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

July 31, 2014

Mr. Scott W. Kroll, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Kroll:

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:	*Noe, David as Administrator of the Estate of Noe, Jacob T., infant-decedent, v. County of Erie, Erie County Medical Center Corporation and Erie County Department of Social Services*
Document Received:	Notice of Claim
Name of Claimant:	David Noe 101 Bakos Boulevard, No. 212 Buffalo, New York 14211
Claimant's attorney:	J. Michael Hayes, Esq. 69 Delaware Avenue, Suite 1111 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

In the Matter of the Claim of
DAVID NOE as Administrator of the Estate of
JACOB T. NOE, deceased infant,

Claimant,

NOTICE OF CLAIM

-vs-

THE COUNTY OF ERIE,
ERIE COUNTY MEDICAL CENTER CORPORATION and
ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,

Respondents.

To: COUNTY OF ERIE
ERIE COUNTY MEDICAL CENTER CORPORATION
ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES

PLEASE TAKE NOTICE, that DAVID NOE, Individually and as pending Administrator the Estate of JACOB T. NOE, deceased infant, hereby makes claim against THE COUNTY OF ERIE, ERIE COUNTY MEDCIAL CENTER COPRORATION and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and in support of said claim states as follows:

1. The Post office address of the claimant, DAVID NOE, Individually and as pending Administrator of the Estate of JACOB T. NOE, Deceased is 101 Bakos Blvd., Number 212, Buffalo, New York 14211.

2. The attorney for the Claimant is J. Michael Hayes, 69 Delaware Avenue, Suite 1111, Buffalo, New York 14202, phone number (716) 852-1111.

3. The nature of the claim is in negligence, negligent hiring, training and supervision, as well as willful, wanton and reckless behavior by Respondents, The

COUNTY OF ERIE, ERIE COUNTY MEDICAL CENTER CORPORATION and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, their physicians, residents, interns, nurses, technicians, other medical personnel employed therein, case managers, caseworkers, case supervisors and other Social Services personnel employed therein.

4. The claim of DAVID NOE, Individually and as pending Administrator of the Estate of JACOB T. NOE, is for injuries, conscious pain and suffering and wrongful death including without limitation, medical and funeral expenses of his son, JACOB T. NOE.

5. On or about the 25th day of July, 2014, the claimant decedent's father, DAVID NOE, applied for appointment as Administrator of the Estate of JACOB T. NOE, Deceased Infant at Surrogate's Court in the County of Erie and State of New York, and Limited Letters of Administrator of the Estate of JACOB T. NOE, are pending.

6. The claim arose and developed in that on May 2014, Jessica Murphy was treated by Erie County Medical Center and was a the subject of the Erie County Department of Social Services CPS report. Upon information and belief, after the CPS report was generated, a caseworker from the Erie County Department of Social Services failed to follow-up in connection with that report. As a result, Deceased Infant, JACOB T. NOE, was never removed from the home and care of Jessica T. Noe, his mother. JACOB T. NOE, was killed on May 14, 2014 as a result of being stabbed and killed by his mother Jessica Murphy.

7. Upon information and belief, the incident described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or wanton conduct and behavior on the part of the agents, servants

and/or employees of The County of Erie, Erie County Medical Center Corporation and Erie County Department of Social Services and in their lack of training and preparedness in their case assignments, in monitoring and resolving backlogs and ignoring at-risk children as well as prior incidents which provided actual notice to Defendants of the inadequacies and deficiencies within operations which resulted in the death of at least one infant under their supposed care, to wit the beating death of five year old Eain Clayton Booths, all of which Respondents had actual and constructive notice, and despite which they failed to provide reasonable supervision, failed and omitted to admit Jessica Murphy for further observation, failed to properly report to Erie County Department of Social Services the aforesaid conditions and circumstances of Jessica Murphy, failed to take into account the interests of JACOB T. NOE, failed to warn and inform Plaintiff's decedent and other responsible adults and caretakers of the danger and harm that Jessica Murphy presented to decedent, including the fact that his mother had been a patient at the ECMC psych ward several times in the recent past, that she had recently been arrested for fighting, that Respondents knew and or should have known Jessica Murphy had been diagnosed and recognized as bipolar, that Respondents created a work environment of fear and intimidation in part due to increasing numbers of caseloads which the staff was unable to keep up with.

8. Upon information and belief, as a result of the aforesaid incident, the decedent, JACOB T. NOE, sustained severe bodily injuries and was painfully and seriously injured which ultimately led to his untimely death on May 14, 2014.

9. As a result of the aforesaid incident, the injuries sustained, conscious pain and suffering and the wrongful death of the decedent, JACOB T. NOE, a claim is asserted for an undetermined sum of money to be decided by a jury.

WHEREFORE, claimant requests that the COUNTY OF ERIE, ERIE COUNTY MEDICAL CENTER CORPORATION AND ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, honor and pay the claim of DAVID NOE, Individually and as pending Administrator of the Estate of JACOB T. NOE, deceased infant.

Dated: Buffalo, New York
JULY 25, 2014

Elaine M Noe, POA
DAVID NOE, Individually and as pending Administrator of the Estate of JACOB T. NOE, Deceased Infant.

Sworn before me this
25th day of JULY, 2014

Notary Public

GREGORY A. POPE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires December 31, 2017