

ERIE COUNTY WATER AUTH
22 APR '24 PM2:44



6720 MAIN STREET, SUITE 100, WILLIAMSVILLE, NEW YORK 14221 • (716) 633 - 3535

March 15, 2024

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Erie County Water Authority
350 Ellicott Square Building
Buffalo, New York 14203

RE: Our Client: Amr Noman
Date of Collision: December 13, 2023

Dear Sir or Madam:

Please be advised that our firm represents Amr Noman with regard to a bodily injury claim as a result of the motor vehicle collision that occurred on December 13, 2023. Enclosed is the Notice of Claim files in this case.

Pursuant to the Freedom of Information Law (FOIL) and Public Officers Law, Article 6, we hereby request copies of any and all materials in your possession related to the Fire Hydrant located approximately 75 feet from the Street light in front of 3495 Bailey Avenue in the city of Buffalo, County of Erie.

Specifically, we are requesting any and all materials in your possession related to the installation, maintenance, operation, remediation, or functionality of the fire hydrant on Bailey Avenue near the bustop at 3495 Bailey Avenue for the past 7 years. This request includes, but is not limited to, any and all records, contracts, logs, reports, correspondence, construction plans and/or other documentation regarding installation, maintenance, remediation, operation, of the fire hydrant. This request includes materials that come into your possession at a later date. If there are any fees for copying the records requested, please inform me before filling the request. Should my request be too broad, or not adequately describe the necessary records, please contact me immediately so I may clarify my request.

The Freedom of Information Law requires that an agency respond to a request within five (5) business days of receipt of a request, Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed. Thank you for your anticipated cooperation in this matter.

ERIE COUNTY WATER AUTH
22 APR '24 PM2:44

Very truly yours,
WILLIAM MATTAR, P.C.

/s/ Brendan Denz, Esq

Brendan M. Denz, Esq.

BD:cs
Enclosure

e-mail cassi@williammattar.com

IN THE MATTER OF THE CLAIM OF:

AMR NOMAN
4273 Bailey Avenue
Amherst, NY 14226

Claimant,

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
65 Niagara Square
Room 1100
Buffalo, NY 14202

**CITY OF BUFFALO DEPARTMENT of PUBLIC
WORKS**
65 Niagara Square
Room 502
Buffalo, NY 14202

CITY OF BUFFALO FIRE DEPARTMENT,
195 Court Street
Buffalo, NY 14202

ERIE COUNTY WATER AUTHORITY,
295 Main St #350
Buffalo, NY 14203

Respondents.

PLEASE TAKE NOTICE that **AMR NOMAN**, hereby makes claim against the **CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS CITY OF BUFFALO FIRE DEPARTMENT, and ERIE COUNTY WATER AUTHORITY** in support thereof Claimant alleges:

1. That the undersigned Claimant, AMR NOMAN, residing at 4273 Bailey Avenue, Amherst, NY 14226, by and through his attorney, Brendan M. Denz, Esq, WILLIAM MATTAR, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the **CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS,** and the **CITY OF BUFFALO FIRE DEPARTMENT,** and **ERIE COUNTY WATER AUTHORITY,** for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.

2. That the said injuries were sustained by AMR NOMAN on December 13, 2023 at approximately 7:47 a.m at the traffic light in front of 3495 Bailey Avenue in the City of Buffalo, County of Erie and State of New York. *See Exhibit "A"*, the MVA-104 attached hereto.

