

STATE OF NEW YORK

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DARLENE ROBAK,

Claimant,

vs.


NOTICE OF CLAIM

COUNTY OF ERIE,
ERIE COUNTY DIVISION OF
SEWERAGE MANAGEMENT,
ERIE COUNTY WATER AUTHORITY,
TOWN OF NEWSTEAD, and
VILLAGE OF AKRON

Respondent.

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

**ERIE COUNTY DIVISION OF SEWERAGE
MANAGEMENT**
95 Franklin Street, 10th Floor
Buffalo, New York 14202

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

TOWN OF NEWSTEAD
5 Clarence Center Road
Akron, New York 14001

VILLAGE OF AKRON
21 Main Street
Akron, New York 14001

PLEASE TAKE NOTICE that DARLENE ROBAK and O'BRIEN & FORD P.C.
(Christopher M. Pannozzo, Esq., of Counsel), in accordance with General Municipal
Law Section 50-e, hereby makes a claim and demand against the COUNTY OF ERIE,

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT, ERIE COUNTY WATER AUTHORITY, TOWN OF NEWSTEAD, and VILLAGE OF AKRON, (hereinafter "Respondents") as follows:

1. The name and post office address of Claimant is DARLENE ROBAK, (hereinafter "Claimant"), 45 Ward Park, Left Apartment, Grand Island, New York 14072.

2. The attorneys for the Claimant are O'BRIEN & FORD P.C. (Christopher M. Pannozzo, Esq., of Counsel, 4549 Main Street, Suite 201, Buffalo, New York, 14226, Telephone Number (716) 907-7777.

3. This is a negligence case stemming from Claimant's fall in an area owned, controlled, maintained or repaired by the Respondents herein. The facts and circumstances of this claim are as follows: On July 5, 2024, at approximately 12:45 a.m., Claimant, while walking, was caused to fall as a result of a property/sewer cover defect, specifically a water/sewer cover located in Section 03-377 of the Leisurewood Campground, 5720 Cummings Road, Akron, New York 14001 (Photos of the defect is attached hereto as "Exhibit A").

4. As a result of the fall, Claimant sustained severe and permanent injuries, including but not limited to a Fractured Neck and Left Shoulder fracture. As hereinafter set forth, such severe and permanent injuries were due to the negligence, carelessness and recklessness of the Respondents herein.

5. Upon information and belief, and at all times hereinafter mentioned, Respondents owned, maintained, serviced and controlled the aforementioned area where Claimant fell.

6. Among other things, there existed a defective water and sewer area, which was actually and affirmatively created by the Respondents.

7. Upon information and belief, and at all times hereinafter mentioned, Respondents either created the aforementioned dangerous conditions which Claimant encountered, or had actual, constructive notice and prior written notice of the aforementioned dangerous conditions and failed to remedy such defects in a timely manner.

8. Furthermore, upon information and belief, and at all times hereinafter mentioned, Respondents were negligent, carelessness and reckless in, among other things: failing to properly maintain the area where Claimant fell; creating dangerous condition(s); failing to timely remove a dangerous condition from the premises; failing to warn of dangerous conditions in an area known to be traversed by pedestrians, including Claimant; failing to properly maintain the property; failing to properly supervise and/or monitor the actions of third parties contracted to maintain the area; for having notice, either actual or constructive, of the dangerous conditions and failing to remedy such conditions before Claimant's fall; and for other careless, negligent and reckless acts.

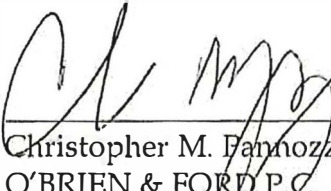
9. This Notice is made and served on behalf of Claimant in compliance with the provisions of the General Municipal Law Section 50-e and such other laws as may be relevant.

10. At all times hereinafter mentioned, as a result of the negligence, carelessness and recklessness of Respondents, the Claimant suffered serious and permanent injuries, internal as well as external, including, but not limited to: fractured neck and fractured left shoulder; and as a result of the negligence, carelessness and recklessness of the Respondents, the Claimant was caused to incur certain medical expenses and, upon information and belief, will continue to incur medical expenses in the future; has been caused to sustain a loss of wages and other economic loss and, upon information and belief, will sustain future loss of wages and other economic loss; has been caused to sustain pain and suffering as a result of her injuries and, upon information and belief, will continue to sustain pain and suffering as a result of her injuries in the future; has been and will be incapacitated from performing her usual and customary duties for a long period of time, all to her damage in a sum which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

WHEREFORE, Claimant requests these claims be allowed and paid for by Respondents herein.

DATED: Buffalo, New York
September 27, 2024


DARLENE ROBAK


Christopher M. Fanno, Esq.
O'BRIEN & FORD P.C.
Attorneys for Claimant
4549 Main Street, Suite 201
Buffalo, New York 14226
(716) 907-7777

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

DARLENE ROBAK, being duly sworn, deposes and says:

That Deponent is the Claimant in the above-entitled matter; and has read the foregoing Notice of Claim and knows the contents thereof, and that the same is true to Deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those, Deponent believes same to be true.



DARLENE ROBAK

Sworn to before me this 27
day of Sept, 2024.



NOTARY PUBLIC

CHRISTOPHER M. PANNOZZO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02PA6124504
Qualified in Erie County
Commission Expires March 28, 20 25



