

STATE OF NEW YORK
SUPREME COURT :: COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF
TREVOR LOCK,

Claimant,

vs.

ERIE COUNTY WATER AUTHORITY
and RICHARD SEIFER,

Respondents.

ERIE COUNTY WATER AUTHORITY
2600 WASHINGTON
BUFFALO, NY 14202
NOTICE OF CLAIM

PLEASE TAKE NOTICE that TREVOR LOCK, pursuant to statutes in such cases made and provided, does hereby make claim and demand against the ERIE COUNTY WATER AUTHORITY and its employee, agent and servant, RICHARD SEIFER, for damages and pain and suffering caused by the wrongful, negligent, careless and reckless acts and/or omissions by respondents:

1. Claimant's Trevor Lock resides at 93 Marian Drive, Tonawanda, New York 14150.

2. The attorney for claim is Terrence P. Higgins, Esq. of The Higgins Kane Law Group, P.C., with offices at 69 Delaware Avenue, Suite 100, Buffalo, New York 14202; telephone: 716-745-4545.

3. The subject claim arose out of an incident that occurred on May 28, 2019 at approximately 9:00 a.m. at 4855 Harlem Road, Williamsville, New York 14226.

4. At the above-referenced date and time, claimant was injured by respondent Richard Seifer while Mr. Seifer was acting on behalf of, and in furtherance of the interests of, and while in the scope of his employment with, respondent Erie County Water Authority. Mr. Seifer was at the referenced address related to a water shut off order from the Erie County Water Authority. Mr. Seifer gave claimant a number for customer service to arrange payment. After claimant told Mr. Seifer the homeowner (Rebecca R.) was on the telephone with customer service, Mr. Seifer stated he was not waiting longer in the rain and was attempting to shut off the water. When claimant asked for Mr. Seifer's supervisor's name, Mr. Seifer became angrier and refused to give it. After refusing to provide claimant the name of his supervisor, claimant turned away to use his phone, respondent Seifer physically pushed claimant from behind propelling him into and causing him to strike his head upon a vertical pole and to thereafter fall to the ground, causing injuries to claimant.

5. Upon information and belief, respondent Erie County Water Authority is the provider to the home where this occurred, which is owned by Rebecca R. . The ECWA had, several weeks prior to this incident, discovered their meter was malfunctioning at this

property. After being given access to the premises by Ms. R, ECWA replaced their water meter. They subsequently issued a shut off directive several days before this incident while Ms. R was away. Thereafter, on May 28, 2019, Mr. Seifer came to the property acting in his capacity as an ECWA employee. After providing the customer service number to Mr. Lock, Mr. Seifer stated he would not wait any longer in the rain while Ms. R tried to resolve the water bill/issue over the telephone inside. When asked by Mr. Lock to allow Ms. R to pay/resolve over the telephone to avoid a shut off and restart fee and delay, as Mr. Seifer initially suggested, he refused further delay and attempted to turn off the water, which he was unable to do. He was increasingly frustrated by his inability to shut off the water and refused Mr. Lock's request for a few more minutes time for Ms. R on the telephone, and refused Mr. Lock's request for the name of his supervisor. When Mr. Lock turned and stepped away to use his telephone, Mr. Seifer forcibly pushed him from behind causing plaintiff to sustain significant and permanent injuries.

6. Claimant, as a direct result of the incident described herein, the violation of law, and the negligence, carelessness and recklessness of the respondents, sustained serious injuries.

7. That claimant has required medical treatment to date, and will require future medical related treatment, and claims medical related expenses and costs as damages herein.

8. That respondent ECWA who negligently failed to properly train and supervise Mr. Seifer, and negligently retained him in its employ.

9. That respondent Seifer was negligent and careless in allowing his frustration and short temper to cloud his judgment and actions; in failing to conduct himself properly, appropriately and in a safe manner when engaging members of the community in the scope of his employment; in negligently, carelessly, recklessly and hazardously pushing and otherwise physically assaulting Mr. Lock, when such contact was unnecessary, improper, illegal, and with disregard to Mr. Lock's safety.

10. Claimant hereby files claim for damages for serious and permanent injuries, economic loss, pain and suffering, all of which were caused by the respondents.

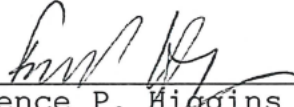
11. As a result of the foregoing, claimant demands money damages from respondent for injuries sustained in the subject incident, which amount shall be supplemented at a later date consistent with the nature, extent, treatment, deviation and permanency of the injuries sustained.

12. This claim and demand is hereby presented to respondents for adjustment and payment.

13. This notice of claim is made and served on behalf of claimant in compliance with the provision of §50-e of the General Municipal Law and such other laws as provided.

WHEREFORE, please take further notice that claimant demands payment of said claim, and the event the claim is not timely paid, claimant sets forth his intent to commence suit against respondents.

DATED: Buffalo, New York
July 23, 2019



Terrence P. Higgins
THE HIGGINS KANE LAW GROUP, P.C.
Attorneys for Claimant
69 Delaware Avenue; Suite 100
Buffalo, New York 14202
716-745-4545



Trevor Lock

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

TREVOR LOCK, being duly sworn, deposes and says that I am the Claimant in this action; that I have read the foregoing Notice of Claim which was signed by me and as such I know the contents thereof; that the same is true to my knowledge, except as to the matters herein stated to be alleged upon information and belief, and that as to those matters I believe them to be true.



Trevor Lock

Sworn to before me this
23rd day of July, 2019.



Notary Public

TERRENCE P. HIGGINS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 13, 2022

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