

NOTICE OF CLAIM

*Recd 7/19/2021  
by corp. counsel*

# 21-19  
cc  
Shacht  
Majority  
JRW

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In the Matter of the Claim of  
JONATHAN SCHACHTER,  
Claimant,

- against -

THE CITY OF KINGSTON,  
Respondents.

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TO: THE CITY OF KINGSTON  
City Hall  
420 Broadway  
Kingston, New York 12401

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. Name and post office address of each claimant and claimants' attorneys is:  

<u>Claimant</u>	<u>Attorney</u>
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JONATHAN SCHACHTER  
72 Roundout Harbor  
Port Ewen, New York 12466

MAINETTI & MAINETTI, P.C.  
130 N. Front Street  
Kingston, New York 12401  
845-600-0000

2. Nature of Claim: The nature of the claim is for severe and permanent personal injuries sustained by claimant, JONATHAN SCHACHTER, and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of THE CITY OF KINGSTON, its agents, servants and/or employees, departments, agencies and those acting under their directions, behest, permission and control in the ownership, operation, management, control and supervision of a certain sidewalk running along the easterly side of West Strand Street at a point at or near the beginning of 98 Dock Street, City of Kingston, County of Ulster and State of New York (see photographs annexed hereto and incorporated herein showing approximate location of the accident). Respondent was negligent in failing to properly inspect, maintain, operate, repair, control and supervise the sidewalk upon which Mr. Schachter was injured; in permitting the sidewalk to be, become and remain in a broken, misleveled, pot-holed, unsafe, dangerous, defective and hazardous condition; in causing and permitting hazards and risks to exist which brought about the accident herein; in causing and creating a dangerous, hazardous and defective sidewalk; in failing to highlight the existence and location of the hazard; in forcing Mr. Schachter into a position of danger; in failing to make timely inspections of the condition of the sidewalk before the accident; in creating a trap and nuisance on the sidewalk; in causing and permitting a trap and a nuisance to exist, in failing to warn those

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In the Matter of the Claim of  
JONATHAN SCHACHTER,

Claimant,

INDIVIDUAL VERIFICATION

- against -

THE CITY OF KINGSTON,

Respondents.  
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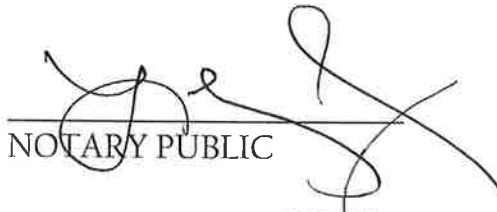
STATE OF NEW YORK )  
COUNTY OF ULSTER ) ss.:

JONATHAN SCHACHTER, being duly sworn, hereby deposes and says:

1. I am the Claimant in the instant action.
2. I have read the annexed NOTICE OF CLAIM, know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

  
\_\_\_\_\_  
JONATHAN SCHACHTER

Sworn to before me this  
15<sup>th</sup> day of July, 2021

  
\_\_\_\_\_  
NOTARY PUBLIC

**LARRY CRUZ**  
Notary Public, State of New York  
Reg. No. 01CR6050661  
Qualified in Ulster County  
My Commission Expires Nov. 13, 2022

who were traversing said sidewalk, and claimant herein specifically, as to the hazardous and dangerous condition; in violating Department of Transportation Highway Rules and Regulations; in failing to insure that appropriate warnings of the hazardous conditions were transmitted to the public by radio, internet and other channels of communications; in improperly designing the sidewalk; in permitting dangerous material(s) to be applied to make up the composition of the sidewalk which caused the sidewalk to become more dangerous; in failing to properly maintain the sidewalk and in otherwise being careless, reckless and negligent under all of the attendant circumstances. Upon information and belief, respondents had prior notice of the said dangerous and defective conditions in that the conditions existed for such a period of time prior to the happening of the within accident, that the respondent, its agents, servants and or employees, in the exercise of reasonable care and due diligence, knew or should have known that the condition(s) existed thereat and that respondent, its agents, servants and/or employees caused and created said dangerous and hazardous conditions. As a result of the negligence, carelessness and recklessness of the Respondent, its agents, servants and/or employees, departments, agencies and those acting under their directions, behest, permission and control Mr. Schachter suffered serious injuries.

3. **The time when, the place where and the manner in which the claim arose:** Said claim arose on May 8, 2021, at approximately 7:00 p.m. while Claimant, JONATHAN SCHACHTER, who was a lawful pedestrian upon said sidewalk running along the Westerly side of West Strand Street at a point at or near the beginning of 98 Dock Street, City of Kingston, County of Ulster and State of New York. Claimant JONATHAN SCHACHTER was traveling south east along West Strand Street when he encountered a broken, cracked, uneven and depressed portion of the sidewalk. As a result of said broken, cracked, uneven and depressed portion of the sidewalk, Claimant was caused to lose control of his balance and was violently precipitated to the ground.
4. Claimant, JONATHAN SCHACHTER, sustained severe permanent personal injuries, including but not limited to a compound fracture of the right ring finger which required emergency surgery and other as yet undetermined injuries, the full extent of which are as yet not fully known. Claims are being made for personal injuries, hospital, physician and other medical expenses, pain and suffering, loss of quality and/or enjoyment of life, and all other damages to which claimants is entitled to by case law and statute.

As a result of the foregoing, claimant has been damaged in a sum of money commensurate with her injuries, which exceeds the jurisdiction of all lower Courts, together with the costs and disbursements of this action.

