

received
Certified
3/16/2022

NOTICE OF CLAIM

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In the Matter of the Claim of
MARK WEYGANT,
Claimant,

cc
Shant
Council
DPW

- against -

#219

COUNTY OF ULSTER, ULSTER COUNTY HIGHWAY DEPARTMENT, CITY OF KINGSTON
DEPARTMENT OF PUBLIC WORKS, THE CITY OF KINGSTON and CATSKILL MOUNTAIN
RAILROAD,

Respondents.

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TO: COUNTY OF ULSTER
PO Box 1800
Kingston, New York 12402-1800

ULSTER COUNTY HIGHWAY DEPARTMENT
584 East Chester Street
Kingston, New York 12401

CITY OF KINGSTON DEPARTMENT OF PUBLIC WORKS
475 Hasbrouck Avenue
Kingston, New York 12401

CITY OF KINGSTON
420 Broadway
Kingston, New York 12401

CATSKILL MOUNTAIN RAILROAD CO.
55 Plaza Road
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:

Claimant

Attorney

MARK WEYGANT
PO Box 483
Shokan, New York 12481

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, MARK WEYGANT, and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of COUNTY OF ULSTER, ULSTER COUNTY HIGHWAY DEPARTMENT, CITY OF KINGSTON DEPARTMENT OF PUBLIC WORKS, THE CITY OF KINGSTON and CATSKILL MOUNTAIN RAILROAD, 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/railway located along the eastern portion of Washington Avenue at or near its intersection with Patroon Lane, Town of Kingston, County of Ulster and State of New York (see photographs annexed hereto and incorporated herein showing approximate location of the accident). Respondents, jointly and severally were negligent in failing to properly inspect, maintain, operate, repair, control and supervise the sidewalk/railway upon which Mr. Weygant was injured; in permitting the sidewalk/railway 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/railway; in failing to highlight the existence and location of the hazard; in forcing Mr. Weygant into a position of danger; in failing to make timely inspections of the condition of the sidewalk/railway before the accident; in creating a trap and nuisance on the sidewalk/railway; in causing and permitting a trap and a nuisance to exist, in failing to warn those who were traversing said sidewalk/railway, 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 roadway; in permitting dangerous material(s) to be applied to make up the composition of the sidewalk/railway which caused the sidewalk/railway to become more dangerous; in failing to properly maintain the sidewalk/railway 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's, 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 respondents, 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 Respondents, their agents, servants and/or employees, departments, agencies and those acting under their directions, behest, permission and control Mr. Weygant suffered serious injuries.
3. **The time when, the place where and the manner in which the claim arose:** Said claim arose on January 18, 2021, at approximately 09:50 a.m. while Claimant, MARK WEYGANT, who was a lawful pedestrian along Washington Avenue at or near its intersection with Patroon Lane, City of Kingston, County of Ulster and State of New York was traveling northbound along Washington Avneue when he was caused to trip and fall due to a raised, cracked broken, dangerous, and defective sidewalk/railway located thereat. Claimant lost control of his balance and was violently precipitated to the ground.

4. Claimant, MARK WEYGANT, sustained severe permanent personal injuries, including but not limited to a focal tear of the anterior talofibular ligament of the right ankle 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
March 11, 2021



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

-----X
In the Matter of the Claim of
MARK WEYGANT,

Claimant,

ATTORNEY VERIFICATION

- against -

COUNTY OF ULSTER, ULSTER COUNTY HIGHWAY
DEPARTMENT, CITY OF KINGSTON DEPARTMENT
OF PUBLIC WORKS, THE CITY OF KINGSTON and
CATSKILL MOUNTAIN RAILROAD,

Respondents.

-----X

ALEXANDER E. MAINETTI, Esq., an attorney duly admitted to practice law in the State of New York, makes the following affirmation under the penalty of perjury:

I am a Partner of the firm of MAINETTI & MAINETTI, P.C., the attorneys of record for the plaintiff.

I have read the foregoing NOTICE OF CLAIM and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

This verification is made by affirmant and not by plaintiff because of COVID-19 restrictions in place at the time of this filing.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affirmant's possession, and other pertinent data relating thereto.

Dated: Kingston, New York
March 11, 2021



ALEXANDER E. MAINETTI, ESQ.

