

#21-14

In the Matter of the Claim of

TO:

NOTICE OF CLAIM

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against City of Kingston

as follows:

1. The name and post office address of each claimant and of his/her attorney is:

<u>Claimant</u>	<u>Claimant's Attorney</u>
<u>Denisha Goodman</u>	<u>N/A</u>
<u>223 Skytop Dr. Apt 23</u>	<u></u>
<u>Kingston, NY 12401</u>	<u></u>
<u>(845) 417-7283</u>	<u></u>

2. The nature of the claim:

On Sunday 6/6/21 at approximatley 9:30pm, I was driving on Lucas Ave heading towards Kingston NY, from Rosendale NY.  
Approximatley half way between the Jewish Synogogue and the light by Forsyth Park, I had an accident/incident,  
whereby my right passenger wheel hit a very large pot hole and blew the tire out.  
Because I have a 4-wheel Drive vehicle, all 4 tires needed to be replaced. Pictures were taken, and the City of Kingston  
Police were called to observe and make a report. I am requesting a claim for damages to my vehicle in the amount of \$952.74

3. The time when, the place where and the manner in which the claim arose:

The incident occurred on June 6, \_\_\_\_\_, 2021, at about 9:30 \_\_\_\_\_  a.m.  p.m.  
 at (location) Lucase Avenue, Kingston, NY

4. The items of damage or injuries claimed are:

Tires and Labor: \$952.74

The undersigned therefore present this claim and demand \$ 952.74 for adjustment and payment, and notify

you that unless same is adjusted and paid within the time provided by law from the date of this presentation to you, it is the intention of the undersigned to commence an action thereon.

Dated: June 15, \_\_\_\_\_, 2021  
Kingston \_\_\_\_\_, New York



Signature  
Denisha A Goodman

N/A

Print Name

Attorney(s) for Claimant(s)  
Office and Post Office Address, Telephone Number

**Individual Verification**

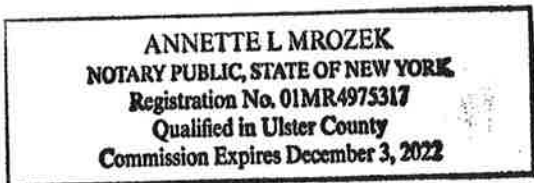
State of New York, County of \_\_\_\_\_ ss.:  
being duly sworn, deposes and says that deponent is the claimant in the within action; that he/she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

**Corporate Verification**

State of New York, County of \_\_\_\_\_ ss.:  
Being duly sworn, deposes and says that deponent is the of  
Corporate claimant named in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof, and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes to be true.

Sworn to before me this 15<sup>th</sup> day of  
June, 2021.  
Annette L. Mrozek  
Notary Public

This verification is made by deponent because said claimant is a \_\_\_\_\_ corporation, and deponent an officer thereof, to wit its The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:



Sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

Notary Public

**KINGSTON PD**  
**1 GARRAGHAN DRIVE**  
**KINGSTON, NEW YORK 12401**

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Entry/CC#: BL-08706-21      Date: 06/06/2021      Time: 2134      Tour: 3

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Call Type: M/V COMPLAINT      Priority: 1      How Received: PHONE

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Caller:  
Caller Address:  
Caller Phone Number:

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Location Name:  
Location Address:      LUCAS AVE , KINGSTON NY  
Cross Street:      VOORHEES AVE  
Description:      REPORT OF DAMAGE TO VEHICLE.  
Disposition:      INFORMATION ONLY

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Post: 1      Dispatch Date: 06/06/2021      Dispatch Time: 2135  
Call Taker: KADA      Call Taker Supervisor: EOST

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**PERSONS INVOLVED**

Name:      **GOODMAN, DENISHA A**  
Role:      RO/OP  
Address:      223 SKYTOP DRIVE APT 23 , KINGSTON NY 12401-  
Phone Number:      (845)417-7283      Phone Type:      Home

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**PERSONNEL INVOLVED**

Name: **Wilber, Travis**  
Serial #: 220      Rank: PO  
Officer Role: Main Officer

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**UNITS INVOLVED**

Unit: **108**      Agency: KINGSTON      Officers: **Wilber**  
                                 POLICE  
                                 DEPARTMENT  
Dispatched: 2135      Acknowledged: 2135      Arrived: 2148      Completed: 2201  
Dispatch to Completion: 25 minutes      Received to Completion: 1 minutes

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**VEHICLES INVOLVED**

Plate & State:      **DBG8077 NY**  
Year/Make/Model/Color: 2015 SUBARU WHI  
VIN:

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**NARRATIVES**

**KINGSTON PD**  
**1 GARRAGHAN DRIVE**  
**KINGSTON, NEW YORK 12401**

Caller reports striking a large pothole on Lucas Avenue which caused a blowout to her front passenger side tire. Observed damage to her tire and rim. Caller requested documentation. I witnessed the pothole which was large and replaced the cone which was on the side of the road.

