MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 26, 2012

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Whitfield, Yvonne v. County of Erie, Erie County Medical Center Corporation, William H. Dice, M.D., University Emergency Medical Services, Inc.*
Document Received:	Summons and Complaint
Name of Claimant:	Yvonne Whitfield 101 Bickford Avenue Buffalo, New York 14215
Claimant's attorney:	Mark H. Cantor, Esq. Cantor, Dolce, Panepinto, P.C. 1600 Main Place Tower 350 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle Parker
First Assistant County Attorney

MMP:dld
Enclosure

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

YVONNE WHITFIELD
101 Bickford Avenue
Buffalo, New York 14215

Plaintiff

v.

COUNTY OF ERIE
Erie County Department of Law
95 Franklin Street, Suite 1634
Buffalo, New York 14202

ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

WILLIAM H. DICE, M.D.
University Emergency Medical Services, Inc.
462 Grider Street
Buffalo, New York 14215

UNIVERSITY EMERGENCY MEDICAL SERVICES, INC.
462 Grider Street
Buffalo, New York 14215

Defendants.

SUMMONS SERVED WITH COMPLAINT

Index No: I2012-3247

This paper received at the Erie County Attorney's Office from Richard Cook on the 24 day of Sept, 2012 at 10:11 a.m./p.m.

Assistant County Attorney

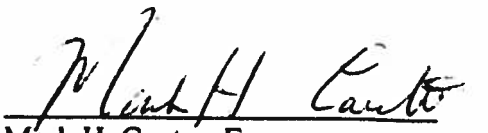
FILED
09/21/2012 14:37:09
ERIE COUNTY CLERK
SCAN # 12147297
2012003247

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the Amended Complaint in this action, and serve a copy of your answer, or, if the complaint is not served with an Amended Summons, to serve a notice of appearance on the plaintiffs' attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear of answer, judgment may be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on basis of residence of plaintiff(s), who reside in the County of Erie at 101 Bickford Avenue, Buffalo, New York 14215.

DATED: Buffalo, New York
September 14, 2012



Mark H. Cantor, Esq.
Cantor, Dolce & Panepinto, P.C.
Attorneys for Plaintiff
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

YVONNE WHITFIELD

Plaintiff

v.

COUNTY OF ERIE,
ERIE COUNTY MEDICAL CENTER CORPORATION
WILLIAM H. DICE, M.D.,
UNIVERSITY EMERGENCY MEDICAL SERVICES, INC.,

Defendants.

COMPLAINT
Index No.

The plaintiff, YVONNE WHITFIELD, above named by her attorneys, Cantor, Dolce & Panepinto, P.C., as and for her Complaint against the defendants, COUNTY OF ERIE, ERIE COUNTY MEDICAL CENTER CORPORATION, WILLIAM H. DICE, M.D., and UNIVERSITY EMERGENCY MEDICAL SERVICES, INC., herein alleges:

1. That at all times hereinafter mentioned, the plaintiff was and continues to remain a resident of the State of New York and County of Erie residing at 101 Bickford Avenue, Buffalo, New York 14215.

2. That upon information and belief and at all times herein after mentioned, the defendant County of Erie (hereinafter "COUNTY OF ERIE") is a municipal corporation authorized to do business and doing business within the State of New York and County of Erie.

3. That upon information and belief, the defendant Erie County Medical Center Corporation (hereinafter "ECMCC") is a public company authorized to conduct business in the

State of New York and located at 462 Grider Street in the City of Buffalo, County of Erie.

4. That upon information and belief and at all times hereinafter mentioned, the defendant, Dr. William H. Dice (hereinafter "DICE") was and continues to remain a duly licensed physician, who resides in the State of New York and County of Erie and was employed by the defendant University Emergency Medical Services, Inc. (hereinafter "UNIVERSITY"), and at all times was acting in furtherance and the scope of his employment with the defendant UNIVERSITY.

7. That on or about the 17th day of January, 2012, with a medical history of a recent transient ischemic attack of November 11, 2011, a history of atrial fibrillation, a heart valve in place, high blood pressure, with presenting symptoms of left side headache and blurred vision, and having a sub-therapeutic INR of 1.5 while on Coumadin, the plaintiff came under the care and treatment of the defendants with a history that placed her with great risk of a stroke and presenting with the signs and symptoms of a stroke, as well as actually experiencing a stroke.

8. Nevertheless and at the aforesaid time and place, and despite having all the above information at their disposal, the defendants carelessly, recklessly, and negligently deviated from accepted standards of medical care by discharging the plaintiff from ECMCC and ECMC on the 17th day of January, 2012, on the 17th day of January, 2012.

9. That as a result of the carelessness, recklessness and negligence of the defendants, plaintiff's stroke-like symptoms persisted, she did not receive the urgent medical care that was warranted under the circumstances, resulting in her having and experiencing a severe stroke, resulting in her admission at Millard Fillmore Gates Circle Hospital on January 18, 2012, resulting in her having to undergo surgery, prolonged hospitalization, nursing and medical care, a

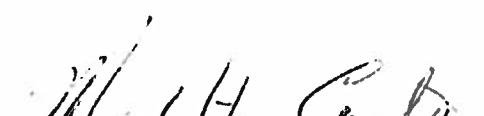
loss of the ability to speak and comprehend, loss of the ability to walk normally, resulting in her having to obtain expensive rehabilitative and medical care and to incur all associated medical expenses, both past and future, to have pain and suffering and loss of enjoyment of life, both past and future, all to her damage in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

10. That one or more exceptions of Article 16 of the CPLR apply to this action.

11. That with respect to the defendant COUNTY OF ERIE, plaintiff did heretofore file and serve a Notice of Claim within 90 days of the happening of this incident; she has presented for an oral examination pursuant to Section 50-h and has otherwise cooperated with the defendant COUNTY OF ERIE, resulting in her being able to present this lawsuit.

WHEREFORE, the plaintiff, YVONNE WHITFIELD demands judgment against the defendants County Of Erie, Erie county Medical Center Corp., William H. Dice, M.D., and University Emergency Medical Services, Inc., in an amount that will exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter; together with the costs and disbursements of this matter and for such other and further relief as the court may deem just and proper.

DATED: Buffalo, New York
September 14, 2012



Mark H. Cantor, Esq.
Cantor, Dolce & Panepinto, P.C.
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1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

YVONNE WHITFIELD

Plaintiff

v.

COUNTY OF ERIE,
ERIE COUNTY MEDICAL CENTER CORPORATION,
WILLIAM H. DICE, M.D., AND
UNIVERSITY EMERGENCY MEDICAL SERVICES, INC.

Defendants.

CERTIFICATE OF MERIT

Index No:

MARK H. CANTOR, ESQ., first being duly sworn, deposes and says:

1. That I am an attorney at law duly licensed to practice in the courts of the State of New York and am the attorney for the plaintiffs herein. As such, I am fully familiar with the facts and circumstances surrounding this action.

2. This Certificate of Merit is executed in compliance with Section 3012(a) of the Civil Practice Laws and Rules of the State of New York.

3. That I have reviewed the facts and circumstances of this case and have consulted with one or more duly licensed physicians in connection with the merits of this action.

4. That it is the belief of your deponent that the physicians consulted are knowledgeable in the relevant issues in this action.

5. Based on this review and consultation, there is a reasonable basis for the commencement of this action.

MARK H. CANTOR, ESQ.

Sworn to before me this
20th day of ~~July~~ September, 2012

Notary Public

LINDA M. WORONIECKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires August 28, 2013