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

November 26, 2014

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

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:	*Bish, John A. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	John A. Bish ICN #14336 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202-3999
Claimant's attorney:	Claimant is proceeding *pro se*.

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
Enc.

STATE OF NEW YORK: COUNTY OF ERIE
CITY OF BUFFALO

In the matter of the application of:

JOHN A. BISH,
Petitioner,

v.

COUNTY OF ERIE,
Defendant.

NOTICE OF INTENTION TO FILE A CLAIM.

Index No._____

PLEASE TAKE NOTICE that the above mentioned petitioner, JOHN A. BISH, hereby gives notice that he intends to file a claim against the County of Erie, Erie Count Holding Center Medical Staff and Employees of same, as well as the Erie County Department of Health.

1. This Notice of Intention to File a Claim is being made pursuant to General Municipal Law §50 and all relevant sub divisions contained within;

2. That the cause and/or pretense of the claim arose from September 11, 2014, till the present date contained below, and continues each day;

3. That the person(s) whom were negligent towards petitioner and his serious medical needs are Physicians Assistant Sharon, and the Erie county Department of Health, in that they have been apprised of the situation and refuse to do anything to rectify the matter, as well as Erie County Holding Center staff/Supervisors and administrative personnel, in that they,too have been apprised of the matter on numerous occasions and refuse to do so stating that they can not do anything regarding medical matters;

4. That Physicians Assistant Sharon continues to state that the Justice Department keeps tract of all medications and she has to take me off of my pain medication that I have been on for years from eight (8) previous inguinal hernia operations, and makes such determination to take me off of my pain medications without any type of physical examination of my lower obdomen/groin area where the surgeries were performed, nor has she obtained any of the recent documented records from CT scan and its imagery and Physicians report, or any of the many other updated documented records from the last three (3) years and four months, and instead, goes by records several years old, knowing full well that there are other much more recent records available to use in determining that

I.do, In fact, need to remain on the medications that I have been on for quite a long time; and there is a legitimate reason for being on them. Any abdominal specialist will testify to the fact that I should not only be left on them medications, I should, in fact, be on medications much stronger, that are more effective. A specialist will testify that in their professional opinion, the level of care and treatment that a patient receives in jail/prison should be the same level of care that a patient receives in the community! Therefore, simply put, Physicians Assistant Sharon, and any other staff member working under the color of the County at the Erie county Holding Center Medical Department would be causing the petitioner intentional pain and suffering by taking him off of any of his pain medications;

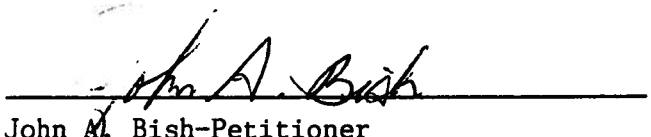
5. That Physicians Assistant Sharon refuses to order the petitioner to receive treatment for the Hepatitis-C virus by stating that the County will not pay for something like that because it would cost too much;

6. Physicians Assistant Sharon also refuses to order petitioner to be seen by a groin/hernia specialist to clarify if, in fact, the petitioner should be on pain medications, and at what level of pain management;

7. That Physicians Assistant Sharon was and continues to be negligent in that she did, in fact, begin taking petitioner off of the pain medications immediately after Physicians Assistant Lonnie left the facility and to no longer be here; Physicians Assistant Lonnie is a certified Pain Management Specialist having worked in that particular area of medical field for decades, as opposed to Physicians Assistant Sharon, obviously, not having worked in that area at all, or not for much time to be any kind of a specialist, therefore, she should have ordered petitioner seen by a specialist instead of undermining a pain management specialist that had already done her research and determined that after doing a full Physical Examination of petitioner, and conferred with other areas of the medical field, found that after the physical exam of petitioner and seeing or being told of other records and prior surgeries of petitioner (8 of them), she had determined that petitioner needs pain mangaement;

7. That the amount that petitioner is claiming as damages for his continuous pain and suffering is one hundred thousand dollars ($100,000).

Dated this 6th day of November, 2014



John A. Bish-Petitioner
Erie County Holding cEnter
40 Delaware Avenue
Buffalo, New York 14202-3999

c. jab/file

Mr. Dennis Uminski
Attorney At Law
3881 Seneca Street
West Seneca, New York 14224

Erie County Dept. of Health
Erie County Holding Ctr. Medical Dept.

