

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

STEPHEN GUYER, as administrator of the
ESTATE OF RONAN GUYER
1010 Brigantine Drive
Southold, NY 11971

Plaintiff,

v.

SUMMONS

Index No.

SOUTHOLD UNION FREE SCHOOL DISTRICT
420 Oaklawn Avenue
P.O. Box 470
Southold, NY 11971;

COUNTY OF ERIE
95 Franklin Street
16th Floor
Buffalo, NY 14202;

JAMISON ROAD VOLUNTEER FIRE
COMPANY, INC.
1071 Jamison Road
Elma, NY 14059;

NEW YORK STATE PUBLIC HIGH SCHOOL
ATHLETIC ASSOCIATION, INC.
8 Airport Park Boulevard
Latham, NY 12110;

and

SECTION VI OF NEW YORK STATE PUBLIC HIGH
SCHOOL ATHLETIC ASSOCIATION, INC.
355 Harlem Road
West Seneca, NY 14224

Defendants.


TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to appear in this action and to serve a copy of your answer upon the attorneys for plaintiff within twenty (20) days after service of this summons, exclusive of the date of service (or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York). In case of your failure to answer or appear, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates Erie County as the place of trial. The basis of venue is the residence of certain defendants and the presence of the County of Erie as a defendant.

Dated: Buffalo, New York
January 29, 2014

PHILLIPS LYTTLE LLP

By: 

Kevin J. English, Esq.
Michael S. Silverstein, Esq.

Attorneys for Plaintiff
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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

STEPHEN GUYER, as
administrator of the ESTATE OF RONAN GUYER,

Plaintiff,

COMPLAINT

v.

SOUTHOLD UNION FREE SCHOOL DISTRICT;
COUNTY OF ERIE; JAMISON ROAD VOLUNTEER
FIRE COMPANY, INC.; NEW YORK STATE PUBLIC
HIGH SCHOOL ATHLETIC ASSOCIATION, INC.;
and
SECTION VI OF NEW YORK STATE PUBLIC HIGH
SCHOOL ATHLETIC ASSOCIATION, INC.

Index No.

Defendants.

Plaintiff Stephen Guyer, as administrator of the Estate of Ronan Guyer
and on behalf of the distributees of the Estate of Ronan Guyer, by his attorneys, Phillips
Lytle LLP, alleges upon information and belief:

Parties

1. Plaintiff is the duly appointed administrator of the Estate of Ronan Guyer ("Ronan").
2. Plaintiff is a resident of the Town of Southold, County of Suffolk, State of New York.
3. Ronan resided in the Town of Southold, County of Suffolk, State of New York at the time of his death.

4. Ronan died at age 14 on November 14, 2012.

5. Defendant Southold Union Free School District ("Southold") is a New York State certified school district with its principal place of business in the Town of Southold, County of Suffolk, State of New York.

6. Defendant County of Erie ("Erie County") is a political subdivision of the State of New York having its principal office in the City of Buffalo, County of Erie, State of New York.

7. Defendant Jamison Road Volunteer Fire Company, Inc. ("Jamison") is a New York not-for-profit corporation having its principal place of business in the Town of Elma, County of Erie, State of New York.

8. Defendant New York State Public High School Athletic Association, Inc. ("NYSPHSAA") is a New York not-for-profit corporation having its principal place of business in the Town of Colonie, County of Albany, State of New York.

9. Defendant Section VI of New York State Public High School Athletic Association, Inc. ("Section VI") is a New York not-for-profit corporation having its principal place of business in the Town of West Seneca, County of Erie, State of New York.

Background

10. Ronan was born on April 24, 1998, to Stephen and Laurie Guyer.

11. In the fall of 2012, Ronan attended Southold Junior/Senior High School, a school operated by defendant Southold.

12. Ronan joined his school's varsity cross-country team and ran competitively during the fall season in 2012.

13. In November, 2012, Ronan joined his team at the New York State Cross-Country Championships ("Championships"), held at Elma Meadows Golf Course.

14. The Championships were conducted by defendant NYSPHSAA and its regional affiliate, Section VI.

15. Elma Meadows Golf Course is operated by defendant Erie County.

16. Defendant Jamison was contacted to provide an ambulance at the site of the Championships during the races and during the runners' preparations before the races.

17. On November 9, 2012, Ronan collapsed and went into cardiac arrest at Elma Meadows Golf Course while preparing for the Championships.

18. Jamison did not have appropriate medical personnel and/or an ambulance on site at the time of Ronan's collapse and did not provide assistance to him.

