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Please respond to the Hackensack Office

ADMITTED IN NJ
ADMITTED IN NJ & NY¹
ADMITTED IN NJ, NY & FL²
ADMITTED IN NJ, NY & PA³
ADMITTED IN NY⁴

December 29, 2016

VIA HAND DELIVERY

Borough of Palisades Park
Borough Clerk
Municipal Building
275 Broad Avenue
Palisades Park, NJ 07650

**Re: Benjamin A. Ramos v. Borough of Palisades Park and the Palisades Park
Police Department
Notice of Tort Claim**

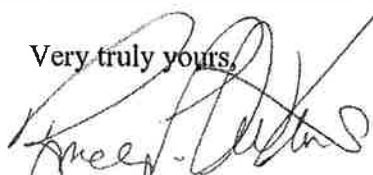
Borough Clerk:

Please be advised that we represent former Chief of Police, Benjamin A. Ramos, in matters arising from his employment with the Borough of Palisades Park.

Enclosed for service upon and filing with the Borough of Palisades Park, please find the Borough's Notice of Tort Claim form duly executed by Mr. Ramos.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,


BRUCE L. ATKINS

BLP/ms
Enclosure
cc: Mr. Benjamin A. Ramos

BOROUGH OF
PALISADES PARK
2016 DEC 29 PM 3:58

BOROUGH OF PALISADES PARK
275 Broad Avenue
Palisades Park, NJ 07650

NOTICE OF TORT CLAIM

CLAIMANT INFORMATION:

Name: **Benjamin A. Ramos** Telephone #: [REDACTED]

Address: [REDACTED]

Date of Birth: [REDACTED]

SSN #: [REDACTED]

ATTORNEY INFORMATION: (if applicable)

Name: **Bruce L. Atkins, Esq.** Telephone: **201-498-0900**
Fax: **201-498-0909**

Address: **Deutsch Atkins, P.C.**
25 Main St. Suite 104
Court Plaza North
Hackensack, NJ 07601

File No. _____

Send Notices to: _____ Claimant X Attorney

GENERAL INSTRUCTIONS:

The Borough of Palisades Park, pursuant to the provisions of the New Jersey Tort Claims Act, has adopted this Notice of Tort Claim form including these written questions and requests for the production of documents as the official form for the filing of claims against the Borough of Palisades Park.

The written questions in this Notice of Tort Claim form are to be answered by the Claimant to the extent of all information available to the Claimant or to his or her attorneys, agents, servants, and employees, under oath. The fully completed Notice of Tort Claim Form and

the documents requested shall be returned to the following: Borough of Palisades Park,
Attn: Borough Clerk, Municipal Building, 275 Broad Avenue, Palisades Park, NJ 07650

NOTE CAREFULLY: Your claim will not be considered filed as required by the New Jersey Tort Claim Act until this completed form has been filed with the Borough of Palisades Park. Failure to provide the information requested, including such responses as "To Be Provided" or "Under Investigation" or similar non-responsive answers, will result in the claim being treated as not being filed in accordance with the Notice requirements of the New Jersey Tort Claims Act.

Notices of Claim normally must be filed within 90 days after the incident giving rise to the claim. Upon a proper application, the New Jersey Superior Court may, for good cause, allow a claim to be filed not later than one year after the date of the incident giving rise to the claim.

This form is designed as a general form for use with respect to all claims. Some of the questions may not be applicable to your particular claim. For example, if your claim does not arise out of an automobile accident, questions regarding road conditions might not be applicable. In that event, you should so specify in the space where an answer is to be provided to that question.

- A. When, after a reasonable and thorough investigation using due diligence, you are unable to answer any question, or any part thereof, because of lack of information available to you, specify in full and complete detail the reason the information is not available to you and what has been done to locate the information. In addition, specify what knowledge or belief you have concerning the unanswered portion of the question and set forth the facts upon which the knowledge or belief is based.
- B. When a question asks that you identify writings, it shall be deemed a sufficient answer, where appropriate and possible, to furnish true and legible copies thereof, together with your answers to these questions.
- C. Where a question does not specifically request a particular fact, but where the facts are necessary in order to make the answer to the question either comprehensible, complete, or not misleading, you are requested to include the fact or facts as part of the answer and the question shall be deemed specifically to request the fact or facts.
- D. If you claim any form of privilege, whether based on statute or otherwise, as a ground for not answering a question or any part thereof, set forth in complete

detail each and every fact upon which the privilege is based, including sufficient facts for the court to make a full determination whether the claim of privilege is valid.

