

Law Office of Edmund F.X. Devlin

801 Asbury Avenue, Suite 515
Ocean City, New Jersey 08226
Phone (609) 840-6312
Fax (609) 935-3488
eddevlinlaw@yahoo.com
Admitted to the NJ and PA Bars

Inna Deleso
POL 12/23/13

March 17, 2014

Borough of Seaside Heights
Diane Stabley, Municipal Clerk
901 Boulevard
Seaside Heights, NJ 08751

CERTIFIED MAIL RRR #

Borough of Seaside Heights Police Department
Thomas Boyd, Chief of Police
116 Sherman Avenue
Seaside Heights, NJ 08751

CERTIFIED MAIL RRR #

Borough of Seaside Heights
Mike Loundy, Director of Community Improvements
901 Boulevard
Seaside Heights, NJ 08751

CERTIFIED MAIL RRR #

New Jersey State Police
Colonel Rick Fuentes, Superintendent
P.O. Box 7068
West Trenton, NJ 08628

CERTIFIED MAIL RRR#

State of New Jersey – Office of the Attorney General
Division of Law
Richard J. Hughes Justice Complex
8th Floor, West Wing
25 Market Street
Trenton, NJ 08625-0080

CERTIFIED MAIL RRR#

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State of New Jersey – Office of the Attorney General
Richard J. Hughes Justice Complex
1st Floor, West Wing
25 Market Street
Trenton, NJ 08625-0080

CERTIFIED MAIL RRR#

Woodbridge Township
John M. Mitch, RMC, Municipal Clerk
Woodbridge Township Municipal Building
1 Main Street
Woodbridge, NJ 07095

CERTIFIED MAIL RRR#

Woodbridge Township Police Department
Robert J. Hubner, Director
1 Main Street
Woodbridge, NJ 07095

CERTIFIED MAIL RRR#

RE: My Client: Inna DePeso
Incident Date: December 23, 2013
NOTICE OF CLAIM AGAINST PUBLIC ENTITY – TITLE 59

To All Interested Parties Addressed Above:

Please accept this correspondence as formal notice of a tort claim against:

- The Borough of Seaside Heights
- Seaside Heights Borough Police Department
- Seaside Borough Police Chief Thomas Boyd
- Seaside Borough Director of Community Improvements, Mike Loundy
- The New Jersey State Police, its Administrators and Troopers
- NJSP Trooper Francisco Melendez, Badge Number 7131
- The State of New Jersey
- The Township of Woodbridge
- Woodbridge Township Police Department and its Director
- Woodbridge Township Police Department Supervising Officers
- Woodbridge Officer(s) involved in the investigation of the above incident

pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et. seq. In particular, this notice is intended to comply with the notice provisions set forth in N.J.S.A. 59:8-3 to 8-11, and other relevant provisions.

Any of the individuals named above are also being placed on notice of potential claims against them on an individual basis.

CLAIMANT INFORMATION:

Inna DePeso
2202 Seaboard Circle
Cape May Court House, NJ 08210
DOB: December 27, 1982
SSN: 158-13-3048

NOTICES TO BE SENT TO:

Edmund F.X. Devlin, Esquire
801 Asbury Avenue, Suite 515
Ocean City, New Jersey 08226
Phone (609) 840-6312
Fax (609) 935-3488

RELATIONSHIP TO CLAIMANT:

Attorney at Law

CIRCUMSTANCES REGARDING THE OCCURRENCE OR ACCIDENT:

On December 23, 2013, a motor vehicle accident took place at or near mile marker 129.10 of the Garden State Parkway. See NJSP police report prepared by Trooper Francisco Melendez, badge number 7131, attached hereto for informational purposes. This report has been challenged as inaccurate, and demands have been made for a more thorough investigation of this accident, and the filing of a corrected report at the conclusion thereof.

The motor vehicle accident which is part of the subject matter of this claim was caused by the negligent conduct of Seaside Borough Police Chief Thomas Boyd, who was acting both individually, and in his capacity as Chief of Police of Seaside Borough. Chief

Boyd was operating a Borough-owned vehicle. He was operating the vehicle in his official capacity, or was on a frolic of his own. His status as a permitted operator is presently unknown. His operation of the Borough vehicle was negligent, careless and reckless. He improperly changed lanes, and caused a collision. His negligence and recklessness was the direct and proximate cause of severe, permanent and disabling injuries to the Claimant, and her young child.

