Law §50-e:

1. The names and post office address of the Claimant is:

ERROLD B. DALEY
Buffalo, New York 14215

The name and post office address of the Claimants attorney is:

JOHN F. MAXWELL, ESQ.
MAXWELL MURPHY, LLC
1230 Delaware Avenue
Buffalo, New York 14209

2. The Claim of ERROLD B. DALEY is for personal injuries sustained through the negligence and violations of the Respondents, COUNTY OF ERIE, and ERIE COUNTY WATER AUTHORITY, its agents and employees.



3. The time when and place where this Claim arose are as follows: on August 31, 2020 at approximately 8:00 a.m. at 1201 Sweet Home Road in the Town of Amherst, County of Erie and State of New York.

4. Claimant ERROLD B. DALEY was working as a carpenter for DN Tanks, Inc. with offices at 11 Teal Road, Wakefield, MA 01880, who, upon information and belief, had contracted with the Respondents to perform construction activities at the construction site. Upon information and belief, the structures and property upon which such construction work was being performed are owned by the Respondents.

5. At approximately 8:00 a.m. on August 31, 2020, the Claimant ERROLD B. DALEY was raising a 75,000lb concrete water tank wall that was hoisted and secured to a crane, when the brace the Claimant was holding knocked him off the 3 to 4 foot high stack of forms he was working on. Claimant's injuries were caused by the Respondent's failure to provide and place proper safety devices to protect him and failure to properly construct and guard work areas where Claimant was required to work.

6. Claimant ERROLD B. DALEY was caused to suffer serious injuries in his left shoulder, neck, and back.

7. The injuries to Claimant ERROLD B. DALEY have resulted and will result in past and future medical expenses; past and future loss of earnings, fringe benefits, Social Security benefits and unemployment compensation; reduced earning capacity; past and future pain and suffering and loss of enjoyment of life; and past and future loss of household services.

8. Claimant ERROLD B. DALEY was caused to suffer the above-mentioned injuries and damages due to the negligence and unlawful behavior of the Respondents, their agents, employees and contractors in negligently failing to provide Claimant with a safe place to work and in failing to comply with §§200, 241(6) and 240(1) of the New York State Labor Law when the Claimant ERROLD B.



DALEY was caused to fall 3 to 4 feet to the ground while in the performance of his duties in the employ of DN Tanks, as the result of the Respondents' failure to provide and place proper safety devices to prevent him from injury, as well as its failure to comply with the rules and regulations promulgated under the New York State Labor Laws.

9. The injuries of the Claimant ERROLD B. DALEY have resulted and will result in past and future medical expenses including costs for hospitalization, surgery, medications, physical therapy, rehabilitation, custodial care, diagnostic tests, radiological tests, follow-up medical examinations; as well as medical and home equipment and devices; past and future loss of earnings, fringe benefits, Social Security benefits and unemployment compensation; reduced earning capacity, past and future pain and suffering and loss of enjoyment of life; past and future loss of household services.

WHEREFORE, the Claimant, ERROLD B. DALEY, hereby claims and demands from Respondents, COUNTY OF ERIE, and ERIE COUNTY WATER AUTHORITY, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondents, its agents, servants and employees.

DATED: October 20 2020
Buffalo, New York

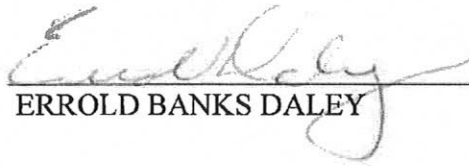


ALAN D. VOOS, ESQ.
MAXWELL MURPHY, LLC
Attorneys for Claimants
1230 Delaware Avenue
Buffalo, New York 14209
(716) 885-1300

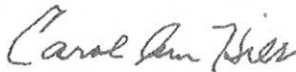


VERIFICATION

ERROLD BANKS DALEY, being duly sworn, deposes and says: I am the Claimant above named; I have read the foregoing Notice of Claim and know its contents; the same is true to my own knowledge, except as to those matters therein stated to be alleged on information and belief, and, as to those matters, I believe it to be true.


ERROLD BANKS DALEY

Subscribed and sworn to before me
this 17th day of September 2020



Notary Public



STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Claim of
ERROLD B. DALEY

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Buffalo, New York 14215,

Claimant,

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COUNTY OF ERIE, and
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NOTICE OF CLAIM

MAXWELL MURPHY, LLC

Attorneys for Claimant

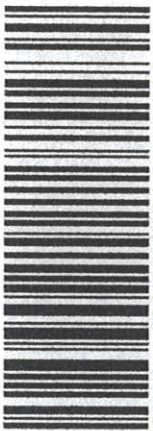
1230 Delaware Avenue

Buffalo, New York 14209

716.885.1300

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL

MM
MAXWELL MURPHY
ATTORNEYS AT LAW
1230 DELAWARE AVENUE
BUFFALO, NY 14209



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BUFFALO NY 140

20 OCT 2020PM 2

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