- E. Where a question asks for a date or an amount or any other specific information, it will not be adequate to state that the precise date, amount or other specific information is unknown to you, where you are capable of approximating the information requested.
- F. Where a question requests that you "identify all writings" you should state with specificity the date, author, description, addressee (if any), nature, custodian, and location of the writings referred to by the question, as well as the substance of the writing.
- G. Where a question asks that you "identify all oral communications," you should state, with respect to every oral communications, the description of which is required by the question:
 - 1. The date and place thereof
 - 2. Who initiated the communication
 - 3. Whether the communication was in person, by telephone, or other form of transmission and specify which.
 - 4. The name, home address, and telephone number, business address and telephone number, employer (present or last known), job title, occupation of each and every person who participated in or heard any part of the communication.
 - 5. The substance of what was said by each person who participated in the communication.
- H. Where a question asks that you "identify all person", state the name and present or last known business and residence address and telephone numbers, occupation and title, if any, of person whose identity is sought by the question.
- I. For the purposes of these questions, "Person" shall include in its meaning a partnership, joint venture, corporation, association, trust or any other kind of entity, as well as a natural person.
- J. If any document to be produced in response to these questions contains information which must be treated as confidential in nature, identify that document and state the reason for the confidentiality in sufficient detail to allow for a determination on the issue of confidentiality. The Borough of Palisades Park and the attorneys for the Borough of Palisades Park hereby warrant to the

Claimant that the confidentiality of any document so identified will be respected, guarded and maintained until such time as a court having jurisdiction over the issue may rule on any disputed issue of confidentiality.

- K. These questions request documents which are relevant to the subject matter of the claims and allegations of the Claimant. To the extent that any document does not relate, in its entirety, to the subject matter of the Claimant's claims or allegations, the document may be withheld. All other documents which deal directly with the subject matter of the Claimant's claims or allegations must be produced in response to these requests.
- L. All responses to questions or objections thereto shall be prefaced by the particular question or subsection thereof.
- M. An attempt has been made to provide adequate space for the answers. If you need more space to provide a fully responsive answer, attach supplementary pages, identifying the continuation of the answer with the number of the applicable question.
- N. All documents produced shall be labeled and referenced to a particular document request or question. If the documents are produced in response to more than one question, this fact should be noted as well.
- O. The questions and document requests shall be deemed continuing, so as to require supplemental answers from time to time up to the date of a trial, in the event that the claim results in litigation.

DEFINITIONS: As used herein "documents" shall refer to any written, recorded or graphic representation either produced or reproduced and any copy thereof, including, but not limited to letters, memoranda, notes, minutes, summaries, forecasts, appraisals, surveys, calculations, inter-office communications, diaries, work sheets, telegrams, cables, telex messages, written agreements, invoices, press releases, books, records, financial stmts., tapes, computer print-outs, computer tapes and/or disks, computer programs, drafts of any of the foregoing, magazines and other publications and any material underlying, supporting or used in the preparation of any documents, now or formerly in the actual or constructive possession, custody or control of the deponent, and all copies thereof where the copy is not an identical copy of the original, such as where the copy contains written notations.

As used herein, "Claimant" shall refer to the person(s) on whose behalf the Notice of Claim as been filed with the Borough of Palisades Park, and as used herein, the "Borough of

Palisades Park" shall refer to the Borough of Palisades Park along with any agent, official or employee of the Borough of Palisades Park against whom a claim is asserted by the Claimant.

INFORMATION ON THE CLAIMANT

1. Set forth the following information with respect to the Claimant:

a. Name

Benjamin A. Ramos

b. Any other name by which the Claimant has been known

No.

c. Current address

[REDACTED]
[REDACTED]

d. Current telephone number(s)

[REDACTED]

e. Address at the time of the incident giving rise to the claim

[REDACTED]
[REDACTED]

f. Date of Birth

[REDACTED]

g. Social Security Number

[REDACTED]

h. Marital Status (at the time of the incident and current)

Single

i. Identify each person residing with the claimant and the relation, if any of the person to the Claimant

Claimant lives alone.

