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

December 18, 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:	*Guadagno, Francis J., Estate of, by Francis L. Guadagno v. Erie County Medical Center Corporation and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Francis L. Guadagno 2581 Lakeview road Lakeview, New York 14213
Claimant's attorney:	Sean E. Cooney, Esq. Cantor, Dolce & Panepinto, PC 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

IN THE MATTER OF THE CLAIM OF

FRANCIS L. GUADAGNO, Individually, and
as Administrator of the
ESTATE OF FRANCIS J. GUADAGNO

Claimant

NOTICE OF CLAIM

v.

ERIE COUNTY MEDICAL CENTER CORPORATION,
and
THE COUNTY OF ERIE

Respondents.

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

THE COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, New York 14202

This paper received at the
Erie County Attorney's Office
from Richard Gnk on
the 12 day of December, 2014
at 8:55 a.m./p.m.
A McCabe
Assistant County Attorney
Amy McCabe

PLEASE TAKE NOTICE, that the Claimant, Individually, and as Administrator of the Estate, hereby makes a claim and demand against the ERIE COUNTY MEDICAL CENTER CORPORATION and THE COUNTY OF ERIE, as follows:

1. The Claimant, Individually, and as Administrator of the Estate, resides at 2581 Lakeview Road, Lakeview, New York 14213.

2. The attorney for the claimant herein is Sean E. Cooney, Esq., and his post office address and telephone number are 1600 Main Place Tower, 350 Main Street, Buffalo, New York 14202, (716) 852-1888.

3. The time when, the place where, and the nature of the claim are as follows: Upon information and belief, on September 16, 2014, the claimant's son, FRANCIS J. GUADAGNO, the decedent herein, was an emergency room patient and then later admitted to Erie County Medical Center, 462 Grider Street Buffalo, NY 14215. He received care for and presented with certain medical and health conditions, including a drug overdose. He required certain medical

treatment and care, including physical restraints, involuntary admission, and monitoring. He was duly admitted to the Erie County Medical Center and was under the medical care and treatment of the staff and physicians at the Erie County Medical Center. On or about September 16, 2014, the Claimant's son was improperly released and/or discharged from the Erie County Medical Center, despite his medical condition, without receiving the proper medical care and treatment, and without notification to the family or others. As a result of the failure to properly treat the medical condition of FRANCIS J. GUADAGNO, including improper discharge from the hospital, FRANCIS J. GUADAGNO, was caused to endure pain and suffering, fear of impending death, and death.

4. The Claimant, Individually, and as Administrator of the Estate, alleges that the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE, their agents, servants and/or employees were careless, reckless and negligent in their failure to provide proper and adequate medical treatment and care to the decedent, FRANCIS J. GUADAGNO while he was a patient and under the care of the staff and physicians at the Erie County Medical Center. The Claimant further alleges that the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE, their agents, servants, and/or employees, were further negligent in failing to properly monitor and/or treat the decedent, FRANCIS J. GUADAGNO; in discharging and/or releasing him from the facility without proper treatment and/or care for his medical condition; in failing to contact the family and/or others upon his release from the hospital; in failing to properly follow the mandates of the New York State Mental Health Law and/or other laws, rules and regulations governing care and treatment of such patients; in failing to follow the proper standards of care and procedures with regards to treatment of patients with known medical and health conditions as the decedent; and were otherwise careless, reckless, and negligent in the treatment and care of the decedent.

5. The Claimant, Individually, and as Administrator of the Estate, hereby files a claim for damages for conscious pain and suffering, economic loss, wrongful death, and all other damages allowable pursuant to New York law.

6. Claimant, Individually, and as Administrator of the Estate, seeks damages in an amount of in excess of the jurisdictional limitations of all lower courts to the New York State

Supreme Court.

8. The Claimant hereby specifically reserves the right to amend and/or supplement this Notice of Claim, if necessary, upon the receipt or discovery of additional information.

9. This claim is hereby presented for adjustment and payment.

WHEREFORE, Claimant, FRANCIS L. GUADAGNO, Individually, and as Administrator of the ESTATE OF FRANCIS J. GUADAGNO, respectfully requests that this claim against the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE be adjusted and paid.

PLEASE TAKE FURTHER NOTICE, that by reason of the failure of the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE to make good the claim herein, the Claimant intends to commence an action in the New York State Supreme Court to recover damages in an amount which fairly and justly compensate the Claimant, Individually, and as Administrator of the Estate, together with the costs and disbursements of this action, and for such other and further relief as the Court deems just and proper.

DATED: Buffalo, New York
December 11, 2014

Sean E. Cooney, Esq.
DOLCE PANEPINTO, P.C.
Attorneys for Claimant
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888

STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY OF BUFFALO)

FRANCIS L. GUADAGNO, being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

Francis L. Guadagno
FRANCIS L. GUADAGNO

Sworn to before me this
11th day of December, 2014.

Notary Public

SEAN E. COONEY
Notary Public, State of New York
No. 01CO6185338
Qualified in Erie County
Commission Expires April 14, 2018