3. On that day and approximate time, Mr. Noman was stopped in his motor vehicle at a redlight when suddenly and without warning was struck in the rear-end by a vehicle owned and operated by David V. Tower, which was unable to stop due to ice on the roadway caused by a malfunctioning fire hydrant in close proximity to the crash. *See Exhibit "B"*

4. That Claimant, AMR NOMAN, damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others by Respondents, the CITY of BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, CITY of BUFFALO FIRE DEPARTMENT, and ERIE COUNTY WATER AUTHORITY and/or their servants, agents or employees in negligently maintaining, operating, remediating, and/or installing an improperly functioning fire hydrant and fire hydrant water lines, causing water and ice to build up on the

roadway causing a dangerous defect and did not put down salt to prevent ice. The Fire Hydrant is located in front of the VA Hospital Bus Stop in close proximity to the location of this crash. *See Exhibit "C"*

5. Upon information and belief, the fire hydrant was controlled, operated, owned and maintained by the CITY of BUFFALO.

6. Upon information and belief, the fire hydrant and connecting pipes were controlled, operated, owned and maintained by the CITY of BUFFALO FIRE DEPARTMENT.

7. Upon information and Belief, the fire hydrant was controlled, operated, owned, and maintained by the CITY of BUFFALO DEPARTMENT OF PUBLIC WORKS

8.. Upon Information and belief, the fire hydrant and connecting pipes were controlled, operated, owned and maintained by the ERIE COUNTY WATER AUTHORITY.

9. That Claimant, AMR NOMAN, damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others by Respondents, the CITY of BUFFALO, CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, CITY of BUFFALO FIRE DEPARTMENT, and the ERIE COUNTY WATER AUTHORITY and/or their servants, agents or employees in negligently maintaining, operating, remediating, and/or installing an improperly functioning fire hydrant and water piping leading to the fire hydrant, causing water and ice to build up on the roadway near a bus stop and traffic light.

10. That the aforesaid CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS, CITY of BUFFALO FIRE DEPARTMENT, and the ERIE COUNTY WATER AUTHORITY by and through his agents, servants and employees had actual or constructive notice

of the malfunctioning fire hydrant, and the dangerous condition and hazard caused by said activity and that their negligence would foreseeably result injury to others, including Claimant.

11. That as a result of the foregoing, the Claimant, AMR NOMAN, suffered serious and permanent injuries to his head, neck, back, shoulders and knees, of indefinite duration, and Claimant, AMR NOMAN, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

12. That the said injuries were caused wholly or in part as a result of the negligence of CITY of BUFFALO, CITY OF BUFFALO DEPARTMENT of PUBLIC WORKS, CITY OF BUFFALO FIRE DEPARTMENT, and the ERIE COUNTY WATER AUTHORITY and through his agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant requests that his claim be allowed and paid by Respondent. PLEASE TAKE FURTHER NOTICE that unless a hearing under General Municipal Law §50 is requested by Respondent within ninety (90) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against Respondent for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs, and disbursements.


DATED: 2/17/24
Williamsville, New York



Brendan M. Denz, Esq
WILLIAM MATTAR, P.C.
Attorney for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

AMR NOMAN., being duly sworn, depose and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.



AMR NOMAN

Sworn to before me this
23 day of February, 2024



Notary Public

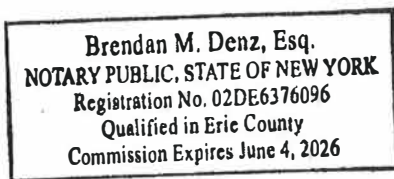


Exhibit A

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (8/22)

E1731

Local Codes 1731

23-347-0200

AMENDED REPORT

1. Accident Date Month: 12, Day: 13, Year: 2023	Day of Week: Wed.	Military Time: 07:47	No. of Vehicles: 2	No. Injured: 1	No. Killed: 0	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/>
Accident Reconstructed <input checked="" type="checkbox"/>						Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