2. Set forth all addresses of the Claimant for the last 10 years, the dates of the residence, the persons residing at the addresses at the same time as the Claimant resided at the address and the relation, if any, of the person to the Claimant.

Claimant has resided at [REDACTED] since on or about 01/14/2008. Prior residence was [REDACTED] for approximately ten (10) years.

3. Set forth the exact date, time and place of the incident forming the basis of the claim and the weather conditions prevailing at the time.

Mr. Ramos claims that he was retaliated against by public employees of the Borough of Palisades Park as a result of whistle-blowing activity while serving as Police Chief of Palisades Park from January 19, 2011 until his effective retirement on June 01, 2016. Consequently, the Borough of Palisades Park tortiously interfered with his right to receive all benefits associated with his retirement as Police Chief of Palisades Park, including, but not limited to, disability, unused vacation, pension and health insurance. Moreover, claimant seeks indemnification for costs incurred as a result of a breach of his contract with the Borough.

4. Set forth in complete detail in narrative form, the Claimant's version of the events that form the basis of the claim, specifically setting forth the names and addresses of all participants and the nature and extent of the participation of any individual so identified.

Mr. Ramos claims that he was retaliated against by public employees of the Borough of Palisades Park as a result of whistle-blowing activity while serving as Police Chief of Palisades Park from January 19, 2011 until his effective retirement on June 01, 2016. Consequently, the Borough of Palisades Park tortiously interfered with his right to receive all benefits associated with his retirement as Police Chief of Palisades Park, including, but not limited to, disability, unused vacation, pension and health insurance. Moreover, claimant seeks indemnification for costs incurred as a result of a breach of his contract with the Borough.

5. Set forth any and all individuals who were witnesses to or who have knowledge of the facts of the incident which gave rise to the claim. Provide the full name and all data as required by the instructions preceding these questions.

Borough of Palisades Park

Palisades Park Police Department

(MAYOR) JAMES ROTUNDO [REDACTED]

(COUNCILMAN) HENRY RUH [REDACTED]

(COUNCILMAN) JOSEPH TESTA [REDACTED]

(COUNCILMAN) CHRISTOPHER CHUNG, (Borough Hall Address) 275 Broad Ave,
Palisades Park, NJ 07650

(COUNCILMAN) JONGCHUL LEE (Borough Hall Address) 275 Broad Avenue,
Palisades Park, NJ 07650

(COUNCILMAN) FRANK DONOHUE [REDACTED]
[REDACTED]

(COUNCILWOMAN) CYNTHIA PIRRERA [REDACTED]
[REDACTED]

Edward Pirrera [REDACTED]

(BOROUGH ADMINISTRATOR) David J. Lorenzo [REDACTED]
[REDACTED]

(BOROUGH ATTORNEY) John L. Schettino, 800 Main Street-StE., 101 Hackensack,
NJ 07601

(CHIEF FINANCIAL OFFICER) Roy Riggitano, – address unknown

(PALISADES PARK FINANCE CLERK) Mary Leto [REDACTED]
[REDACTED]

(BOROUGH CLERK) Gina S. Kim, (Borough Hall Address) 275 Broad Ave, Palisades
Park, NJ 07650

(PALISADES PARK POLICE LIEUTENANT) Matthew J. Finck [REDACTED]
[REDACTED]

[REDACTED]
(PALISADES PARK POLICE CAPTAIN) Bruce Grasing Jr [REDACTED]
[REDACTED]

(PALISADES PARK POLICE SERGEANT) Dennis Pavlik [REDACTED]
[REDACTED]

(COUNSEL) Paul Kaufman, Esq. and Deena B. Rosendahl, Esq., Two Executive Drive,
Suite 530, Fort Lee, NJ 07024

Robert De Vito [REDACTED]

Mr. Ramos claims that he was retaliated against by public employees of the Borough of Palisades Park as a result of whistle-blowing activity while serving as Police Chief of Palisades Park from January 19, 2011 until his effective retirement on June 01, 2016. Consequently, the Borough of Palisades Park tortiously interfered with his right to receive all benefits associated with his retirement as Police Chief of Palisades Park, including, but not limited to, disability, unused vacation, pension and health insurance. Moreover, claimant seeks indemnification for costs incurred as a result of a breach of his contract with the Borough.

6. Identify all public entities or public employees alleged to have caused the injury and specify as to each public entity or employee the act or omission alleged to have caused the injury.