At the scene of the accident, Chief Thomas Boyd then intentionally and/or recklessly misrepresented the facts of how the accident happened to the initial investigating officer from the Township of Woodbridge Police Department. He also misled the investigating State Trooper Francisco Melendez, who had later responded to the scene of the accident. Mr. Boyd acted in bad faith during his misrepresentation of the facts to the investigating Officers and Troopers.

The Borough of Seaside Heights negligently permitted the use of its vehicle to Thomas Boyd under circumstances where it should have known that he was not capable of being entrusted with the vehicle. The Borough of Seaside Heights is also liable under the theory of respondeat superior.

In addition to the above, Chief Thomas Boyd acted in concert with others at the scene, including his passenger and Seaside Heights Borough Director of Public Improvements, Mike Loundy, and investigating law enforcement officers, to misrepresent the facts of the happening of the accident on the New Jersey State Police Accident Report to the detriment of the Claimant and her daughter. These individuals, including Mr. Boyd, Mr. Loundy, Trooper Melendez and other NJSP Troopers, and the investigating Officers from the Township of Woodbridge Police Department, engaged in a civil conspiracy designed to deprive the Claimant and her daughter of their rights under the law, and to deprive the Claimants of their ability to be justly compensated for their severe and disabling injuries. These conspiratorial acts violated the Due Process Rights, and the Civil and Constitutional Rights of the Claimants.

The Township of Woodbridge is liable to the Claimants under all theories of law set forth herein, and under the theory of respondeat superior. The investigating Officers of the Woodbridge Police Department participated in these unfair and unlawful activities, and conspired with others as mentioned above to deprive the Claimants of their rights.

The Township of Woodbridge Officers failed and/or refused to identify and interview an independent witness who had stopped at the scene of the accident to provide information as to what he had observed. It is the position of the Claimants that this witness was ignored, and completely left out of the accident investigation report, as he had related that it was Police Chief Thomas Boyd who had caused the accident by leaving his lane abruptly, moving into the path of the vehicle occupied by Claimants,

and colliding with that vehicle, causing it to hit the guardrail, resulting in severe injuries to the Claimants.

The State of New Jersey and the New Jersey State Police are also liable to the Claimants under all of the above-mentioned theories of law. The State Police is a law enforcement subdivision of the State of New Jersey.

NAMES OF WITNESSES:

Steven R. DePeso, Inna DePeso, the presently unidentified witness not included by the investigating Troopers and Woodbridge Officers and others to be determined, including all parties and all medical personnel. The additional names will be provided in the future, as they become known.

AGENCIES AND EMPLOYEES WHO CAUSED DAMAGES OR INJURIES:

- The Borough of Seaside Heights
- Seaside Heights Borough Police Department
- Seaside Borough Police Chief Thomas Boyd
- Seaside Borough Director of Community Improvements, Mike Loundy
- The New Jersey State Police, its Administrators and Troopers
- NJSP Trooper Francisco Melendez, Badge Number 7131
- The State of New Jersey
- The Township of Woodbridge
- Woodbridge Township Police Department and its Director
- Woodbridge Township Police Department Supervising Officers
- Woodbridge Officer(s) involved in the investigation of the above incident

INJURIES, DAMAGES AND LOSSES INCURRED BY CLAIMANT:

Inna DePeso sustained horrific, permanent scarring to her head and face. She also sustained permanent and severe neck and back injuries, hip injuries and other permanent injuries for which she is still in treatment, and is expected to remain in treatment for the foreseeable future. She may need surgical intervention in her spine, and has already been advised that she will need multiple plastic surgery procedures to attempt to reduce the disfigurement she sustained.