VEHICLE 1 VEHICLE 2 BICYCLIST PEDESTRIAN OTHER PEDESTRIAN

2. VEHICLE 1 - Driver License ID Number: 177 000 205	State of Lic.: NY	VEHICLE 2 - Driver License ID Number: 265 718 938	State of Lic.: NY
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Driver Name - exactly as printed on license: David Vincent Tower	Driver Name - exactly as printed on license: Amrabbu Farca Noman
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Address (Include Number & Street): 169 Presidents Walk	Apt. No.:	Address (Include Number & Street): 4773 Bailey Ave	Apt. No.:
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City or Town: Williamsville	State: NY	Zip Code: 14201	City or Town: Amherst	State: NY	Zip Code: 14206
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3. Date of Birth: Month 02, Day 04, Year 1970	Sex: M	Unlicensed: <input type="checkbox"/>	No. of Occupants: 1	Public Property Damaged: <input type="checkbox"/>	Date of Birth: Month 02, Day 30, Year 1987	Sex: M	Unlicensed: <input type="checkbox"/>	No. of Occupants: 1	Public Property Damaged: <input type="checkbox"/>
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Name - exactly as printed on registration: Same as above	Sex:	Date of Birth: Month, Day, Year	Name - exactly as printed on registration: Same as above	Sex:	Date of Birth: Month, Day, Year
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Address (Include Number & Street):	Apt. No.:	Haz. Mat. Code: <input type="checkbox"/>	Released: <input type="checkbox"/>	Address (Include Number & Street):	Apt. No.:	Haz. Mat. Code: <input type="checkbox"/>	Released: <input type="checkbox"/>
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City or Town:	State:	Zip Code:	City or Town:	State:	Zip Code:
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Plate Number: 3L-M 4970	State of Reg.: NY	Vehicle Year & Make: 2017 Ford	Vehicle Type: Truck	Ins. Code: 240	Plate Number: KAS 8762	State of Reg.: NY	Vehicle Year & Make: 2019 Ford	Vehicle Type: Truck	Ins. Code: 413
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5. Ticket/Arrest Number(s):	Violation Section(s):	Ticket/Arrest Number(s):	Violation Section(s):
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6. Check if involved vehicle is:	7. Check if involved vehicle is:	8. Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles:
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VEHICLE 1 DAMAGE CODES	VEHICLE 2 DAMAGE CODES	ACCIDENT DIAGRAM
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VEHICLE DAMAGE CODING:	Cost of repairs to any one vehicle will be more than \$1000.
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Reference Marker	Coordinates (if available)	Place Where Accident Occurred:
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County: Erie	City/Village/Town of: Buffalo
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Road on which accident occurred: 3495 Bailey Ave	at 1) intersecting street
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or 2) Feet Miles of	(Milepost, Nearest intersecting Route Number or Street Name)
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Accident Description/Officer's Notes

On above date, time, and location, V1 and V2 were both heading S/B on Bailey Ave when they began to slow in the right lane approaching a traffic light that was red. V1 did strike into the rear of V2 due to a watermain break that covered much of the right lane in ice. V1 did have a dog inside.