Borough of Palisades Park

Palisades Park Police Department

(MAYOR) JAMES ROTUNDO [REDACTED]

(COUNCILMAN) HENRY RUH [REDACTED]

(COUNCILMAN) JOSEPH TESTA [REDACTED]

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Palisades Park, NJ 07650

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Palisades Park, NJ 07650

(COUNCILMAN) FRANK DONOHUE [REDACTED]
[REDACTED]

(COUNCILWOMAN) CYNTHIA PIRRERA [REDACTED]
[REDACTED]

(BOROUGH ADMINISTRATOR) David J. Lorenzo [REDACTED]
[REDACTED]

(BOROUGH ATTORNEY) John L. Schettino, 800 Main Street-StE., 101 Hackensack,
NJ 07601

(CHIEF FINANCIAL OFFICER) Roy Riggiano – address unknown

(PALISADES PARK FINANCE CLERK) Mary Leto [REDACTED]
[REDACTED]

(BOROUGH CLERK) Gina S. Kim ,(Borough Hall Address) 275 Broad Ave, Palisades
Park, NJ 07650

(PALISADES PARK POLICE LIEUTENANT) Matthew J. Finck [REDACTED]
[REDACTED]
[REDACTED]

(PALISADES PARK POLICE CAPTAIN) Bruce Grasing Jr. [REDACTED]
[REDACTED]

(PALISADES PARK POLICE SERGEANT) Dennis Pavlik [REDACTED]
[REDACTED]

(COUNSEL) Paul Kaufman, Esq. and Deena B. Rosendahl, Esq., Two Executive Drive,
Suite 530, Fort Lee, NJ 07024

Robert De Vito [REDACTED]

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2016. Consequently, the Borough of Palisades Park tortiously interfered with his right to receive all benefits associated with his retirement as Police Chief of Palisades Park, including, but not limited to, disability, unused vacation, pension and health insurance. Moreover, claimant seeks indemnification for costs incurred as a result of a breach of his contract with the Borough.

7. If you allege wrongdoing by any employee or official of the Borough of Palisades Park, set forth the name and position of the employee or official and the exact nature of the alleged wrongdoing.

Borough of Palisades Park

Palisades Park Police Department

(MAYOR) JAMES ROTUNDO [REDACTED]

(COUNCILMAN) HENRY RUH [REDACTED]

(COUNCILMAN) JOSEPH TESTA [REDACTED]

(COUNCILMAN) CHRISTOPHER CHUNG, (Borough Hall Address) 275 Broad Ave,
Palisades Park, NJ 07650

(COUNCILMAN) JONGCHUL LEE, (Borough Hall Address) 275 Broad Avenue,
Palisades Park, NJ 07650

(COUNCILMAN) FRANK DONOHUE [REDACTED]
[REDACTED]

(COUNCILWOMAN) CYNTHIA PIRRERA [REDACTED]
[REDACTED]

(BOROUGH ADMINISTRATOR) David J. Lorenzo [REDACTED]
[REDACTED]

(BOROUGH ATTORNEY) John L. Schettino, 800 Main Street-StE., 101 Hackensack,
NJ 07601

(CHIEF FINANCIAL OFFICER) Roy Riggitano – address unknown

(PALISADES PARK FINANCE CLERK) Mary Leto [REDACTED]

[REDACTED]

(BOROUGH CLERK) Gina S. Kim, (Borough Hall Address) 275 Broad Ave, Palisades Park, NJ 07650

(PALISADES PARK POLICE LIEUTENANT) Matthew J. Finck [REDACTED]
[REDACTED]

(PALISADES PARK POLICE CAPTAIN) Bruce Grasing Jr. [REDACTED]
[REDACTED]

(PALISADES PARK POLICE SERGEANT) Dennis Pavlik [REDACTED]
[REDACTED]

(COUNSEL) Paul Kaufman, Esq. and Deena B. Rosendahl, Esq. Two Executive Drive, Suite 530, Fort Lee, NJ 07024

Robert De Vito [REDACTED]

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8. If you claim that the injury was caused by a dangerous condition of property under the control of the Borough of Palisades Park, specify the nature of the alleged dangerous condition and the manner in which you claim the condition caused the injury.

Not applicable.