19. Southold did not have appropriate medical personnel and/or an automated external defibrillator on site at the time of Ronan's collapse and did not otherwise provide assistance to him.

20. Erie County did not have appropriate medical personnel and/or an automated external defibrillator on site at the time of Ronan's collapse and did not otherwise provide assistance to him.

21. NYSPHSAA did not have appropriate medical personnel and/or an automated external defibrillator on site at the time of Ronan's collapse and did not otherwise provide assistance to him.

22. Section VI did not have appropriate medical personnel and/or an automated external defibrillator on site at the time of Ronan's collapse and did not otherwise provide assistance to him.

23. Ronan was first treated by emergency medical technicians, who were able to restore a pulse, and transported him to Women & Children's Hospital of Buffalo.

24. Ronan remained in the hospital until his death on November 14, 2012.

25. As a result of the defendants' negligence, Ronan suffered severe personal injuries and experienced conscious pain and suffering, including psychological and emotional fear of his death.

26. Defendants' negligence also caused Ronan's death, and therefore caused damages to his surviving distributees, plaintiff and Laurie Guyer, including pecuniary losses.

Compliance with the General Municipal Law

27. Pursuant to Section 50-e of the General Municipal Law, Plaintiff duly served Southold, Erie County, and Jamison with a Notice of Claim within 90 days of Ronan's injury.

28. Southold, Erie County, and Jamison have completed their examinations of plaintiff under Section 50-h of the General Municipal Law.

29. Thirty days have elapsed since a Notice of Claim was served on Southold, Erie County, and Jamison, and payment of Plaintiff's claims has been refused.

FIRST CAUSE OF ACTION
(WRONGFUL DEATH AGAINST SOUTHOLD)

30. Paragraph 1 through 29 are realleged.

31. Southold and its employees negligently failed to take adequate safety measures that would have prevented Ronan's death.

32. Southold's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide treatment to Ronan after he collapsed; its failure to provide an automated external defibrillator and a qualified operator at the Championships; and its employees' failure to administer cardiopulmonary resuscitation to Ronan while he was in cardiac arrest at Elma Meadows Golf Course.

33. Due to Southold's negligence, Ronan suffered severe personal injuries and died.

34. Plaintiff, therefore, is entitled to recover damages for wrongful death against Southold.

SECOND CAUSE OF ACTION
(WRONGFUL DEATH AGAINST ERIE COUNTY)

35. Paragraph 1 through 34 are realleged.

36. Erie County and its employees negligently failed to take adequate safety measures that would have prevented Ronan's death.

37. Erie County's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide an automated external defibrillator and its failure to ensure the presence of an ambulance.

38. Due to Erie County's negligence, Ronan suffered severe personal injuries and died.

39. Plaintiff, therefore, is entitled to recover damages for wrongful death against Erie County.

THIRD CAUSE OF ACTION
(WRONGFUL DEATH AGAINST JAMISON)

40. Paragraphs 1 through 39 are realleged.

41. Jamison and its employees negligently failed to take adequate safety measures that would have prevented Ronan's death.

42. Jamison was contacted to provide an ambulance at Elma Meadows Golf Course on the day Ronan collapsed.

43. Among other negligent acts and omissions, Jamison negligently failed to attend the Championships; negligently failed to disclose that it would not attend; and negligently failed to contact another fire house to provide an ambulance.

44. Therefore, Jamison's negligence caused the Championships to proceed without an ambulance on site, which would have prevented Ronan's death.

45. Due to Jamison's negligence, Ronan suffered severe personal injuries and died.

46. Plaintiff, therefore, is entitled to recover damages for wrongful death against Jamison.

FOURTH CAUSE OF ACTION
(WRONGFUL DEATH AGAINST NYSPHSAA)

47. Paragraphs 1 through 46 are realleged.

48. NYSPHSAA and its employees negligently failed to take adequate safety measures that would have prevented Ronan's death.

49. NYSPHSAA's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide treatment to Ronan after he collapsed; its failure to provide an automated external defibrillator and a qualified operator at the Championships; and its failure to ensure the presence of an ambulance.

50. Due to NYSPHSAA's negligence, Ronan suffered severe personal injuries and died.

51. Plaintiff, therefore, is entitled to recover damages for wrongful death against NYSPHSAA.

FIFTH CAUSE OF ACTION
(WRONGFUL DEATH AGAINST SECTION VI)

52. Paragraphs 1 through 51 are realleged.

53. Section VI and its employees negligently failed to take adequate safety measures that would have prevented Ronan's death.

