

THE MATTER OF THE CLAIM OF:

JANE DOE
 , New York

Claimant(s)

NOTICE OF CLAIM

THE COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondent

TO: County Attorney, County of Erie
County Executive, County of Erie

SIRS:

PLEASE TAKE NOTICE, that the undersigned, JANE DOE, by and through her attorneys, THE LOTEMPIO P.C. LAW GROUP, claims damages for pain and suffering sustained by reason of the wrongful, negligent and careless acts and/or omissions of the COUNTY OF ERIE, its agents, servants and/or employees and in support thereof, Claimant(s) state(s):

- 1) The claimant, JANE DOE, resides in , New York.**
- 2) The name and address of the Claimant's attorneys are: THE LOTEMPIO P.C. LAW GROUP, 181 Franklin Street, Buffalo, New York 14202, attorneys for said Claimant, JANE DOE.**
- 3) Upon information and belief, the date of the happening of the incident in which the serious injuries were sustained by JANE DOE, and the time when such claim arose was on or about the 5th day of December, 2017, through the following morning of December 6, 2017.**
- 4) Upon information and belief, the happening of the said incident, resulting in**

injuries hereinafter alleged occurred in Albany, New York, including but not limited to at the Renaissance Hotel.

5) Upon information and belief, the claim of JANE DOE, arose in the following manner:

At the aforementioned time and place, the Plaintiff JANE DOE was the victim of Sexual Assault, Sexual Harassment and repeated rape and physical assault by her supervisor at the Erie County Department of Social Services, Al Dirschberger, while participating at a conference taking place in Albany, NY.

6) Upon information and belief, the incident was caused by the wrongful, negligent and careless acts and/or omissions of the COUNTY OF ERIE, its agents, servants and/or employees acting in the scope and course of their employment. The acts of negligence include, but are not limited to:

- a) Negligent hiring and supervision of Al Dirschberger;
- b) Being aware of sexual harassment and/or abuse by Al Dirschberger while employed by Erie County, and negligently allowing said conduct to continue unabated;
- c) negligently failing protect employees from Al Dirschberger;
- d) negligently failing to alert the Claimant to the danger regarding Al Dirschberger;
- e) Despite having actual or constructive notice of the prior actions of Al Dirschberger, in sexually harassing or abusing County Employees, negligently failing to take the necessary actions to protect coemployees, including the Claimant;

f) Allowing a hostile work environment to exist in the Department of Social Services for the County of Erie.

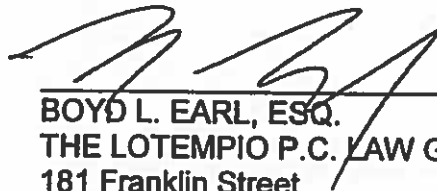
7) As a result of said incident, the Claimant sustained serious injuries, including sexual assault, rape, harassment, bruising, lacerations and possible transmission of sexual disease, depression, anxiety, as well as mental and physical pain and suffering.

8) This notice is made and served on behalf of said JANE DOE, in compliance with the provisions of 50-h of the General Municipal Law and such other laws and statutes as are in the case made and provided.

9) You will take further notice that Claimant(s), JANE DOE, demand(s) payment of said claim and unless said claim is paid within a reasonable time, it is the intention of the Claimant to commence suit against the COUNTY OF ERIE.

DATED: Buffalo, New York
January 30, 2018

Yours, etc.



BOYD L. EARL, ESQ.
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