9. If you allege a dangerous condition of property, set forth the specific basis on which you claim that the Borough of Palisades Park was responsible for the condition and the specific basis on which you claim that the Borough of Palisades Park was given notice of the alleged dangerous condition. General allegations such as "should have known" and "common knowledge" are insufficient.

Not applicable.

10. If you or any other party or witness you propose to produce consumed any alcoholic beverages or any drugs or medications within six (6) hours before the incident forming the basis of the Claim, state:
(a) the person consuming the same and for each person (b) what was consumed (c) the quantity thereof (d) where consumed (e) the names and addresses of all persons present

Not applicable.

11. If your claim is for property damage **only**, attach a description of the property damage and an estimate of the costs of repair. **(If your claim is for property damage only skip Questions 12 – 28)**

Not applicable.

PERSONAL INJURY CLAIMS

12. With respect to the alleged injury forming the basis of the claim, was any complaint made to the Borough of Palisades Park or to any official or employee of the Borough of Palisades Park.

Not applicable.

13. If the answer to the question above is in the affirmative, state the time and place of the complaint and the person or persons to whom the complaint was made.

Not applicable.

14. Describe in detail the nature, extent and duration of any and all injuries.

Not applicable.

15. Describe in detail any injury or condition claimed to be permanent or residual, together with all present complaints.

Not applicable.

16. If confined to any hospitals, state name and address of each and the dates of admission and discharge. Include all hospital admissions prior to and subsequent to the alleged injury forming the basis of the claim and set forth the reason for each admission.

Not applicable.

17. If x-rays were taken, state: (a) the address of the place where each was taken, (b) the name and address of the person who took them, (c) the date when each was taken, (d) what each disclosed, (e) where and in whose possession they are now. Include all x-rays, whether prior to or subsequent to the alleged injury forming the basis of the claim.

Not applicable.

18. If treated by doctors, state: (a) the name and present address of each doctor, (b) the dates and places where treatments were received, (c) the date of last treatment. Annex true copies of all written reports rendered to you or about you by any doctors whom you propose to have testify on your behalf.

Not applicable.

19. If you have been treated by or have consulted with a psychologist, psychiatrist, social worker, or counselor, set forth the name and address of the psychologist, psychiatrist, social worker, or counselor; the dates of the consultation or treatment, the reasons for the consultation or treatment and the date of discharge from the treatment, and true copies of all written reports rendered to you or about you by any of the psychologists, psychiatrists, social workers, or counselors.

Not applicable.

20. If you are still being treated, state: (a) the name and address of each professional rendering treatment,
(b) the nature thereof and, (c) where and how often the treatment is received.

Not applicable.

21. If you claim that a previous injury, disease or illness has been aggravated, accelerated or exacerbated, state in detail the nature of each and the name and present address of each doctor who rendered treatment for the condition, the period during which treatment was received and the cause of the previous injury, disease or illness which is alleged to have been aggravated, accelerated, or exacerbated.

Not applicable.

22. If you have any physical impairment affecting your ordinary movements, hearing or sight, state in detail the nature and extent of the impairment and what corrective appliances, support or device you use to overcome or alleviate the impairment.

Not applicable.

23. If any treatments, operation or other form of surgery in the future has been recommended, suggested or advised to cure, correct, remedy or alleviate any injury or condition resulting from the incident which forms the basis of the claim, state in detail: (a) the nature and extent of the treatment, operation or surgery, (b) the purpose thereof and the results anticipated or expected, (c) the name and address of the doctor who recommended or suggested or advised the treatments, operation or surgery, (d) the name and address of the doctor who will administer or perform the same, (e) the estimated medical expenses and disbursements to be incurred thereby, (f) the estimated length of time of treatments, operation, or surgery, period of hospitalization and period of convalescence, (g) all other losses or expenditures anticipated as a result of the treatments, operation or surgery, (h) whether it is your intention to undergo the treatments, operation or surgery and the approximate date.

Not applicable.

24. Itemize any and all amounts expended or expenses incurred for hospitals, doctors, nurses, x-rays, medicines, care and appliances and state the name and address of each payee and the amount paid or owed to each payee.

Not applicable.

25. Itemize any and all future medical or other expenses to be incurred, not otherwise set forth herein.

Not applicable.

