

Law Offices
of
MALLON & TRANGER

Thomas J. Mallon

*Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney*

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Freehold, NJ 07728

TEL: (732) 780-0230 FAX: (732) 780-5002

Other Locations:

Pt. Pleasant & Toms River

*sent to Ntroio 8/5/15
D Crosson*

223414

*cc-Krause
J White
Traci-Human
Res.*

REGULAR AND CERTIFIED MAIL, RRR

July 20, 2015

Clerk Nennette Perry
Township of East Brunswick
1 Jean Walling Civil Center
P.O. Box 1081
East Brunswick, NJ 08816-1081

Deputy Chief William Krause
Township of East Brunswick Police Department
1 Jean Walling Civil Center
P.O. Box 1081
East Brunswick, NJ 08816-1081

Colonel Joseph R. Fuentes
Department of Law and Public Safety
Division of State Police
River Road
P.O. Box 7068
West Trenton, NJ 08628-0068

Acting Attorney General John J. Hoffman
Office of the Attorney General
P.O. Box 080
Trenton, NJ 08625-0080

Re: NOTICE OF CLAIM
My Client: Richard B. Monticciolo
Date of Birth: April 18, 1992
Date of Incident: July 11, 2015

Dear Sirs/Madam:

Please accept this Notice of Claim letter on behalf of my client Richard B. Monticciolo stemming from an incident that occurred on July 11, 2015 when Mr. Monticciolo was returning to his family home in Holmdel, NJ, from a video game tournament at a church located in Somerset, NJ. While

RECEIVED
JUL 23 2015
EAST BRUNSWICK
MUNICIPAL CLERK

Mr. Monticciolo was driving home at approximately 11 p.m. that night, he was stopped by two plainclothed police officers in an unmarked police car. Mr. Monticciolo pulled his car into a parking lot and saw the vehicle was unmarked and the two men who got out of the vehicle were not wearing police uniforms. He panicked thinking he was being stopped by "thugs" so he drove down Route 18 South at a safe speed. Initially, the unmarked car followed him with flashing lights, but eventually marked units followed him too. When Mr. Monticciolo saw a marked patrol car behind him, he pulled into a Raceway gas station on Route 18 in New Brunswick. Mr. Monticciolo immediately got out of his vehicle with his hands up and surrendered to the police. He was ordered to get on the ground and he complied. Officers from East Brunswick then began handcuffing him after pushing his face into the pavement. While clearly under the control of these East Brunswick officers, a State Trooper, who was later identified by members of the East Brunswick Police Department as Trooper Michael Robertson, released a police dog on Mr. Monticciolo which bit him causing him to receive over 30 stitches on his right leg at Bayshore Community Hospital. Initially he was treated at Robert Wood Johnson Hospital; however, he subsequently went to Bayshore.

The East Brunswick police officers involved in this case were Alex Danese and K. Jun.

A witness to this incident was Parvesh Kumar who was working at the Raceway gas station where Mr. Monticciolo was arrested. Other presently unidentified police officers from East Brunswick took part in this arrest. It is our position in this case that Trooper Robertson intentionally released the dog for the purpose of biting my client. It is also our position that this was clearly excessive force. An alternate theory of this case is that the Trooper acted negligently by releasing the dog in this fashion. The East Brunswick Police Officers failed to intervene when Trooper Robertson released the dog on my client. Mr. Monticciolo will have permanent scarring as a result of this incident. Additionally, it appears that Trooper Robertson as well as the dog in question were improperly trained by the New Jersey State Police.

By copy of this letter, I am asking both the State Police and the East Brunswick Police Department to conduct an internal affairs investigation into this matter. All notices regarding this claim should come to my office. The value of this claim has yet to be determined.

Very truly yours,

THOMAS J. MALLON

TJM/dm

THIS CLAIM FORM MUST BE FILED WITHIN NINETY (90) DAYS OF ACCIDENT OR OCCURRENCE OR YOU MAY FORFEIT YOUR RIGHTS (N.J.S.A. 59:8-1 et seq.)

1. CLAIMANT:

MONTICCIOLO, RICHARD B

Last Name, First, Middle

[REDACTED]

Date of Birth

28 TIBERON DR

Street Address

Mailing Address

HOLMDEL NJ 07733

City, State, Zip Code

[REDACTED]

Social Security Number

S

Marital Status

0

Number of Dependents

NA

Home Phone Number

NA

Work Phone Number

2. If notices and correspondence in connection with this claim are to be sent to a person other than the claimant, complete item #2

THOMAS MALLON

Name

86 COURT ST

Mailing Address

FREEHOLD, NJ 07728

City, State, Zip Code

Relationship to Claimant: Attorney at Law ☒ or

Relationship

3. The occurrence or accident which gave rise to this claim

7-11-15

Date

APPROX. 11 PM

Time

A.M.