Names of all involved	Date of Death Only
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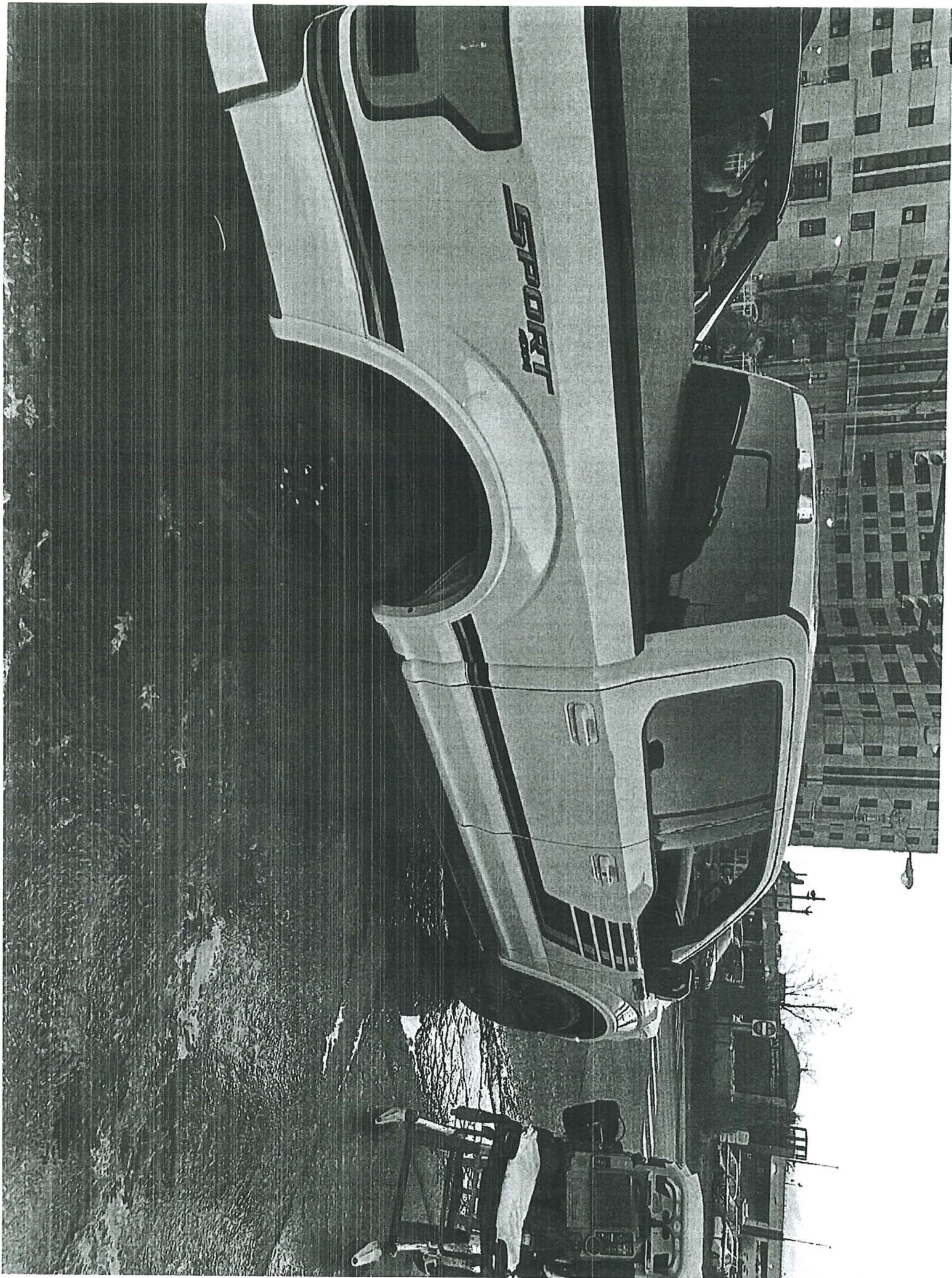
A 1 1 4 1 53 M 12 14 6 - - David Vincent Tower	
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B 2 1 4 1 35 M 4 14 6 AMR500 1405 Amrabbu Farca Noman	