Page 1 of 3		New Jersey Police Crash Investigation Report										☒ Reportable ☐ Non-Reportable ☐ Change Report																																																																								
01	1 Case Number	E050-2013-02512A										10 Crash Occurred On:	GSP		11 Speed Limit	S 55		12 Route No.	-		13 Milepost	129.1		18 Speed Limit	10																																																											
01	2 Police Dept of	STATE POLICE										Code	02																																																																							
06	3 Station/Precinct	HOLMDEL																																																																																		
03	4 Date of Crash	mm		dd		yy		5 Day of Week	Su (M) Tu W Th F Sa		6 Time (use 2400 hrs.)	19 52		7 Municipality Code	1225		8 Total Killed	-		9 Total Injured	03																																																															
01	23 Veh No	V1										24 Policy No.	SELF INSURED										25 Ins Code	99		53 Veh No	V2										54 Policy No.	4179235207										55 Ins Code	148																																			
01	26 Driver's First Name	THOMAS										Initial	BOYD		29 Sex	M		56 Driver's First Name	STEVEN										Initial	R		59 Sex	M																																																			
01	27 Number and Street	891 MOLDE COURT										30 Eyes	04		57 Number and Street	2202 SEABORD CIRCLE										60 Eyes	02																																																									
02	28 City	TOMS RIVER										State	NJ		Zip	08753-3586		58 City	NORTH WILDWOOD										State	NJ		Zip	08260																																																			
02	31 State	NJ										32 Driver's License Number	B6910 74071 09614										33 DOB	mm dd yy 09 21 61		34 Expires	mm yy 09 15		61 State	NJ										62 Driver's License Number	D4558 72379 05842										63 DOB	mm dd yy 05 13 84		64 Expires	mm yy 05 17																													
02	35 Owner's First Name	SEASIDE HGTS BORO OF										Initial			Last Name			65 Owner's First Name	STEVEN R DIPESO										Initial			Last Name																																																				
02	36 Number and Street	P.O. BOX 38 NA																				66 Number and Street	2202 SEABORD CIRCLE																																																													
06	37 City	SEASIDE HTS										State	NJ		Zip	08751		67 City	NORTH WILDWOOD										State	NJ		Zip	08260																																																			
07	38 Make	CHRY										39 Model	TOWN & COUNTRY										40 Color	BLK		41 Year	2013		42 Plate No.	MG98566		43 State	NJ										68 Make	MERZ										69 Model	320										70 Color	TAN		71 Year	1997		72 Plate No.	D92AER		73 State	NJ									
01	44 VIN	2C4RC1BG7DR594693										45 Expires	08 16		74 VIN	WDBJF55F8VA358377										75 Expires	10 14																																																									
01	46 Vehicle Removed To	☒ Driven ☐ Left at Scene ☐ Towed										47 Authority	☐ Impound ☐ Disabled		76 Vehicle Removed To	☐ Driven ☐ Left at Scene ☒ Towed										77 Authority	☐ Impound ☒ Disabled																																																									
01	48 Alcohol/Drug Test	Given: ☒ No ☐ Yes ☐ Refused										Type: ☐ Breath ☐ Blood ☐ Urine	Results: 0.00 % ☐ Pending	134 Crash Diagram (NOT TO SCALE)										78 Alcohol/Drug Test	Given: ☒ No ☐ Yes ☐ Refused										Type: ☐ Breath ☐ Blood ☐ Urine	Results: 0.00 % ☐ Pending																																																
01	49 Hazardous Material	On Board ☐ Spill ☐										Name or Placard No.			79 Hazardous Material	On Board ☐ Spill ☐										Name or Placard No.																																																										
03	50 Carrier No.	☐ USDOT ☐ Other *																				80 Carrier No.	☐ USDOT ☐ Other *																																																													
03	51 Commercial Vehicle Weight	☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ > 26,001 lbs																				81 Commercial Vehicle Weight	☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ > 26,001 lbs																																																													
03	52 Carrier name																					82 Carrier name																																																														
135 Crash Description:																																																																																				
DRIVER 1 STATED IN EFFECT: We were driving when this car comes flying up on the right and hits us on the right.																																																																																				
DRIVER 2 STATED IN EFFECT: I was in the right lane. This car comes cuts into my lane hits us and next thing you know we hit the guardrail.																																																																																				
INVESTIGATION REVEALED: Vehicle 1 was traveling GSP Southbound MP 129.1 in the middle right (continued on next page)																																																																																				
136 Damage To Other Property																																																																																				
10 feet of damage to guardrail																																																																																				
Oper. 137 Charge ☐ Multiple Charges													138 Summons No.																																																																							
Oper. 139 Charge ☐ Multiple Charges													140 Summons No.																																																																							
141 Officer's Name													142 Badge No.																																																																							
TPR. F MELENDEZ													7131																																																																							
143 Reviewed By													144 Case Status																																																																							
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Names & Addresses of Occupants - If Deceased, Date & Time of Death																																																																																				
A	V1	01	01	-	52	M	-	-	-	09	04	-	-	THOMAS BOYD 891 MOLDE COURT, TOMS RIVER, NJ 08753																																																																						
B	V1	03	01	-	53	M	-	-	-	09	04	-	-	MIKE LOUNDRY , SEASIDE HIEGHTS, NJ																																																																						
C	V2	01	01	04	29	M	06	08	2	09	09	01	7006	STEVEN R DIPESO 2202 SEABORD CIRCLE, NORTH WILDWOOD, NJ 08260																																																																						
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New Jersey Police Crash Investigation Report Motor Vehicle Crash Description		Police Dept: <u>STATE POLICE</u> Code: <u>02</u> Station: <u>HOLMDEL</u> Case No: <u>E050-2013-02512A</u>
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lane of travel. Vehicle 2 was traveling GSP Southbound MP 129.1 in the right lane of travel. Vehicle 2 does an improper lane change and strikes the passenger side quarter panel of Vehicle 1. Vehicle 2 then runs off the right side of the road rotating clockwise and strikes the guardrail. Vehicle 1 sustained damage to the passenger side quarter panel. Vehicle 2 sustained heavy front end damage and driver side damage. No injuries were reported from occupants in Vehicle 1. All 3 occupants in vehicle 2 were transported to Robert Wood Johnson Hospital for their injuries.