26. If employed at the time of alleged injury forming the basis of the claim state: (a) the name and address of the employer (b) position held and the nature of the work performed, (c) the average weekly wages for the year prior to the injury, (d) period of time lost from employment, giving the dates, (e) the amount of wages lost if any.

Not applicable.

27. If other loss of income, profit or earnings is claimed, state: (a) total amount of the loss, (b) give a complete detailed computation of the loss, (c) the nature and source of loss of the income, profit and earnings and the dates of deprivation thereof.

Not applicable.

28. If you are presently employed, state: (a) the date that the employment began, (b) the name and address of the employer, (c) the position held and the nature of the work performed, (d) the average weekly wages. Attach copies of pay stubs or other complete payroll record for all wages received during the past year.

Not applicable.

29. If you have received any money or thing of value for your injuries or damages from any person, firm or corporation, state the amounts received, the dates, names and addresses of the payors.

Not applicable.

30. If any photographs, sketches, charts or maps were made with respect to anything which is the subject matter of the claim, state the date thereof, the names and addresses of the persons making the same and of the persons who have present possession thereof. Attach copies of any photographs, sketches, charts or maps upon which you intend to rely.

Not applicable.

31. State the names and addresses of all persons who have knowledge of any relevant facts relating to the case, identify each person whom you intend to call as a witness, and set forth as to each person the nature of the testimony that you expect them to present.

Not applicable.

32. If you or any of the parties to this action or any of the witnesses made any statements or admissions, set forth what was said; by whom, date and place where said, and in whose presence, giving names and addresses of any persons having knowledge thereof.

Not applicable.

33. With respect to all expert witnesses, including treating physicians who are expected to support the claim of the Claimant, and with respect to any person who has conducted an examination of the Claimant or of the property alleged to be damaged and who may be called upon to testify in any proceeding with respect to the claim, state the witnesses name, address and area of expertise, and annex a true copy of all written reports rendered to or about you. If a report is not written, supply a summary of any oral reports.

35. Identify and provide copies of all documents, memoranda, correspondence, reports (Including police reports), etc. which discuss, mention or pertain to the subject matter of this claim.

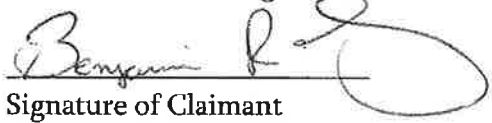
Not applicable.

DOCUMENT REQUEST:

Produce all documents identified in your answers to the above questions.

CERTIFICATION

The undersigned, identified as the Claimant, for the purpose of the above claim hereby certifies that the information provided, is the truth and is the full and complete response to the questions, to the best of the knowledge, information and belief of the undersigned.


Signature of Claimant

12/27/2016
Date

AUTHORIZATION FOR RELEASE OF MEDICAL AND HOSPITAL RECORDS

TO: _____

Date: _____

RE: _____
Patient's Name

Address _____

You are hereby authorized and requested to disclose, make available and furnish to the Attorney for the Borough of Palisades Park whose address is:

John Schettino, Esq.
800 Main Street
Hackensack, NJ 07601
(201) 498-9768

Or to the authorized representative of the Borough of Palisades Park, all information, records, x-rays, reports or copies thereof relating to my examination, consultation, confinement or treatment and to permit him or her to inspect and make copies or abstracts thereof.

Approximate date of admission to hospital, first examination, treatment or consultation:

A photocopy of this release form, bearing a photocopy of my signature, shall constitute your authorization for the release of the information in accordance with the request made to you.


Signature

AUTHORIZATION FOR RELEASE OF EMPLOYMENT RECORDS

TO: _____

Date: 12/27/2016

RE: _____

Employee's Name

Benjamin A. Ramos

Address

[REDACTED]

[REDACTED]

Social Security #

You are hereby authorized and requested to disclose, make available and furnish to the Attorney for the Borough of Palisades Park whose address is:

John Schettino, Esq.
800 Main Street
Hackensack, NJ 07601
(201) 498-9768

or to the authorized representative of the Borough of Palisades Park, all information, relating to my employment, including, but not limited to, my job title, assigned duties, compensation, benefits, attendance, and sick leave and to permit him or her to inspect and make copies or abstracts thereof.

A photocopy of this release form, bearing a photocopy of my signature, shall constitute your authorization for the release of the information in accordance with the request made to you.

Benjamin A. Ramos [Signature]

Signature