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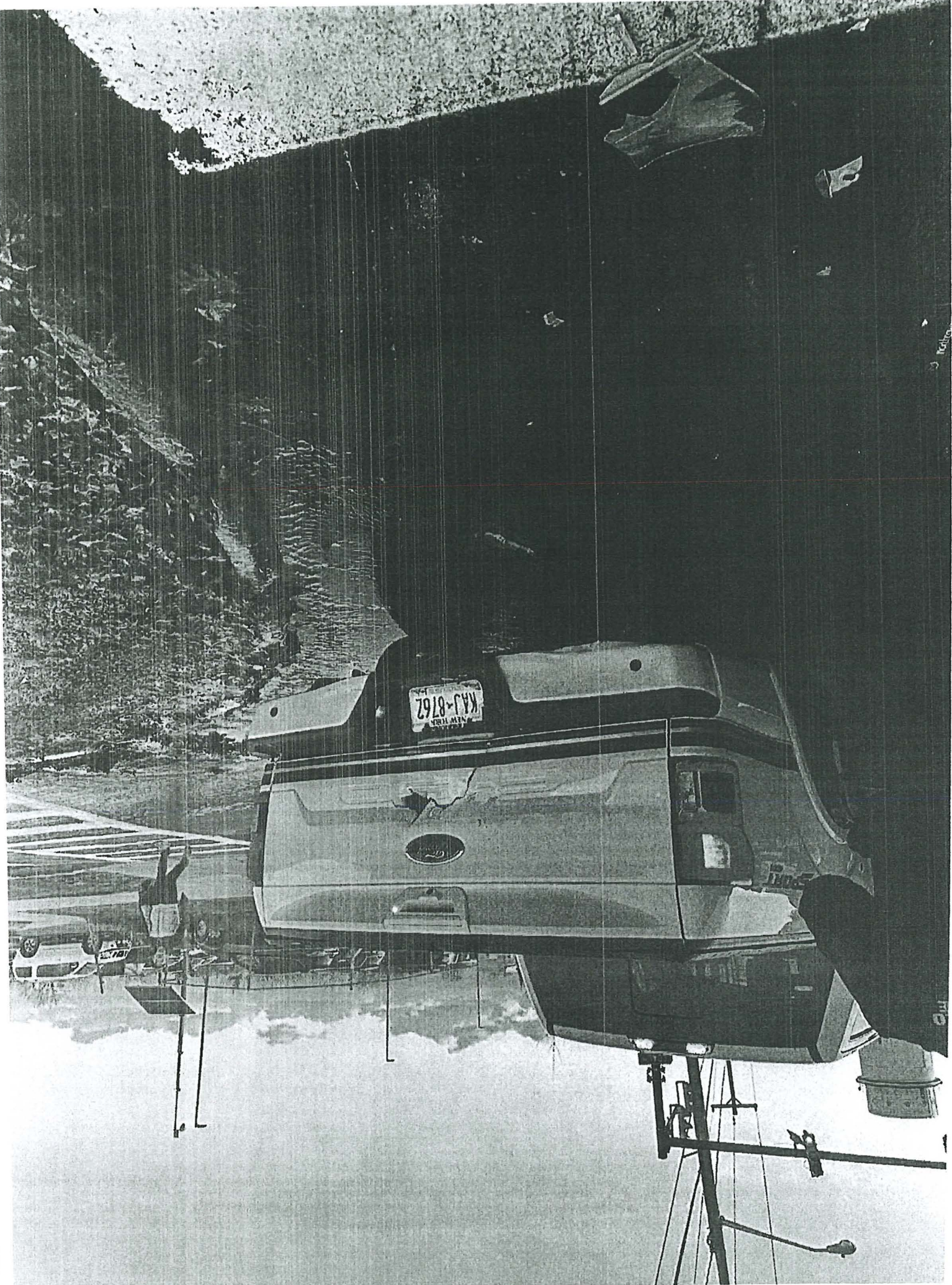
Officer's Rank and Signature: PPO Sean McCarthy	Badge/ID No.: 175595	NCIC No.: 1401	Precinct/Post/Troop/Zone: E	Station/Beat/Sector: 1	Reviewing Officer: J. Murphy	Date/Time Reviewed: 12/18/23
