

#21-25

O'CONNOR & PARTNERS, PLLC
PERSONAL INJURY ATTORNEYS

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8/25/2021
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Poughkeepsie, NY 12601
845-404-1881

Of Counsel
Carl Wolfson

Newburgh
356 Meadow Avenue
Newburgh, NY 12550
845-375-8787

August 23, 2021

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

City of Kingston
Mayor Steven Noble
420 Broadway
Kingston, NY 12401

Corporation Counsel, City of Kingston
Kevin R. Bryant
420 Broadway
Kingston, NY 12401

Re: Roger, Thomas vs. City of Kingston

Gentlemen:

Enclosed please find Notice of Claim in regard to the above matter.

Very truly yours,

O'CONNOR & PARTNERS, PLLC



JOSEPH E. O'CONNOR, ESQ.
JEO:bt
Enclosure

*Recd
Corp Counsel
8/25/2021*

SUPREME COURT: STATE OF NEW YORK
COUNTY OF ULSTER

-----X

THOMAS ROGER,

NOTICE OF CLAIM

Plaintiff(s),

- against -

CITY OF KINGSTON, one of the municipalities of
the County of Ulster, New York,

Defendant(s).

-----X

TO: CITY OF KINGSTON
Mayor Steven Noble
420 Broadway
Kingston, NY 12401

CITY OF KINGSTON CORPORATION
COUNSEL
Kevin Bryant
420 Broadway
Kingston, NY 12401

PLEASE TAKE NOTICE that the claimant, THOMAS ROGER, hereby files a claim against the CITY OF KINGSTON as a result of tortious injuries suffered by him and caused by the above entity. The claim for said tortious injuries is herewith presented to you for personal damages suffered by claimant as a result of injuries resulting from the negligence of the above-mentioned respondent.

1. The claimant resides at 289 Fair Street, Apt 5C, Kingston, New York 12401.
2. The claimant's attorneys, O'CONNOR & PARTNERS, PLLC, have their office at 255 Wall Street, Kingston, New York, 12401.

3. The injury for which this claim is made occurred on August 12, 2021, on the sidewalk on Main Street, specifically near the corner of Main Street and Fair Street in the City of Kingston, County of Ulster, State of New York, which is in front of the Old Dutch Church, and specifically, a dangerous, uneven, raised portion of sidewalk.

4. At the time of the injury, the claimant, THOMAS ROGER, was walking on Main Street near the corner of its intersection with Fair Street in front of the Old Dutch Church, when he was caused to trip on a dangerous, uneven and raised sidewalk condition and was precipitated to the ground, causing him severe physical injury because of such dangerous, defective and hazardous condition.

5. The negligence of the respondent was in improperly repairing and maintaining the area upon which claimant was injured and specifically in failing to maintain, correct, replace or remove the sidewalk allowing same to remain in a dangerous, defective, uneven, raised and unsafe condition.

6. The above named respondent had knowledge or by the exercise of reasonable care and due diligence should have had knowledge of the dangerous condition existing at the aforementioned location, and, upon information and belief, created such dangerous condition by failing to correct, replace or remove the condition as aforesaid.

7. Attached hereto are color copies of photographs of the defect, to wit: uneven, raised portion of sidewalk.

8. The claimant, THOMAS ROGER, suffered serious bodily injuries including but not limited to, 7 stitches to his right eye; 6 stitches in his right hand; right ring finger; right arm, right shoulder; and nerve damage to right hand and right wrist.


9. Said injuries were incurred through the negligence and culpable conduct of the above respondent, its officers, agents, and/or employees without any comparative negligence on the part of the claimant.

10. This action falls under one or more of the exceptions of Article 16 of the Civil Practice Law and Rules of the State of New York.

11. As a result of such negligence and injuries, the claimant demands compensatory damages for injuries and pain incurred in a fair and compensatory sum of money together with the costs and disbursements of this action and interest thereon.

Dated: August 21, 2021

O'CONNOR & PARTNERS, PLLC



JOSEPH E. O'CONNOR, ESQ.
Attorneys for Claimant
255 Wall Street
Kingston, New York, 12401
(845) 303-8777



THOMAS ROGER

VERIFICATION

STATE OF NEW YORK)
) s.s.
COUNTY OF ULSTER)

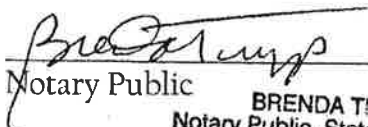
~~THOMAS ROUGIER~~
ROGER
THOMAS ROGER being duly sworn says:

I am the Claimant in the action herein; 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.



THOMAS ROGER

Sworn to before me this
23rd day of August, 2021



Notary Public
BRENDA TRUMP
Notary Public, State of New York
Reg. # 01TR4800509
Qualified in Ulster County
Commission Expires: April 30, 2021

AFFIDAVIT OF SERVICE

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

Re: Roger, Thomas vs. City of Kingston


Brenda Trump,, being duly sworn, says: I am not a party to the action, am over 18 years of age and reside in Ulster County, State of New York.

On August 23, 2021, I served a true copy of the annexed NOTICE OF CLAIM in the following manner:

By mailing same in a sealed envelope, with postage prepaid thereon, via Certified Mail, Return Receipt Requested through the United States Postal Service within the State of New York, addressed to the last known address of the addressees as indicated below:

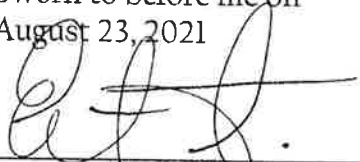
CITY OF KINGSTON
Mayor Steven Noble
420 Broadway
Kingston, NY 12401

CITY OF KINGSTON CORPORATION COUNSEL
Kevin Bryant
420 Broadway
Kingston, NY 12401



Brenda Trump

Sworn to before me on
August 23, 2021



NOTARY PUBLIC

ERNESTINA CHAVEZ CAROSELLA
Notary Public, State of New York
No. 01CA8417378
Qualified in Ulster County
Commission Expires 05/10/2025

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

August 26, 2021

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

Dear Ms. Morris:

Enclosed please see claim (#21-25) for personal injury from Mr. Thomas Rogers. He resides at 289 Fair St. Apt. 5C, Kingston, New York. He states he has injuries from a fall on Main Street.

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