06/06/2021 21:59 -- Wilber, Travis (220) --













**STORE 23 REPAIR SHOP# 3560445**  
**819 ULSTER AVE.**  
**SHOP 23**  
**KINGSTON, NY 12401**  
**(845)331-3300**

Guest ID: 0023051346  
 Name: DENISHA GOODMAN  
 Address: 223 SKYTOP DR APT 23  
 Address 2:  
 City,State,Zip: KINGSTON, NY, 12401  
 Home Phone: (845) 417-7283  
 Work Phone: () -  
 Other Phone: () -  
 Tax Exempt #:  
 Manager:

Year: 2015  
 Make: SUBARU  
 Model: IMPREZA  
 Lic No: DBG8077  
 VIN: JF1GPAT60FG208501  
 Color:  
 Engine: 2.0L GAS DOHC  
 Mileage In: 0  
 Mileage Out: 0  
 Inspect Due:

Date/Time: 06/07/21 00:00:00  
 Estimate #: 335627  
 Invoice #:  
 PO Number:  
 Unit Number:  
 Email Address: denishag@hotmail.com  
 Fleet/Wholesale: N  
 Est Created On: 06/07/21 18:05:32

Services Requested:

Qty.	Part #	Car Loc	Description	Part	Labor	Amount
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Fire Pressure Spec: Not Available Wheel Torque: Not Available

**INCLUDED WITH EVERY VISIT**

1	CI		COURTESY INSPECTION			NO CHARGE
1	SM		SCHED. MAINT. REVIEW			NO CHARGE

**TIRE**

4	109576366	A	* GDY EAGLE SPORT A/S Tire Size: 205/50R17 Speed Rating: V Ply: XL Load Range: B Sidewall: VSB Load Index: 93 Mileage Warranty: 50000	177.99	0.00	711.96
1	*109576366	A	Discount On 109576366	(100.00)	0.00	(100.00)
4	TR2	A	TIRE RECYCLING FEE	4.00	0.00	16.00
4	NYTIREFEE	A	WASTE TIRE MANAGEMENT FEE (NY State Required)	2.50	0.00	10.00
			<b>TOTAL TIRE:</b>			<b>637.96</b>

**TIRE SERVICE**

1	ALIGNMENT	A	WHEEL ALIGNMENT	0.00	124.99	124.99
4	LTI	A	Lifetime Install Package Includes: Mounting, Balancing, Standard Valve Stem, TPMS Inspection&Reset if applicable Alignment Check, Wheel Torque PLUS: LifetimeBalancing, Lifetime Rotation, Lifetime Tire Repair	0.00	29.99	119.96
			<b>TOTAL TIRE SERVICE:</b>			<b>244.95</b>

**\*\* Customer Wishes To Discard Old Parts \*\***

**These parts were declined by the customer:**

4	RHZ	A	ROAD HAZARD COVERAGE	28.48	0.00	113.92
			Subtotal of declined parts (tax not included):	113.92	.00	113.92

THIS IS A PHONE QUOTE ESTIMATE , NOT AN INVOICE! DO NOT MAKE ANY PAYMENTS FROM THIS PAPERWORK!

ECH:				SUB TOTAL		882.91
				SALES TAX		69.83
				GRAND TOTAL		952.74

SEE REVERSE SIDE FOR IMPORTANT AUTHORIZATION INFORMATION \_\_\_\_\_

Customer Signature

CAUTION: Owners of Mag, Custom, Alloy, or Dual Wheels must have lug-nuts retorqued after 25 miles or 24 hours!  
 The Company will gladly retorque these lug-nuts once after the first 25 miles at no charge.