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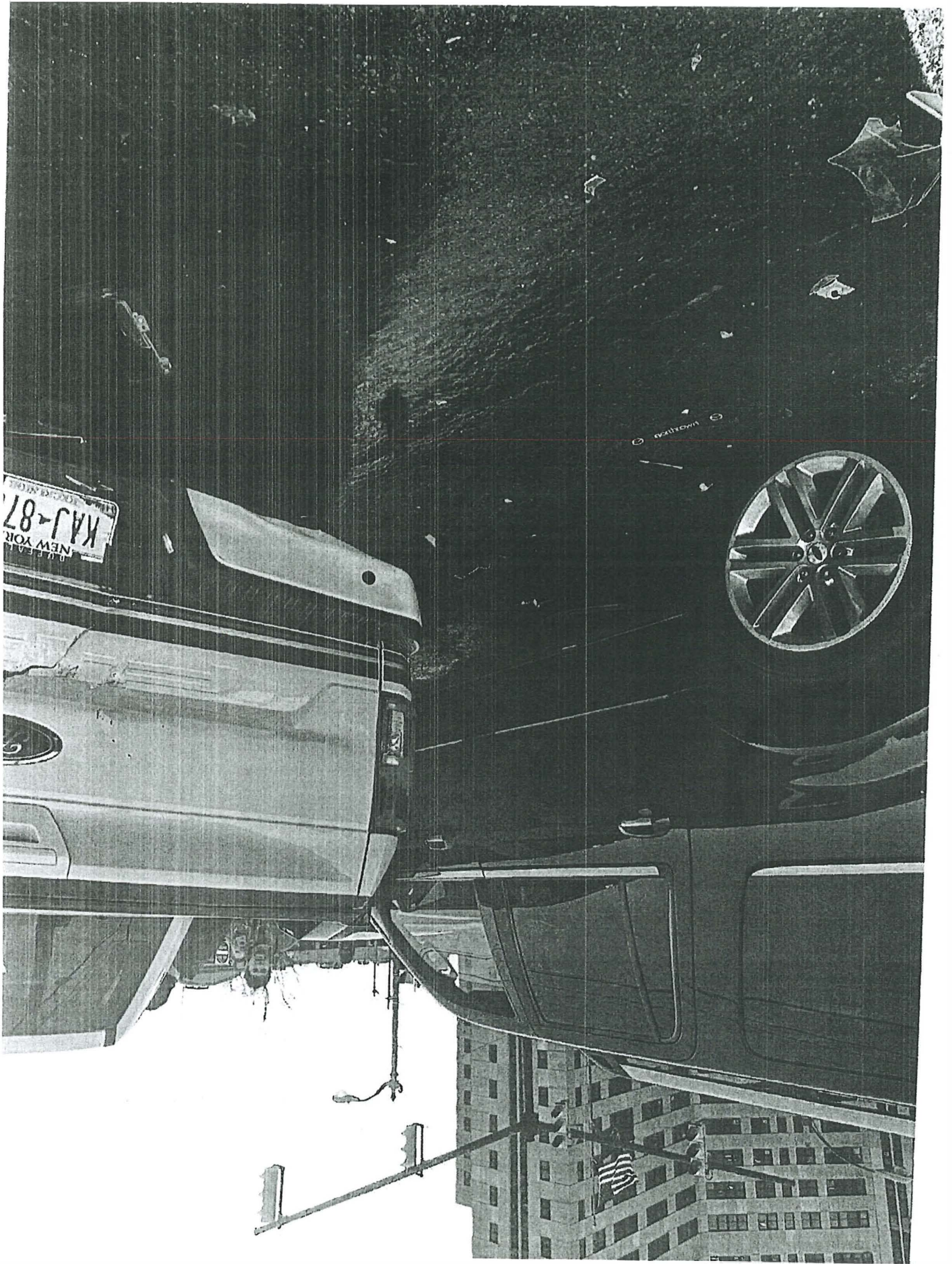
Print Name in Full: Sean McCarthy	Station/Beat/Sector: 1	Reviewing Officer: J. Murphy	Date/Time Reviewed: 12/18/23
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Exhibit B