Page #1, Box #25: SELF INSURED

Francisco Melendez

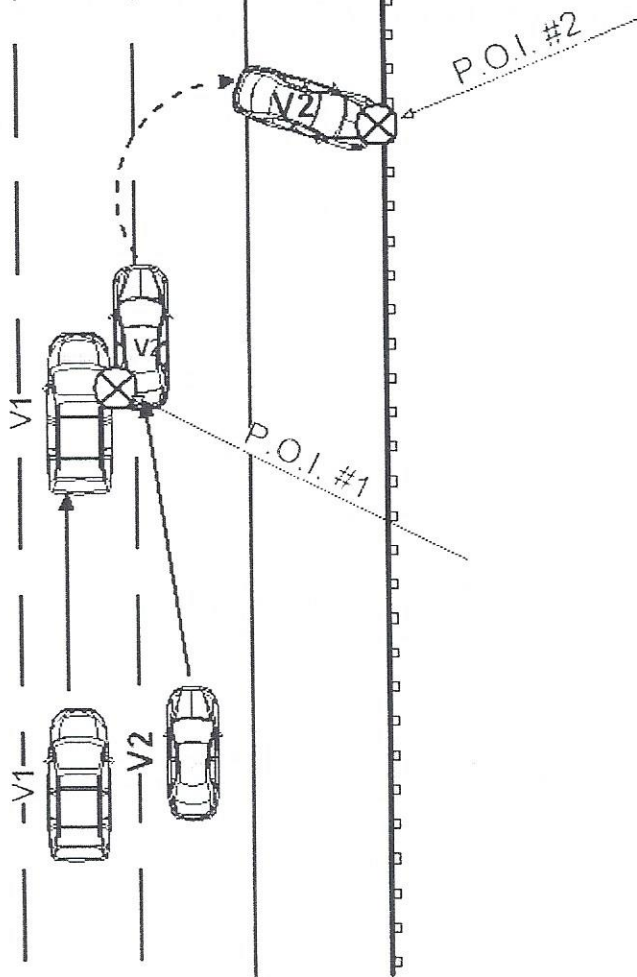
7131

New Jersey Police Crash Investigation Report	Police Dept: <u>STATE POLICE</u> Code: <u>02</u>
Motor Vehicle Crash Description	Station: <u>HOLMDEL</u> Case No: <u>E050-2013-02512A</u>



