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

October 7, 2013

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:	*Moore, Anthony v. County of Erie, et al.*
Document Received:	Summons and Complaint
Name of Claimant:	Anthony Moore 1325 Main Street Buffalo, New York 14209
Claimant's attorney:	Paul A. Bender, Esq. Bender & Bender, LLP 68 Niagara Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

ANTHONY MOORE
1325 Main Street
Buffalo, New York 14209

Plaintiff,

SUMMONS

Index No. 800863/2013

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

ACEA M. MOSEY, Erie Co. Public Administrator
As Administrator of the Estate of
TIMOTHY V. JORDEN, JR., M.D.
625 Delaware Avenue, Suite 304
Buffalo, New York 14202

COUNTY OF ERIE
462 Grider Street
Buffalo, New York 14215

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer on the Plaintiff's attorneys within **20** days after the service of this Summons, exclusive of the day of service or within **30** days after service is complete if this Summons is not personally delivered to you and in the case of your failure to appear or Answer, judgment will be taken against you by default for the relief demanded in the Complaint.

The Plaintiff designates Erie County as the place of Trial. The basis of venue is Plaintiff's residence.

Dated: Buffalo, New York
July 1, 2013

Electronically filed 7/2/13

Paul A. Bender, Esq.
Bender & Bender, LLP
Attorneys for the Plaintiff
68 Niagara Street
Buffalo, New York 14202
(716) 856-3200

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

ANTHONY MOORE
1325 Main Street
Buffalo, New York 14209

Plaintiff,

COMPLAINT

Index No. 800863/2013

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

ACEA M. MOSEY, Erie Co. Public Administrator
As Administrator of the Estate of
TIMOTHY V. JORDEN, JR., M.D.
625 Delaware Avenue, Suite 304
Buffalo, New York 14202

COUNTY OF ERIE
462 Grider Street
Buffalo, New York 14215

Defendants.

The Plaintiff, ANTHONY MOORE, above named, by and through his attorneys, BENDER & BENDER, LLP, complaining of the defendants, ERIE COUNTY MEDICAL CENTER CORPORATION, ACEA MOSEY, As Administrator of the Estate of TIMOTHY V. JORDEN, JR., M.D. and COUNTY OF ERIE, alleges and says:

1.) At all times hereinafter mentioned, the plaintiff, ANTHONY MOORE is and was a resident of the County of Erie and the State of New York, and resides at 1325 Main Street, Buffalo, New York 14209.

2.) That upon information and belief, Defendant ERIE COUNTY MEDICAL CENTER CORPORATION is a Domestic Corporation duly organized and existing under and by virtue of the laws of the State of New York with its principal place of business located at 462 Grider Street, Buffalo, New York.

3.) Upon information and belief, Defendant-Decedent TIMOTHY V. JORDEN, JR., M.D., was a physician licensed to practice in the State of New York with offices located at 462 Grider Street, Buffalo New York..

4.) Upon information and belief, Defendant, COUNTY OF ERIE is a municipal entity formed under and by virtue of the laws of the State of New York and owner of ERIE COUNTY MEDICAL CENTER CORPORATION, a public benefit corporation.

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF AS AGAINST ALL DEFENDANTS

5.) That at all times hereinafter mentioned, Defendant, ERIE COUNTY MEDICAL CENTER CORPORATION was a corporation engaged in the business of providing medical services to members of the general public, including Plaintiff, ANTHONY MOORE, and as such held itself out as an entity duly qualified to render proper and adequate medical services.

6.) That Defendant-Decedent, TIMOTHY V. JORDEN, JR., M.D., was a Physician duly licensed to practice medicine in the State of New York, and as such held himself out as duly qualified to render proper and adequate medical services to members of the general public including Plaintiff, ANTHONY MOORE.

7.) That prior to April 4, 2012, the Plaintiff, ANTHONY MOORE, came under the care and treatment of the defendants herein, there agents, servants and/or employees.

8.) That the defendants undertook care and treatment of the plaintiff, ANTHONY MOORE to treat and care for him in accordance with the standards of care and treatment generally accepted in the community and to use reasonable care and skill and to use their best judgment in the care and treatment in Plaintiff, ANTHONY MOORE.

9.) That the defendants jointly and severally, so negligently and carelessly rendered treatment to Plaintiff, ANTHONY MOORE, so as to cause him serious and permanent injury.