VERIFICATION

STATE OF NEW YORK)ss:

COUNTY OF ERIE)

JOHN A. BISH, being duly sworn, deposes and says that deponent is the petitioner in the above-encaptioned proceeding, that (he/~~she~~) has read the forgoing petition and knows the conents thereof, that the same is true to deponent's own knowledge, except as to matters therein stated upon information and belief, which matters deponent belives to be true.

John Bish

John A. Bish 14336
Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202

Sworn to before me this 5th

day of November, **20** 19

NOTARY PUBLIC

SCOTT HARVEY
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2019

AFFIDAVIT OF SERVICE

State of New York
County of Erie
City of Buffalo

I, JOHN A. BISH, being duly sworn, deposes and says that on the 5th day of November, 2014, I forwarded via the United States Postal Service copies of the following documents: Record Review request pursuant to Public Health Law 18, along with attached complaint; **NOTICE OF INTENTION TO FILE A CLAIM BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED (BY CERTIFIED MAIL ONLY TO COUNTY ATTORNEY)** to the parties indicated below:

Erie County Department of Health
95 Franklin Street
16th Floor
Buffalo, New York 14202

ERIE COUNTY ATTORNEY
95 FRANKLIN STREET
SUITE 1634
BUFFALO, NEW YORK 14202

Mr. Dennis Uminski
Attorney At Law
3881 Seneca Street
West Seneca, New York 14224

Erie County Holding Center
Medical Department
ATTN: Records Coordinator
40 Delaware Avenue
Buffalo, New York 14202

First Deputy Superintendent
Michael Reardon
Erie county Holding Center
Jail Management Division
Ten Delaware Avenue
Buffalo, New York 14202

Sworn to before me this
5th day of November, 2014.

NOTARY PUBLIC

SCOTT HARVEY
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec 31, 2014

~~Defendant, Pro Se~~
petitioner/patient
Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202

John A. Bish 14336
Erie County Holding Center
40 Delaware Avenue
Buffalo, New York 14202-3999
B-Seg #29
November 4, 2014

Erie county Holding Center
Medical Department
ATTN: MEDICAL DEPARTMENT/RECORDS

Re: Records review pursuant to Public Health Law 18

Dear Medical Department Administrator/Records

Please be advised that pursuant to Public Health Law 18, I am hereby making this written request to review my "ENTIRE MEDICAL RECORD/FILE".

Public Health Law 18 specifies that any patient wanting access to his/her medical file/records to review such shall be provided with the opportunity to do so within a reasonable amount of time.

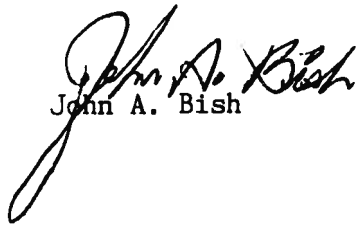
Public Health Law 18 also specifies that any patient wanting such access to his/her records shall be provided to do so and no portion of any of the patient's records shall be with-held from the patient for any reason other that for the safety and well being of any person/persons/entity mentioned therein, and any such portion not being provided to the patient shall be stated in writing to the patient that a portion of the record/file is being with-held and for what specific reason.

No portion of a request to review a medical record by a patient shall be denied by the medical department of by the chief administrative officer, who does not have any authority to decided what patient may or may not review his/her record.

Accordingly, because this facility medical department and administration has a way of doing things in an illegal and neglectful way, the following legal person and agencies, as well as the patients family are being provided with a copy of this request along with an affidavit of service that the medical department has been served with this request.

If I may be of any assistance towards this matter, please do not hesitate to contact me at the above mentioned location.

Very truly yours,



John A. Bish

c. jab/file
Mr Dennis Uminiski
Attorney At Law
3881 Seneca St.
West Seneca, NY 14224
Linda L. Platt
12 Mt Vernon Pl.
Jamestown, NY 14701
Prisoners Legal Services
Buffalo Area Office
Erie County Dept. Of Health
95 Franklin Street 16th Floor
Buffalo, NY 14202