GSP SB MP 129.1 WOODBRIDGE
TWP.. MIDDLESEX COUNTY.
NJ

Not To Scale



Francisco Melendez

7131

Cut here 21/32" from left	Road Divided By																																																																																																																																
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01 Clear 03 Snow 05 Overcast 07 Blowing Snow 09 Severe Crosswinds																																																																																																																																	
02 Rain 04 Fog/Smog/Smoke 06 Sleet/Hail/Freezing Rain 08 Blowing Sand/Dirt																																																																																																																																	
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State of New Jersey Police Crash Investigation Report NJTR-1

Use Code 00 for Unknown.

Use Code 99 for Other.

Explain Other in Crash Description

Also, Explain Items Marked with asterisk (*) in Crash Description

If an Item Does Not Apply, Enter a Dash (-)

NOTE:

Boxes 1 - 7 must be completed for all pages of the report.

Boxes 8-22 and 96-105 are only required on page 1 of the report.

All other information is completed as necessary.

Websites for :**Crash References -**
<http://www.state.nj.us/transportation/refdata/accidents/policeres/shtm>
Insurance Codes -
 5 digit NAIC - <http://www.nj.gov/dobi/data/inscomp.htm>
 3 digit MVC - <http://www.state.nj.us/mvc/numeric.pdf>
Hospital Codes
<http://www.state.nj.us/health/ems/jems.pdf>

Cut here 1 5/16" from bottom

Cutting at designated positions will permit arrows on each side to be displayed when the appropriate overlay is paged. It will also permit the first overlay to be slightly longer than the second for easy paging.

Printing should be done Portrait, Duplex, Flip on Short Edge

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State of New Jersey Police Crash Investigation Report NJTR-1

Use Code 00 for Unknown.

Use Code 99 for Other.

Explain Other in Crash
DescriptionAlso, Explain Items
Marked with asterisk (*) in
Crash DescriptionIf an Item Does Not Apply,
Enter a Dash (-)

Eye Color (box 30, 60)

- 1 - Black 4 - Blue
2 - Brown 5 - Hazel
3 - Gray 6 - Green
7, 8, and 9 = Other

Overlay Page 2 of 2

Apparent Contributing Circumstances

Driver/Pedalcyclist Actions (01 - 29)

- 01 Unsafe Speed
02 Driver Inattention *
03 Failed To Obey Traffic Control Device
04 Failed To Yield ROW to Vehicle/Pedes.
05 Improper Lane Change
06 Improper Passing
07 Improper Use/Failed to Use Turn Signal
08 Improper Turning
09 Following Too Closely
10 Backing Unsafely
11 Improper Use/No Lights
12 Wrong Way
13 Improper Parking
14 Failure To Keep Right
25 None
29 Other Driver/Pedalcyclist Action

Vehicle Factors (31 - 49)

- 31 Defective Lights *
32 Brakes *
33 Steering *
34 Tires *
35 Wheels *
36 Windows/ Windshield *
37 Mirrors *
38 Wipers *
39 Veh Coupling/Hitch/Safety Chains *
49 Other Vehicle Factor

Road / Environ. Factors (51 - 69)

- 51 Road Surface Condition *
52 Obstruction/Debris In Road *
53 Ruts, Holes, Bumps *
54 Control Device Defective or Missing *
55 Improper Work Zone *
56 Physical Obstructions (viewing, etc) *
57 Animals in Roadway *
58 Improper/Inadequate Lane Markings *
59 Snglare *
69 Other Roadway Factors

Pedestrian Factors (71 - 89)

- 71 Failed To Obey Traffic Control Device
72 Crossing Where Prohibited
73 Dark Clothing/Low Visibility to Driver
74 Inattentive *
75 Failure to Yield ROW
76 Walking on Wrong Side of Road
77 Walking in Road When Sidewalk Present
78 Running/Darting Across Traffic
85 None
89 Other Pedestrian Factors