10.) That the defendants were negligent in that they negligently and carelessly failed to treat and care for Plaintiff, ANTHONY MOORE, in accordance with standards of care and treatment generally accepted in the community; in negligently and carelessly failing to use and utilize in the care and treatment of Plaintiff, ANTHONY MOORE, approved methods in general use in the community; in negligently and carelessly failing to use care and skill in the treatment of Plaintiff, ANTHONY MOORE; in negligently and carelessly failing to advise Plaintiff, ANTHONY MOORE, of certain complications and/or conditions which could and did occur in relation to the treatment provided and surgical procedures performed upon him requiring further care and treatment; in negligently and carelessly monitoring of Plaintiff, ANTHONY MOORE, and/or failing to provide appropriate follow-up care; in negligently and carelessly failing to use their best judgment in the care and treatment of the Plaintiff, ANTHONY MOORE, in making misrepresentations to the Plaintiff, ANTHONY MOORE, that they were knowledgeable, skillful and competent to diagnose and treat Plaintiff, at all times prior to April 4, 2012; and were otherwise negligent and careless.

11.) That the foregoing was caused without any negligence on the part of the plaintiff contributing thereto.

12.) That as a result of the foregoing, Plaintiff, ANTHONY MOORE, was rendered sick, sore, lame, and disabled; suffered injuries both internal and external, pain and mental anguish; mental, emotional, and psychological pain and suffering; was confined to his bed and home for a lengthy period of time has compelled to seek medical care and attention; was prevented from following his usual occupation and incurred loss of earnings as a result thereof, and was otherwise injured and damaged and accordingly seeks appropriate recompense.

13.) That as a result of the foregoing, the amount of damages herein exceeds the jurisdictional limits of all lower courts which might otherwise have jurisdiction herein.

AS IN FOR A SECOND CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF AS AGAINST ALL DEFENDANTS

14.) Plaintiff repeats and reallages the allegations as set forth in Paragraphs "1" through "13" of this complaint as though fully set forth herein.

15.) The defendants, by their agents, servants, employees, partners, and/or others acting within their control, negligently failed to advise of the risks, hazards and danger inherent in the treatment rendered, failed to advise of the alternatives thereto, and failed to obtain informed consent.

16.) Defendants willfully failed to disclose such alternatives to the treatment and the reasonably foreseeable risk and benefits involved as a reasonable and medical practitioner under

similar circumstances would have disclosed in such a manner to permit the patient to make a knowledgeable evaluation.

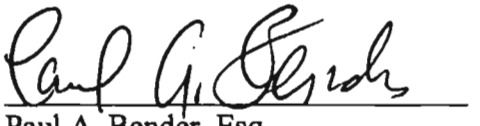
17.) The reasonably prudent person in Plaintiff's position would not have accepted the diagnosis if fully informed and the lack of informed consent is a proximate cause of the injury for which relief is sought.

18.) As a result of the foregoing the Plaintiff, ANTHONY MOORE, was disabled, suffered injuries, pain and mental anguish, required continued medical care and incurred expenses.

19.) As a result of the foregoing, Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which otherwise have jurisdiction.

WHEREFORE, the plaintiff, ANTHONY MOORE, hereby demands judgment against the defendants, ERIE COUNTY MEDICAL CENTER CORPORATION, ACEA M. MOSEY, as Administrator of the Estate of TIMOTHY V. JORDEN, JR., M.D. and COUNTY OF ERIE and each of them in a fair and reasonable amount so as to compensate the plaintiff for his injuries together, with such other and further relief as to the Court may seem just and proper, including the costs and disbursements of this action.

Dated: July 1, 2013



Paul A. Bender, Esq.
BENDER & BENDER, LLP
Attorneys for Plaintiff
68 Niagara Street
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(716) 856-3200

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

ANTHONY MOORE
1325 Main Street
Buffalo, New York 14209

Plaintiff,

CERTIFICATE OF MERIT

Index No.

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

ACEA M. MOSEY, Erie Co. Public Administrator
As Administrator of the Estate of
TIMOTHY V. JORDEN, JR., M.D.
625 Delaware Avenue, Suite 304
Buffalo, New York 14202

COUNTY OF ERIE
462 Grider Street
Buffalo, New York 14215

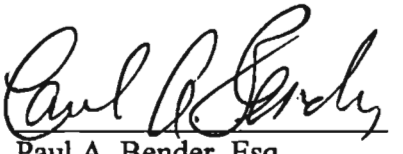
Defendants.

Paul A. Bender, an attorney duly admitted to practice in the Courts of the State of New York, hereby affirms, pursuant to Section 2106 CPLR:

The facts of this case have been reviewed and consultation has been had with at least one physician who is licensed to practice in this state, or any other state, and it is reasonably believed that said physician is knowledgeable as to the relevant issues involved in this particular action and it has been concluded on the basis of such review and consultation that

there is a reasonable basis for the commencement of this action.

Dated: Buffalo, New York
July 1, 2013



Paul A. Bender, Esq.
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