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 17, 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:	*Edwards-Whigham, Ashley v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Ashley Edwards-Whigham 296 Parkdale Avenue, Upper Buffalo, New York 14213
Claimant's attorney:	Emily P. Trott, Esq. 70 Niagara Street, Suite 210 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____
Michelle Parker
First Assistant County Attorney

MMP:dld
Enc.

STATE OF NEW YORK : COUNTY OF ERIE

In The Matter of the Claim
Of

NOTICE OF CLAIM

ASHLEY J. EDWARDS-WHIGHAM,

Claimant,

-against-

STATE OF NEW YORK, COUNTY OF ERIE,
ERIE COUNTY MEDICAL CENTER and
ERIE COUNTY MEDICAL CENTER POLICE
ECMC Police Officer #1 and ECMC Officer #2,

Respondents.

This paper received at the
Erie County Attorney's Office
from Michael Scrogin
the 16th day of Dec, 2014
at 1:06 a.m./p.m.
Assistant County Attorney

TO THE ABOVE-LISTED RESPONDENTS:

PLEASE TAKE NOTICE that ASHLEY J. EDWARDS-WHIGHAM, by and through her attorney, EMILY TROTT, Esq., hereby claims and demands from the COUNTY OF ERIE and the STATE OF NEW YORK, COUNTY OF ERIE, ERIE COUNTY MEDICAL CENTER, ERIE COUNTY MEDICAL CENTER POLICE, ECMC POLICE OFFICER #1 and ECMC POLICE OFFICER #2 damages for injuries sustained by HER by reason of the wrongful, negligent, tortious and careless acts and conduct, acts and omissions of the respondents, their agents, servants and employees, and in support thereof, CLAIMANT states:

1. CLAIMANT, ASHLEY EDWARDS-WHIGHAM, resides at 296 Parkdale Avenue, Upper, Buffalo, New York, 14213.

2. The name and Post Office Address of CLAIMANT's attorney is: Emily Trott, Esq., 70 Niagara Street, Suite 210, Buffalo, New York 14202.

3. Upon information and belief, the time of the happening of the incident in which such injuries were sustained and that time when said claim arose, was on or about the 11-12th day of September, at approximately 2:00 a.m.

4. Upon information and belief, the place of the happening of said accident resulting in the injuries and damages hereinafter sustained by the CLAIMANT and referred to and enumerated herein is the grounds of ECMC, located at 462 Grider Street, Buffalo, New York 14215.

5. On and around the 11-12th day of September, 2014, ERIE COUNTY MEDICAL CENTER and ERIE COUNTY MEDICAL CENTER POLICE are each public benefit (government) corporations run by the STATE OF NEW YORK and COUNTY OF ERIE, its agents, servants and employees. Said corporation is partially funded by the STATE OF NEW YORK. THE ECMC POLICE DEPARTMENT is a part of the MEDICAL CENTER.

6. Upon information and belief, the claim of CLAIMANT arose in the following manner:

   a. That on or about September 11-12, 2014 at the Erie County Medical Center and its private police department, its agents servants and employees, caused the CLAIMANT injury by failing to timely assess her malady, failing to timely treat CLAIMANT's malady causing the CLAIMANT to suffer unnecessary pain; the medical center police, officer #1 and #2 recklessly and intentionally used criminal charges to be brought against the CLAIMANT after failing to timely treat the CLAIMANT, disclosed personal information to third party intentionally, recklessly in violation of federal and state law, and the ERIE COUNTY MEDICAL CENTER POLICE, ECMC POLICE OFFICER #1 AND ECMC POLICE OFFICER #2 did use unnecessary

excessive force in arresting CLAIMANT Ashley Edwards-Whigham.

b. CLAIMANT'S injuries and damages were caused solely by the wrongful, careless and negligent acts and omissions of the Respondents, its agents servants or employees who, acting in the course and scope of their employment failed to provide timely medical attention to the CLAIMANT, dismissed CLAIMANT's medical woes, thereafter declared CLAIMANT to be trespassing, harassed and thereafter arrested and declared her to be trespassing which thereafter subjected her to arrest by Respondent, its agents, servants and employees, used excessive force in arresting the CLAIMANT, unlawfully disclosed CLAIMANT's personal information to third parties and, without just cause, delayed the CLAIMANT proper medical treatment to which she was entitled by reason of the arrest and the deliberate and malicious conduct of the Respondents listed herein.

7. The conduct of ECMC Officer #1 and ECMC Officer #2 caused injuries as follows: resulted in the dissemination of personal information protected by law; subjected the CLAIMANT to unnecessary and improper use of force; subjected the CLAIMANT to intimidation rather than proper medical treatment; the harm to CLAIMANT was also caused by the Respondents'' willful, malicious and unnecessary use of force upon the CLAIMANT who was eventually properly diagnosed as suffering a possible miscarriage.

8. That the improper, deliberate and malicious injury was caused to the CLIAMANT by the disclosure and ridicule of her condition by the arresting officer-Respondent herein. That the CLAIMANT was injured emotionally and mentally by means of the ECMC Officers listed herein as Respondents. That the CLAIMANT's right to be secure from unreasonable seizures of her person while exercising her right to obtain prompt and reasonable medical care were violated. Said violations were prohibited by the 4th and 14th Amendments of the US

Constitution, and the Civil Rights Act under 42 USC Section 1983.

9. The CLAIMANT has a right to receive medical treatment; CLAIMANT has a right to be treated with diligence and respect; the CLAIMANT has a right to expects her personal information to not be disclosed in violation of law; the CLAIMANT has a right to not be intimidated and distressed by the Respondents ECMC POLLICE DEPT, and its servants and employees as listed herein.

10. This notice is made and served on behalf of the CLAIMANT in compliance with the provisions of Section 50-e *et seq.* of the General Municipal Law and such other laws and statutes as are in the case made and provided.

PLEASE TAKE FURTHER NOTICE that CLAIMANT demands payment of said claim, and unless said claim is paid within a reasonable time, it is the intention of said CLAIMANT to commence suit against the Respondents herein listed.

Dated: December 10, 2014
Buffalo, New York

Respectfully Submitted,

EMILY TROTT, ESQ.
Attorney for Claimant
Office and PO Box Address:
70 Niagara Street, Suite 210
Buffalo, New York 14202
Telephone Number:
(716) 362-1148

TO:

*STATE OF NEW YORK
*COUNTY OF ERIE
*ERIE COUNTY MEDICAL CENTER
*ERIE COUNTY MEDICAL CENTER POLICE and
*ECMC Police Officer #1 and #2