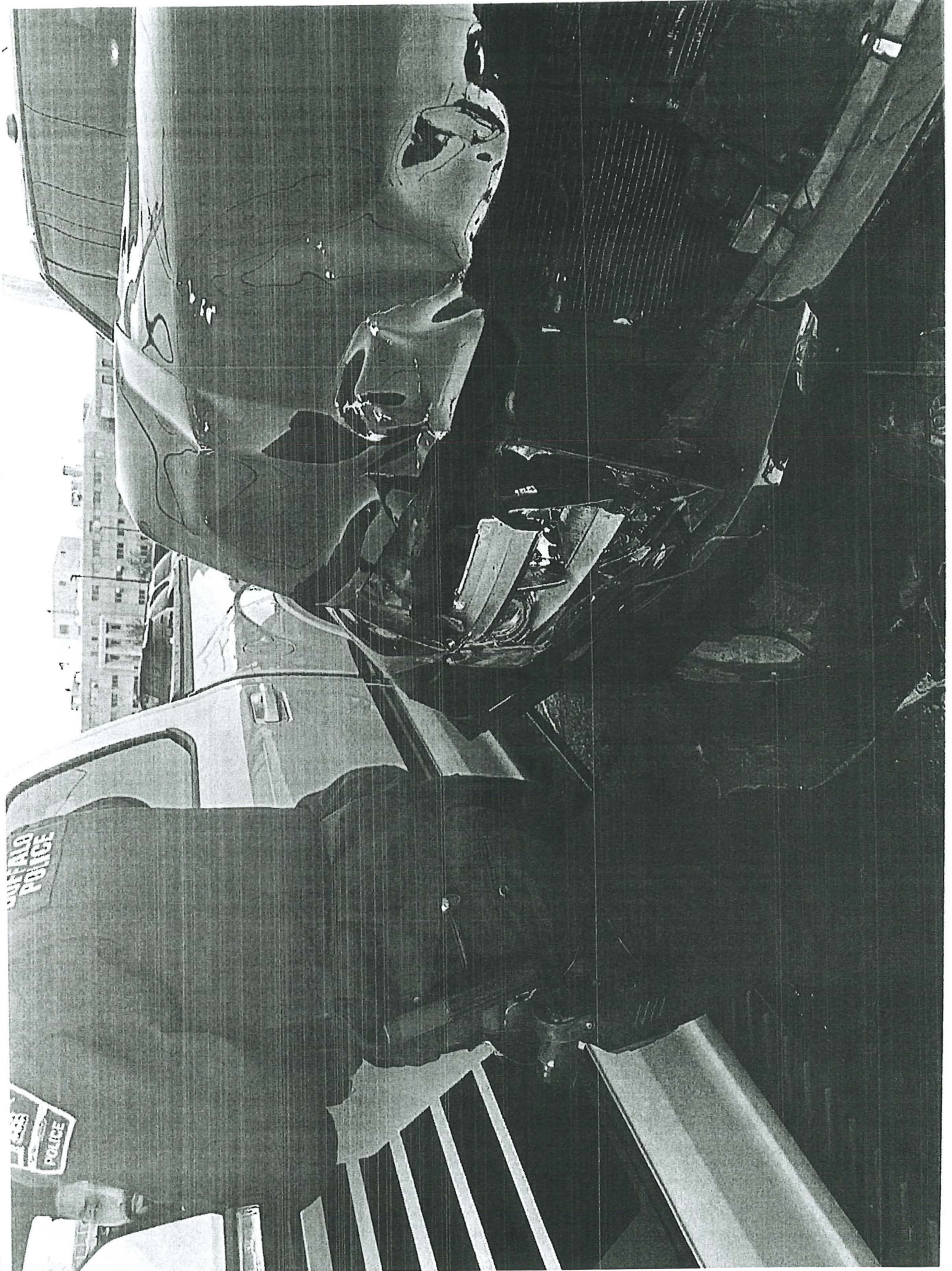


Exhibit C

Google Maps 3495 Bailey Ave

Buffalo, New York

Google Street View

Jul 2023

See more dates



Image capture: Jul 2023 © 2024 Google

Google Maps 3495 Bailey Ave

Buffalo, New York

Google Street View

Jul 2023

See more dates



Image capture: Jul 2023 © 2024 Google