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INTENTIONALLY
LEFT BLANK**

Google Maps 489 Washington Ave

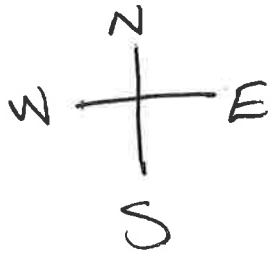


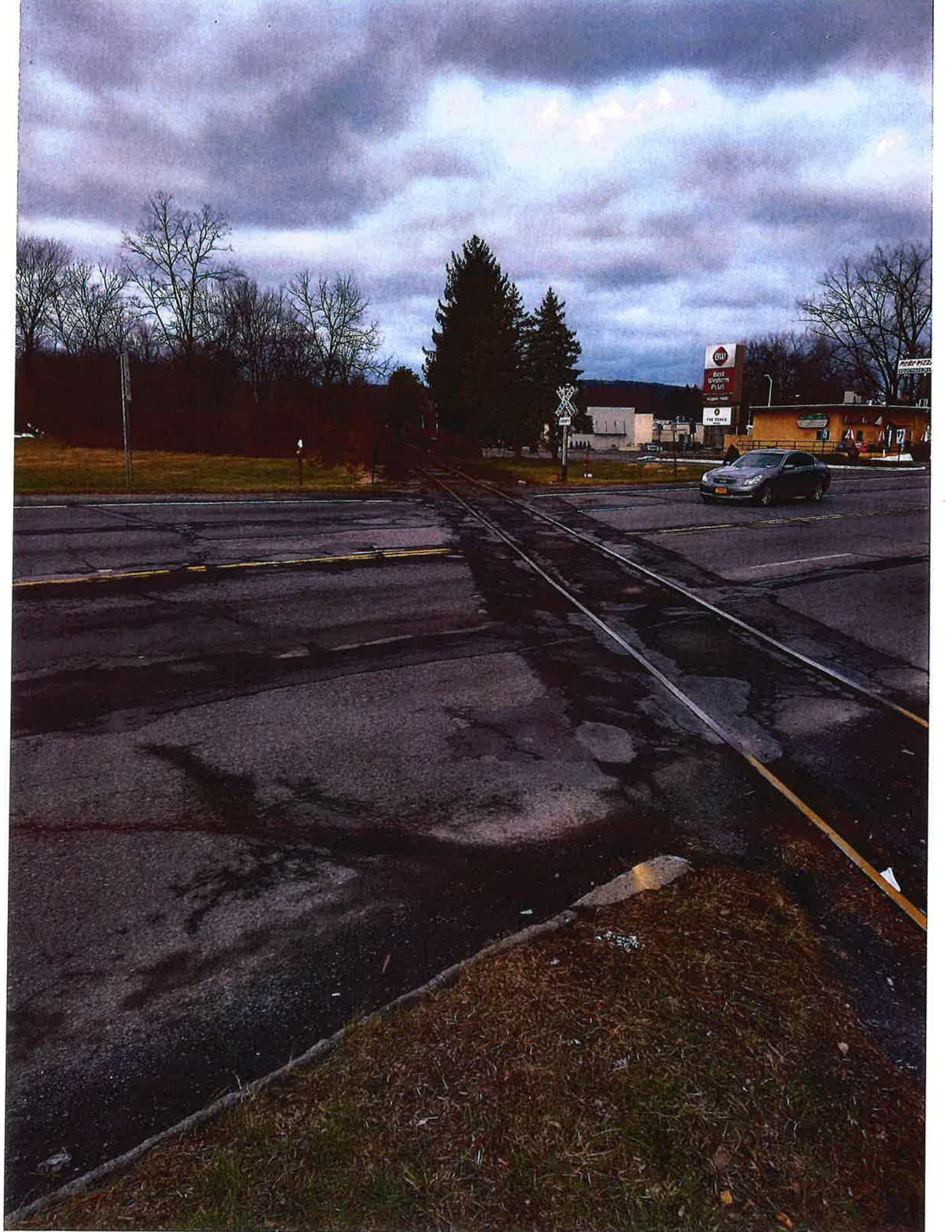
Image capture: Sep 2019 © 2021 Google

Kingston, New York



Street View





WYATT ROAD



In the Matter of the Claim of
MARK WEYGANT,

Claimant(s) ,

-against-

COUNTY OF ULSTER, CITY OF KINGSTON and CATSKILL MOUNTAIN RAILROAD,

Respondent(s).

NOTICE OF CLAIM

MAINETTI & MAINETTI, PC
Attorneys for Claimant
130 N. Front Street
Kingston, New York 12401
(845) 600-0000

To:

Attorney(s) for

Service of a copy of the within
admitted

is hereby

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

- that the within is a (certified) true copy of a
Notice of Entry entered in the office of the clerk of the within named court 20
- that an Order of which the within is a true copy will be presented for
Notice of Settlement one of the judges of the within named Court,
at
on 20 , at M.

Dated:

MAINETTI & MAINETTI, PC
Attorneys for Claimant
130 N. Front Street
Kingston, New York 12401
(845) 600-0000

To:

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

March 16, 2021

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

Dear Ms. Morris:

Enclosed please find a claim (#21-9). Enclosed please a claim Mark Weygant, PO Box 483, Shokan, New York 12481. Personal Injury v City of Kingston. Attorney of record Mainetti & Mainetti, 130 North front St., Kingston, New York 12401 (845) 600-0000.

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