Customer Initials

CUSTOMER COPY



**TOKIO MARINE**  
**HCC**

Tokio Marine HCC-Public Risk Group  
1700 Opdyke Court, Auburn Hills, Michigan 48326  
main 248 371 3100 / 800 225 6561 facsimile 248 371 3091

June 23, 2021

Ms. Denisha Goodman  
223 Skytop Drive, Apt. # 23  
Kingston, NY 12401

Re:           Program:           Tokio Marine HCC - Public Risk Group  
              Our Insured:       City of Kingston  
              Date of Loss:      June 6, 2021  
              Our Claim No:    200025

Dear Ms. Goodman:

Tokio Marine HCC - Public Risk Group administers insurance claims on behalf of U.S. Specialty Insurance Company ("USSIC") through which the City of Kingston is insured. We have received notice of the above stated claim in which you alleged that your vehicle sustained damage after hitting a pothole in the roadway. The location of the incident was on Lucas Avenue.

After further investigation it has been revealed that there is no liability on behalf of the City of Kingston. The City did not have any prior written notice of any pothole in the roadway. A municipality has no liability unless it had prior "written" notice of the existence of the defect and had a reasonable amount of time to repair the defect. In the absence of liability on behalf of the City of Kingston, Tokio Marine HCC - Public Risk Group will be unable to consider your claim for property damage.

In communicating this position, Tokio Marine HCC - Public Risk Group the insured and USSIC do not waive and shall not be estopped from asserting additional defense or further supporting this position on behalf of the insured.

Sincerely,

*Joel J. Stitt*

Joel J. Stitt, AIC  
Field Claims Adjuster  
[jstitt@tmhcc.com](mailto:jstitt@tmhcc.com)

cc: City of Kingston  
Corieri & Associates, Inc. (601)



**PERSONAL & CONFIDENTIAL**

June 23, 2021

**CITY OF KINGSTON  
420 BROADWAY  
KINGSTON, NY 12401  
Your Claim #21-14**

**RE: POLICY NUMBER:** CPKG81220007  
**CLAIM NUMBER:** 200025  
**DATE OF INCIDENT:** June 6, 2021 (This date is approximate and is subject to change.)  
**CLAIMANT NAME:** **Goodman, Denisha**  
**DESCRIPTION:** Goodman - Claimant is alleging her vehicle hit a very large pothole damaging her tire.

**Dear CITY OF KINGSTON,**

Tokio Marine HCC - Public Risk Group ("TMHCC") administers insurance claims on behalf of U.S. Specialty Insurance Company ("USSIC"). On behalf of USSIC, we acknowledge receipt of the above-referenced submission. This matter has been assigned to Joel Stitt, Field Claims Adjuster. **You may reach Joel Stitt via phone at 315-521-5302 or via e-mail at [jstitt@tmhcc.com](mailto:jstitt@tmhcc.com).**

Kindly be advised that TMHCC has not yet made a determination as to liability or coverage. In that regard, TMHCC expressly reserves all rights, remedies and defenses under the policy and applicable law, including, but not limited to, the right to deny coverage. Nothing stated herein, nor any further action taken by TMHCC or anyone acting on its behalf, shall be construed as a waiver of any rights, remedies or defenses under the policy.

Various factors contribute to the insurance coverage determination. These factors include but are not limited to, the circumstances of the alleged loss, the allegations against the insured, the timing of the loss or wrongful acts alleged, and the relief sought. In some cases, it may be premature to determine whether certain conditions or exclusions apply to preclude coverage.

We will contact you upon completion of our initial review and evaluation of this matter.

**For Property and Auto Damage Claims:**

Please maintain all items and property in their current damaged state until you have spoken with the assigned Claim Adjuster. If emergency repair work is required, please preserve all evidence possibly related to the loss. If the property involved is currently incurring storage fees, please arrange to have the property moved to a location that does not incur cost, or you may be responsible for same.

In furtherance of our evaluation of this matter, please immediately forward the following information to the attention of Joel Stitt, Field Claims Adjuster, at [jstitt@tmhcc.com](mailto:jstitt@tmhcc.com):

- Any and all estimates that have been received for the damaged property
- Any internal accident or police reports regarding the incident
- Photographic evidence of the damage that was sustained.

**Sincerely,**  
**Tokio Marine HCC - Public Risk Group**  
Joel Stitt, Field Claims Adjuster