54. Section VI's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide treatment to Ronan after he collapsed; its failure to provide an automated external defibrillator and a qualified operator at the Championships; and its failure to ensure the presence of an ambulance.

55. Due to Section VI's negligence, Ronan suffered severe personal injuries and died.

56. Plaintiff, therefore, is entitled to recover damages for wrongful death against Section VI.

SIXTH CAUSE OF ACTION
(NEGLIGENCE AGAINST SOUTHOLD)

57. Paragraph 1 through 56 are realleged.

58. Southold and its employees negligently failed to take adequate safety measures that would have prevented Ronan's injury.

59. Southold's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide treatment to Ronan

after he collapsed; its failure to provide an automated external defibrillator and a qualified operator at the Championships; and its employees' failure to administer cardiopulmonary resuscitation to Ronan while he was in cardiac arrest at Elma Meadows Golf Course.

60. Due to Southold's negligence, Ronan suffered severe personal injuries and experienced conscious pain and suffering before he died, including psychological and emotional fear of his death.

61. Plaintiff, therefore, is entitled to recover damages against Southold.

SEVENTH CAUSE OF ACTION
(NEGLIGENCE AGAINST ERIE COUNTY)

62. Paragraph 1 through 61 are realleged.

63. Erie County and its employees negligently failed to take adequate safety measures that would have prevented Ronan's injury.

64. Erie County's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide an automated external defibrillator and its failure to ensure the presence of an ambulance.

65. Due to Erie County's negligence, Ronan suffered severe personal injuries and experienced conscious pain and suffering before he died, including psychological and emotional fear of his death.

66. Plaintiff, therefore, is entitled to recover damages against Erie County.

EIGHTH CAUSE OF ACTION
(NEGLIGENCE AGAINST JAMISON)

67. Paragraphs 1 through 66 are realleged.

68. Jamison and its employees negligently failed to take adequate safety measures that would have prevented Ronan's injury.

69. Jamison was contacted to provide an ambulance at Elma Meadows Golf Course on the day Ronan collapsed.

70. Among other negligent acts and omissions, Jamison negligently failed to attend the Championships; negligently failed to disclose that it would not attend; and negligently failed to contact another fire house to provide an ambulance.

71. Therefore, Jamison's negligence caused the Championships to proceed without an ambulance on site, which would have prevented Ronan's injury.

72. Due to Jamison's negligence, Ronan suffered severe personal injuries and experienced conscious pain and suffering before he died, including psychological and emotional fear of his death.

73. Plaintiff, therefore, is entitled to recover damages against Jamison.

NINTH CAUSE OF ACTION
(NEGLIGENCE AGAINST NYSPHSAA)

74. Paragraphs 1 through 73 are realleged.

75. NYSPHSAA and its employees negligently failed to take adequate safety measures that would have prevented Ronan's injury.

76. NYSPHSAA's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide treatment to Ronan after he collapsed; its failure to provide an automated external defibrillator and a qualified operator at the Championships; and its failure to ensure the presence of an ambulance.

77. Due to NYSPHSAA's negligence, Ronan suffered severe personal injuries and experienced conscious pain and suffering before he died, including psychological and emotional fear of his death.

78. Plaintiff, therefore, is entitled to recover damages against NYSPHSAA.

TENTH CAUSE OF ACTION
(NEGLIGENCE AGAINST SECTION VI)

79. Paragraphs 1 through 78 are realleged.

80. Section VI and its employees negligently failed to take adequate safety measures that would have prevented Ronan's injury.

81. Section VI's negligence includes, but is not limited to, its failure to have appropriate medical personnel on site; its failure to provide treatment to Ronan after he collapsed; its failure to provide an automated external defibrillator and a qualified operator at the Championships; and its failure to ensure the presence of an ambulance.

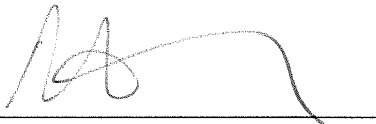
82. Due to Section VI's negligence, Ronan suffered severe personal injuries and experienced conscious pain and suffering before he died, including psychological and emotional fear of his death.

83. Plaintiff, therefore, is entitled to recover damages against Section VI.

WHEREFORE, Plaintiff demands judgment against defendants for damages in an amount to be determined by the trier of fact, together with interest, the costs and disbursements of this action, and such other relief as the Court deems just and proper.

Dated: Buffalo, New York
January 29, 2014

PHILLIPS LYTTLE LLP

By:  _____

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Michael S. Silverstein, Esq.

Attorneys for Plaintiff

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