

21-26
cc
Shaunt
Scott-Childress
KRD

NOTICE OF CLAIM

DAWOOD ALZANAM,

Claimant,

-against-

RECEIVED:

RECEIVED BY JS

DATE 8/26/21

TIME 10:40 AM

CITY OF KINGSTON,

CITY OF KINGSTON POLICE DEPARTMENT, POLICE OFFICER T.R. WILBER, SHIELD NO. 220 and JOHN DOE POLICE OFFICERS, (WHOSE NAME(S) AND SHIELD NUMBER(S) ARE PRESENTLY UNKNOWN),

Respondents.

TO: CITY OF KINGSTON
CITY OF KINGSTON POLICE DEPARTMENT

PLEASE TAKE NOTICE that the Claimant herein hereby makes a claim and demand against Respondents as follows:

- 1. The name and post-office address of Claimant and Claimant's attorneys are:

DAWOOD ALZANAM
702 Broadway, Apt D
Kingston, New York 12401

FRIEDMAN, LEVY,
GOLDFARB & GREEN, P.C.
250 West 57th Street, Suite 1619
New York, New York 10107
(212) 307-5800

- 2. The nature of the claim:

To recover money damages for Assault, Battery, Negligence, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, False Arrest, False Imprisonment, Abuse of Process, Malicious Prosecution, Violation of Civil Rights and Liberty as secured by 42 U.S.C. 1981, 1983, 1985(2)(3), 1986 and 1988 and the Constitution of the United States of America and the

State of New York, all of which resulted in and caused severe personal injury to the Claimant, DAWOOD ALZANAM, and all other damages allowed by statute and case law as a result of the actions perpetrated by members of the CITY OF KINGSTON and CITY OF KINGSTON POLICE DEPARTMENT, its agents, servants licensees, employees and other affiliate agencies and departments, including but not limited to POLICE OFFICER T.R. WILBER, SHIELD NO. 220 and "JOHN DOE" POLICE OFFICERS (WHOSE NAME(S) AND SHIELD NUMBER(S) ARE PRESENTLY UNKNOWN), without any contributory negligence on the part of the Claimant.

In addition, Respondents, CITY OF KINGSTON, CITY OF KINGSTON POLICE DEPARTMENT, are vicariously liable for actions of their agents, servants and/or employees.

To the extent that Respondents will claim that a special duty is required, Claimant asserts that a special duty did exist between the Claimant and Respondents.

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

The incident complained of occurred and began on June 5th, 2021, at approximately 9:35 p.m. at or near the intersection of Broadway(Rt-32) and Elmendorf Street/Liberty Street, Kingston, New York 12401. At the above date, time and location, the Respondents did exercise negligent, careless and reckless conduct and violated claimant's civil rights by: deploying a TASER into claimant; deploying a TASER into claimant's face; striking claimant and forcing him to the ground; assaulting, accosting, confining, unduly restraining, falsely arresting, wrongfully prosecuting, battering and restraining claimant, DAWOOD ALZANAM, without reasonable cause, provocation and/or justification. Said negligence, carelessness and recklessness was perpetrated upon the claimant, a lawful pedestrian at said location, when said respondents, assaulted, battered and arrested claimant without an arrest warrant or probable cause to arrest, and without reasonable cause, provocation and/or justification. The incident occurred due to the negligence of Respondents in failing to use such care in the performance of their police duties as reasonably prudent and careful police officers would have used under similar circumstances; Respondents, CITY OF KINGSTON and CITY OF KINGSTON POLICE DEPARTMENT were negligent in hiring and retaining persons who were unfit to serve as police officers. Said respondents failed in the training and instruction of its police officers by not exercising care in instructing them as to their department, behavior and conduct as police officers and representatives of the CITY OF KINGSTON and CITY OF KINGSTON POLICE DEPARTMENT; in falsely imprisoning claimant; in depriving claimant of his liberty; in assaulting and battering claimant; in causing permanent injury to the claimant; in failing to use that degree of care,

caution and prudence required under the circumstances then and there existing for Police Officers in the of State of New York, and particularly, the CITY OF KINGSTON and CITY OF KINGSTON POLICE DEPARTMENT protocol and procedures, which violation caused the severe personal injuries to the claimant DAWOOD ALZANAM.

Claimant was further falsely arrested, restrained, imprisoned and detained against his will and without probable cause; Claimant's civil rights and liberty as secured by 42 U.S.C. 1981, 1983, 1985(2)(3), 1986 and 1988 were violated. All of the aforementioned occurred without Respondents having reasonable cause to make such arrest. Claimant did not engage in any criminal acts. The aforesaid conduct by the police officers was condoned and encouraged by the policies of the CITY OF KINGSTON and CITY OF KINGSTON POLICE DEPARTMENT.

4. The items of damage or injuries claimed are:

Claimant suffered serious and permanent personal injuries including, but not limited to, fracture to his head, traumatic brain injury, TASER prongs in nose and mouth requiring surgical removal, scarring and bruising about the head, face and body; deprivation of his civil rights and liberty; assault and battery; false arrest and imprisonment; emotional harm and shock, beginning on June 5, 2021, and continuing to the present. Claimant felt grave fear and intimidation for his safety and his life.

Said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless they are adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action in these claims. Claim is made for personal injuries and punitive damages.

Dated: New York, New York

August 11, 2021



Nicolas Bagley

FRIEDMAN, LEVY, GOLDFARB & GREEN, P.C.

Attorneys for Claimant

250 West 57th Street, Suite 1619

New York, New York 10107

CITY OF KINGSTON
Office of the City Clerk
Registrar of Vital Statistics
cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

August 26, 2021

Ms. Ruth Morris
420 E. Main St.
Middletown, New York 10940

Dear Ms. Morris:

Enclosed please see claim (#21-26) for personal injury from Mr. Dawood Alzanan. He resides at 702 Broadway Apt. D, Kingston, New York. He states he has injuries occurred because of a false arrest on June 5, 2021

If you have any questions, please contact me at (845) 334-3919.

Very truly yours,

Deidre M. Sills
Deputy City Clerk

cc: Corporation Counsel
Common Council
Andrea Shaut
KPD