

EXHIBIT B



DEPARTMENT OF VETERANS AFFAIRS
Office of the Regional Counsel
120 LeBrun Road
Buffalo, NY 14215
TEL: (716) 862-8853
FAX: (716) 862-6545

In Reply Refer To: 02-BUF(JLW)

February 16, 2012

Morris & Morris
ATTN: Deborah M. Field, Esq.
120 Corporate Woods, Suite 240
Rochester, New York 14623

RE: Administrative Tort Claim of Sophia Lamont, Administrator of the Estate of Frank P. Lamont, Jr.

Dear Ms. Field:

We are writing to you in regards to the claim filed by Sophia Lamont, Administrator of the Estate of Frank P. Lamont, Jr. in the amount of \$500,000 for personal injuries, damages and/or death sustained by Mr. Frank P. Lamont while he was utilizing a wheelchair lift when visiting the Jell-O Factory museum in Leroy, New York on October 22, 2010.

Upon receipt of claims such as this, one of the first steps our office takes is to obtain and review all of the relevant records. We also interview the witnesses and Department of Veterans Affairs (VA) employees or agents who have knowledge of the incident. As you can well imagine, this can be quite a time consuming undertaking to complete. However, these steps are necessary to fully understand the medical and legal issues associated claims of this nature.

Upon completing our review of the facts pertaining to this matter, we determined that the incident involving Mr. Lamont's operation of his motorized scooter on October 22, 2010 was not the result of any negligence of VA personnel acting within the scope of their employment. The information we have received from multiple sources is consistent in indicating that this incident was caused by factors unrelated to any actions of personnel and/or staff from the Canandaigua VA Medical Center (VAMC), including, but not limited to operational error.

This constitutes final administrative action on the aforementioned claim brought by Sophia Lamont, Administrator of the Estate of Frank P. Lamont, Jr. against the Department of Veterans Affairs. While we certainly understand the tragic nature of this incident, the records pertaining to this incident show that this fall was not in any way caused by any negligence of the Department of Veterans Affairs. Accordingly, I regret to inform you that the administrative claim brought by Sophia Lamont, Administrator of the Estate of Frank P. Lamont, Jr., against the Department of Veterans Affairs, as set forth in the Claim for Damage, Injury, or Death form received in our office on May 31, 2011, is hereby denied.

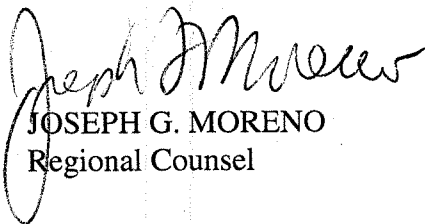
If your client is dissatisfied with this decision, they may file a request for reconsideration of their claim with the VA General Counsel by any of the following means: (1) the request can

be mailed to the Department of Veterans Affairs, General Counsel (021B), 810 Vermont Avenue, N.W., Washington, DC 20420; (2) the request can be filed by data facsimile (fax) to (202) 273-6385; or (3) the request can be e-mailed to OGC.torts@mail.va.gov. To be timely filed, VA must receive this request prior to the expiration of 6 months from the date of the mailing of this final denial. Upon filing such a request for reconsideration, VA shall have 6 months from the date of that filing in which to make final disposition of the claim, and your option to file suit in an appropriate U.S. District Court under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of such request for reconsideration (28 C.F.R. Section 14.9).

In the alternative, if you are dissatisfied with the action taken on your claim, you may file suit in accordance with the Federal Tort Claims Act, sections 1346(b) and 2671-2680, Title 28, United States Code, which provides that a tort claim that is administratively denied may be presented to a Federal district court for judicial consideration. Such a suit must be initiated within 6 months after the date of the mailing of this notice of final denial as shown by the date of this letter (section 2401(b), Title 28, United States Code). If you do initiate such a suit, you are further advised that the proper party defendant is the United States, not the VA.

Notwithstanding the above, this is not intended to imply that any request for reconsideration and/or suit, if filed, would be successful.

Sincerely,



JOSEPH G. MORENO
Regional Counsel