Apparent Physical Status

- 01 Apparently Normal
02 Alcohol Use
03 Drug Use (Illicit) *
04 Medication *
05 Alcohol & Drug/Medication Use *
06 Physical Handicaps
07 Illness
08 Fatigue
09 Fell Asleep

Cell Phone In Use By Driver

- 01 Handheld
02 Hands Free

Vehicle / Pedalcyclist Action (01-29)

- 01 Going Straight Ahead
02 Making Right Turn (not turn on red)
03 Making Left Turn
04 Making U Turn
05 Starting From Parking
06 Starting In Traffic
07 Slowing or Stopping
08 Stopped in Traffic
09 Parking
10 Parked
11 Changing Lanes
12 Merging/Entering Traf Lane
13 Backing
14 Driverless / Moving
15 Passing
16 Negotiating Curve
17 Driving on Shoulder
18 Right Turn on Red
29 Other Veh/Cyclist Action *

Pedestrian Action (31-49)

- 31 Pedestrian Off Road
32 Walking To/From School
33 Walking/Jogging with Traffic
34 Walking/Jogging Against Traffic
35 Playing in Road
36 Standing/Lying/Kneeling in Road
37 Getting On/ Off Vehicle
38 Pushing/Working on Vehicle
39 Other Working in Roadway
40 Approaching/Leaving Schoolbus
41 Coming From Behind Parked Veh.
42 (reserved)

Pre-Crash Action

- At Intersection
43 Crossing at "marked" Crosswalk
44 Crossing at "unmarked" Crosswalk
At Mid-Block
45 Crossing at "marked" Crosswalk
46 Crossing / Jaywalking
49 Other Pedestrian Action *

- 01 Police Officer
02 RR Watchman, Gates, etc
03 Traffic Signal
04 Lane Markings

- 05 Channelization - Painted
06 Channelization - Physical
07 Warning Signal
08 Stop Sign

- 09 Yield Sign
10 Flagman
11 No Control Present
12 Flashing Traffic Control

Traffic Controls

- 13 School Zone (Signs/Controls)
14 Adult Crossing Guard

Sequence of Events (select up to 4 for each vehicle)

Non Collision (01 - 19)

- 01 Overturn / Rollover
02 Fire / Explosion
03 Immersion
04 Jackknife
05 Ran Off Road - Right
06 Ran Off Road - Left
07 Crossed Median / Centerline
08 Downhill Runaway
09 Cargo / Equipment Loss or Shift
10 Separation of Units
11 Fell / Jumped From Vehicle
12 Thrown / Falling Object
13 Equipment Failure
19 Other Non Collision

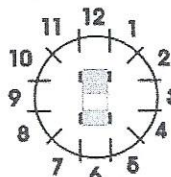
Collision w/ Person, MV, or Non-Fixed Object (21 - 39)

- 21 Pedalcyclist
22 Pedestrian
23 Train / Trolley / Other Railcar
24 Deer
25 Other Animal
26 MV in Transport
27 MV in Transport, Other Roadway
28 Parked MV
29 Work Zone or Maint. Equipment
30 Struck By Object Set In Motion By MV
39 Other Non-Fixed Object

Collision w/ Fixed Object (41 - 69)

- 41 Impact Attenuator / Crash Cushion
42 Bridge Overhead Structure
43 Bridge Pier or Support
44 Bridge Parapet End
45 Bridge Rail
46 Guardrail Face
47 Guardrail End
48 Concrete Traffic Barrier
49 Other Traffic Barrier
50 Traffic Sign Support
51 Traffic Signal Standard
52 Utility Pole
53 Light Standard
54 Other Post, Pole, Support
55 Culvert
56 Curb
57 Ditch
58 Embankment
59 Fence
60 Tree
61 Mailbox
62 Fire Hydrant
69 Other Fixed Object

Clockpoint Diagram



- 13 Roof
14 Undercarriage
15 Overturned
17 None Visible

Vehicle Impact Area

Initial Impact

Veh 1 130

Principal Damage

Veh 1 131

Initial Impact

Veh 2 132

Principal Damage

Veh 2 133

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