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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

January 6, 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:	*Daniel, Samara, Estate of, by Joseph P. Daniel, Individually and as Administrator, v. Erie County Medical Center Corporation and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Joseph P. Daniel 3146 Stieg Road North Tonawanda, New York 14120
Claimant's attorney:	Kenneth A. Szyszkowski Andrews, Bernstein & Maranto, LLP 420 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker (dld)
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK

SUPREME COURT: ERIE COUNTY

JOSEPH P. DANIEL individually, and
JOSEPH P. DANIEL as Administrator of the Estate of
SAMARA L. DANIEL
3146 Stieg Road
North Tonawanda, New York 14120,

Claimant

NOTICE OF CLAIM

-vs-

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

COUNTY OF ERIE
Department of Law
95 Franklin Street, Room 1634
Buffalo, New York 14202

Respondents

PLEASE TAKE NOTICE, that the claimant, JOSEPH P. DANIEL individually, and JOSEPH P. DANIEL as Administrator of the Estate of SAMARA L. DANIEL (decedent), has and hereby intends to file a claim against the ERIE COUNTY MEDICAL CENTER CORPORATION, and COUNTY OF ERIE, and in support of said claim states the following:

1. The Post Office address of the claimant, JOSEPH P. DANIEL individually, and JOSEPH P. DANIEL as Administrator of the Estate of SAMARA L. DANIEL (decedent), is 3146 Stieg Road, North Tonawanda, New York 14120.

2. The attorneys for the claimant are, Andrews, Bernstein, Maranto & Nicotra, PLLC, 420 Franklin Street, Buffalo, New York 14202.

3. The claim arose as follows: On or about September 28, 2013, decedent, Samara L. Daniel was admitted to the Erie County Medical Center, located at 462 Grider Street, Buffalo, New York, due to an intentional overdose of prescription medication. While admitted to the Erie County Medical Center, 1:1 observation was ordered and conducted for her safety. The 1:1 observation was conducted from the time of decedent, Samara L. Daniel's admission to the Erie County Medical Center on September 28, 2013, through September 30, 2013, when she was discharged. On or about October 1, 2013, decedent, Samara L. Daniel, was again admitted to the Erie County Medical Center, for psychiatric evaluation due to depression and self-injurious behavior. On October 3, 2013, while confined to the 11th floor of the Erie County Medical Center, Samara L. Daniel committed suicide by hanging herself.

4. Upon information and belief, after admission to the Erie County Medical Center on October 1, 2013, Ms. Daniel was put on an observation schedule that required physical checks by agents, servants, and/or employees of the Erie County Medical Center, every 15 minutes.

5. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness and recklessness on the part of the agents, servants, and/or employees of the Erie County Medical Center. Such acts include, but are not limited to:

a) Failure to establish a proper observation schedule for decedent, Samara L. Daniel;
b) Failure to provide 1:1 observation of decedent, Samara L. Daniel;
c) Failure to perform regularly scheduled and ordered fifteen (15) minute checks on decedent, Samara L. Daniel;
d) Failure to properly assess the severity of decedent, Samara L. Daniel's condition, and treat her accordingly; and/or
e) Failure to prevent decedent, Samara L. Daniel, from obtaining access to items that could be used by her to harm herself.

6. The claim of JOSEPH P. DANIEL as Administrator of the Estate of SAMARA L. DANIEL, is for wrongful death, medical malpractice, personal injuries, pain and suffering, including, without limitation, death, and economic loss.

7. Claimant, JOSEPH P. DANIEL individually, has a derivative claim for the loss of society, services, and companionship of decedent, SAMARA L. DANIEL, as well as, psychological injuries, including but not limited to depression, anxiety, loss of enjoyment of life, and emotional and psychological pain and suffering, as well as economic loss.

WHEREFORE, claimant, JOSEPH P. DANIEL individually, and JOSEPH P. DANIEL as Administrator of the Estate of SAMARA L. DANIEL, requests that the ERIE COUNTY MEDICAL CENTER CORPORATION, and COUNTY OF ERIE, compensates them for their injures.

DATED: Buffalo, New York
December 27, 2013

Yours, etc.,

BY: _____

Kenneth A. Szyszkowski, Esq.
ANDREWS, BERNSTEIN & MARANTO, LLP
Attorneys for Claimants
Office and Post Office Address
420 Franklin Street
Buffalo, New York 14202
Telephone: (716) 842-2200

VERIFICATION

STATE OF NEW YORK :

COUNTY OF ERIE : ss.

CITY OF BUFFALO :

JOSEPH P. DANIEL individually, and JOSEPH P. DANIEL as Administrator of the Estate of SAMARA L. DANIEL, being duly sworn, deposes and says: I am the claimant above named; I have read the foregoing Notice of Claim in this action and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, I believe them to be true.

Joseph P. Daniel

Sworn to before me this 27th

day of December, 2013

HANNAH M. HULL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 24, 2015

Notary Public