Dated: Kingston, New York  
July 12, 2021



MICHAEL J. KAVANAGH, ESQ.  
MAINETTI & MAINETTI, P.C.  
Attorneys for Claimant  
130 North Front Street  
Kingston, New York 12401  
(845) 600-0000

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# Google Maps 98 Dock St



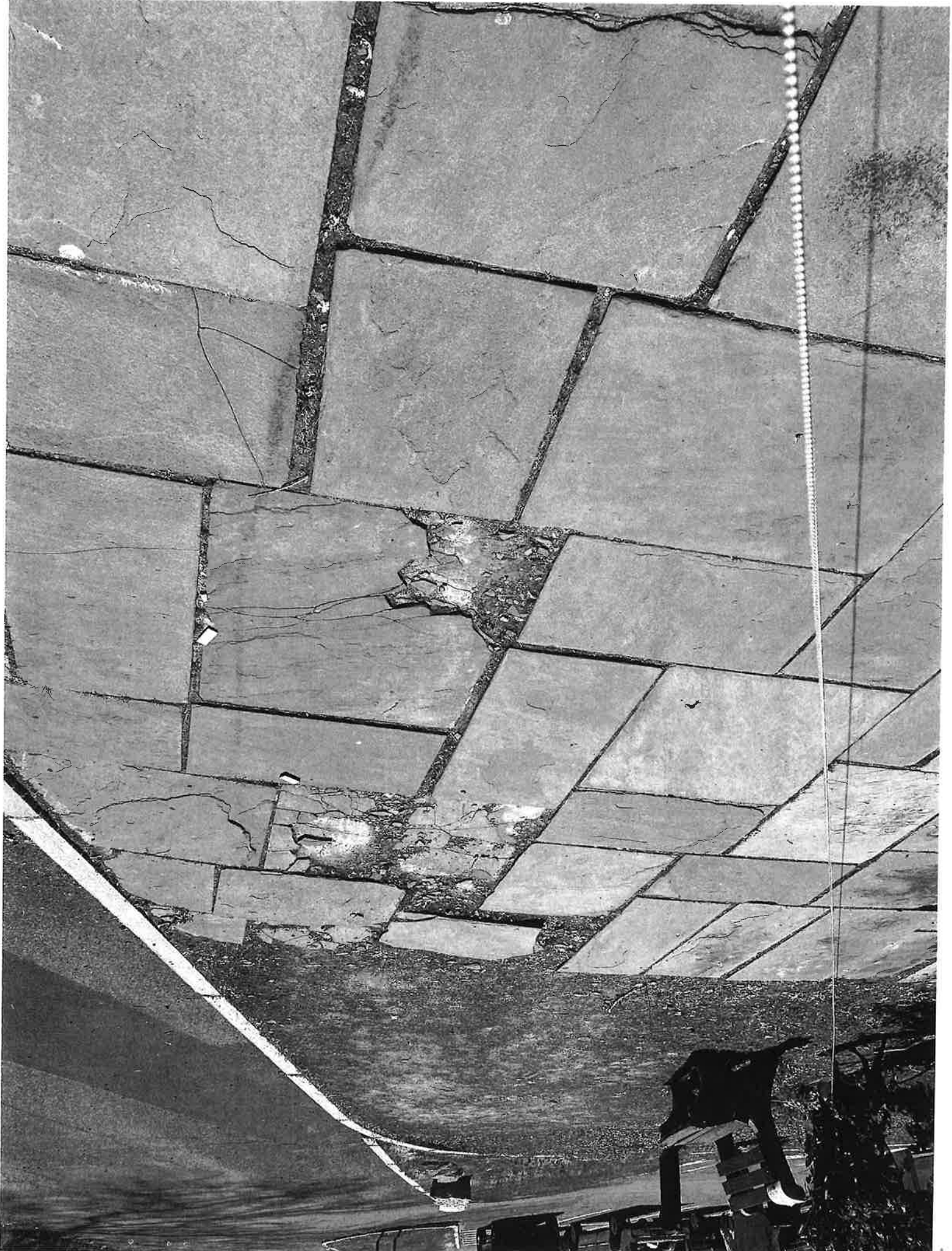
Image capture: Sep 2019 © 2021 Google

Kingston, New York



Street View





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Claimant,

- against -

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NOTICE OF CLAIM  
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MAINETTI & MAINETTI, P.C.  
Attorneys for Claimant  
JONATHAN SCHACHTER  
130 N. Front Street  
Kingston, New York 12401  
845-600-0000

CITY OF KINGSTON  
Office of the City Clerk  
Registrar of Vital Statistics  
cityclerk@kingston-ny.gov

Steven T. Noble, Mayor  
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk  
Susan Mesches, Deputy Registrar

July 20, 2021

Ms. Ruth Morris  
420 E. Main St.  
Middletown, New York 10940

Dear Ms. Morris:

Enclosed please find a claim (#21-19) a notice of claim from Jonathan Schacter, 72 Rondout Harbor, Port Ewen, New York 12466. Represented by Attorneys, Mainetti & Mainetti, PC, 130 N. Front St., Kingston, New York. Personal injury claim.

If you have any questions, please contact me at (845) 334-3919.

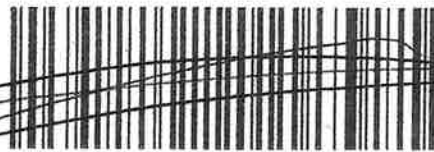
Very truly yours,

Deidre M. Sills  
Deputy City Clerk

cc: Corporation Counsel  
Common Council  
Andrea Shaut  
DPW



tti & Mainetti, P.C.  
ATTORNEYS AT LAW  
10 NORTH FRONT STREET  
Kingston, New York 12401  
(845) 600-0000  
WWW.MAINETTI.LAW



7015 0640 0001 2531 6379



THE CITY OF KINGSTON  
City Hall  
420 Broadway  
Kingston, New York 12401

