

DAY OF Sept 2010

COUNTY ATTORNEY NASSAU COUNTY-----X

BY Judith Merlop In the Matter of the Claim of

ERIN BURNETT AS PARENT AND NATURAL GUARDIAN OF ZACHARY BERRY and ERIN BURNETT Individually,

-against-

COUNTY OF NASSAU, NASSAU VETERANS MEMORIAL COLISEUM -----X

NASSAU CO. ATTORNEY
2010 SEP 1 PM 12 21

To: AMENDED NOTICE OF CLAIM

1. The name and address of the claimant and claimant's attorneys:

<u>Claimant</u> ZACHARY BERRY/ERIN BURNETT 18 SOUTH SIDE AVE FREEPORT, NY	<u>Attorneys</u> GOLDSTEIN & BASHNER, P.C. 1778 Hempstead Turnpike East Meadow, NY 11554 (516) 222-4000
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2. The nature of the claim:

To recover money damages for personal injuries, pain and suffering, medical expenses and related damages incurred by and on behalf of claimant Zachary Berry and for loss of services of Erin Burnett by reason of the negligence, recklessness and carelessness of the County of Nassau and The Nassau Veterans Memorial Coliseum, its agents, servants, employees and/or licensees.

3. The time when, the place where and the manner in which the claim arose:

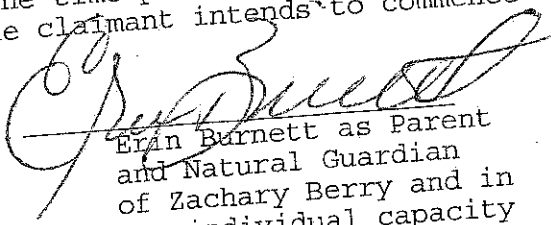
At approximately 11:45 AM on 7/17/10, Zachary Berry was severely injured at the "Vans Warped Tour" which took place in the parking lot of the Nassau Veterans Memorial Coliseum. The incident occurred near the "Altec Stage" when the group Attack Attack was performing. At the aforesaid time and place a "mosh pit" had formed and the claimant was caused to be injured when he was thrown to the ground by those engaging in the "pit". The claimant will claim that the County of Nassau (as owners of the coliseum) 4Fini Inc. and Kevin Lyman (as promoters of the concert), SMG (as operating management of the Coliseum) and Attack Attack (as the performing group) failed in providing proper safety policies; failed in providing adequate security; in permitting and allowing an aggressive form of physical behavior; in initiating and encouraging an aggressive form of physical contact so that spectators at the concert would be injured; and in otherwise being negligent, careless and reckless in their respective capacities.

4. Claimant ZACHARY BERRY sustained multiple bodily injuries including but not limited to a displaced fractured elbow which has caused claimant to incur and continue to incur expenses for medical attention and treatment with a resulting loss

therefrom. Claimant ZACHARY BERRY has suffered damages in the sum of Two Million (\$2,000,000.00) Dollars. Claimant ERIN BURNETT sustained loss of services of her son in the sum of Five Hundred Thousand (\$500,000.00) Dollars.

The undersigned affiant therefore presents this claim for adjustment and payment. You are hereby notified that unless said claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: East Meadow, New York
August 24, 2010


Erin Burnett as Parent
and Natural Guardian
of Zachary Berry and in
her individual capacity

VERIFICATION

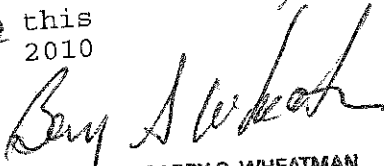
STATE OF NEW YORK ; COUNTY OF NASSAU: ss.:

ERIN BURNETT, being duly sworn, deposes and says I am the parent and natural guardian of the above named claimant; I have read the foregoing Notice of Claim and know its contents; the same is true to my knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters I believe it to be true.


ERIN BURNETT

Sworn to before me this
25 Day of August 2010

Notary Public



BARRY S. WHEATMAN
NOTARY PUBLIC, State of New York
No. 41-4639028
Qualified in Queens County
Commission Expires 11/30/2011

GOLDSTEIN & BASHNER P.A.
Attorneys for Claimant
1778 Hempstead Tpke.
East Meadow, NY 11554
516-222-4000

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ERIN BURNETT INDIVIUALLY.,

-against-

COUNTY OF NASSAU, NASSAU VETERANS MEMORIAL COLISEUM.

AMENED NOTICE OF CLAIM

GOLDSTEIN & BASHNER, P.C.
Attorneys for plaintiff
Office and Post Office Address, Telephone
1778 Hempstead Turnpike
East Meadow, NY 11554
(516) 222-4000

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

.....
Attorney(s) for

Sir: — Please take Notice

NOTICE OF ENTRY

That the within is a (Certified) true copy of a
duly entered in the office of the Clerk of the within named Court on

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NOTICE OF SETTLEMENT

That an Order
Settlement to the HON.
Of the within named Court, at

of which the within is a true copy will be presented for
One of the Judges