P.M.

Describe the location or place of the accident or occurrence

EAST BRUNSWICK

Municipality

RT 18 RACEWAY

Exact location of occurrence

Indicate exact street address)

DESCRIPTION OF ACCIDENT

Claimant was stopped by an unmarked East Brunswick Police vehicle. 2 undercover officers from East Brunswick approached. Claimant thought he might be getting mugged so he drove away at a safe speed. When marked patrol unit got behind him he pulled over into a Raceway Gas station. A State Trooper released a dog on claimant after he had given himself up + laid face down on ground. East Brunswick officers failed to intervene

- (a) Draw a diagram of the area of the incident. Label all intersecting streets. Indicate "North" by an arrow. Indicate house numbers where applicable. Mark "X" at exact spot of the occurrence and state the distance in feet from nearest intersecting streets if spot is not otherwise identifiable. Indicate public property.

- (b) State the name and address of the Township agency or agencies that you claim caused your damage/injury

East Brunswick Police officers + State Police

- (c) State the names of the Township employees whom you claim were at fault, including any information that will assist in identifying and locating them

Alex Devese and K. Jun

- (d) State the negligence or wrongful acts of the Township agency and employees which caused your damage

Failed to intervene when State Police officers used ex force by allowing dog to attack + bite claimant.

- (e) State the name and address of all witnesses to the occurrence

Trooper Michael Robertson

- (f) State the name and address of all police officers and police departments who investigated the incident

NTSP + EBPD

4. Claim for damages (check appropriate box):

☒ Personal Injury

☐ Property Damage

☐ Other

If other, explain in details:

If you claim personal injury:

1. Describe your injuries resulting from this incident

SEVERE LACERATIONS RT LEG (OVER 30 STITCHES)

2. Do you claim permanent disability resulting from this injury?

YES - SCARRING

3. For each hospital, doctor, or other practitioner rendering treatment, examination, or diagnostic state:

(a) Name and address of hospital and/or doctor

RWJ + Bayshore

(b) Date(s) of treatment

7-11-15 + 7-12-15

(c) Amount of charges to date

unknown

(d) Amount paid or payable by other sources such as insurance

5. If you claim lost wages or income as a result of injury, state:

J P Morgan, NYC

Name and address of employer

compliance

Your occupation and date employed at this job

50K/per year

Rate of pay

6 days - 7-11-15 to 7-21-15

Date of absences from work

10000

Total lost wages to date

NA

If still out of work, expected date of return

7. Have you made a claim against anyone (including insurance companies) for any of the losses or expenses claimed in this notice? NO

If yes, set forth the names and addresses of all persons and insurance companies whom you have made such claim

8. Are any of the losses or expenses claimed herein covered by any policy of insurance?

yes

For each policy, state the name and address of the insurance company, policy number, and benefits paid or payable

United Health Care

9. Have you received or agreed to receive any money from anyone for the damages claimed herein? NO If so, set forth the details of such agreement

10. The following items must be submitted with this notice:

- (a) Copies of itemized bills for each medical expense or other losses and expenses claimed
- (b) Full copies of appraisals and estimates of property damaged claimed by you
- (c) Copies of all written reports of all expert witnesses and treating physicians
- (d) A letter from your employer verifying your lost wages. If self employed, a statement showing the calculation of your claimed lost income.

I, hereby certify that the foregoing statements made by me are true, that the attached statements, bills, reports and documents are the only ones known to me to be in existence at this time. I am aware that if any statement made herein is willfully false, that I am subject to punishment provided by law.

Dated: 7-30-15

Thomas J. Mallon
Claimant or Person Filing on Behalf of Claimant

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Thomas M. Waddleton

Paralegal

July 31, 2015

Ms. Traci Randzio
Township of East Brunswick
1 Jean Walling Civic Center
P.O. Box 1081
East Brunswick, NJ 08816-1081

**Re: Richard Monticciolo
Date of Incident: July 11, 2015**

Dear Ms. Randzio:

Enclosed please find a completed Tort Claim form in connection with the above referenced matter.

Very truly yours,

/s/ THOMAS J. MALLON

THOMAS J. MALLON

TJM/dm

Enclosure



Township of East Brunswick

July 27, 2015

Law Offices of Mallon & Tranger
Thomas J. Mallon, Esq.
86 Court Street
Freehold, NJ 07728

Dear Sir:

Your recent communication in which you indicate an intention to assert a claim against East Brunswick Township or against an official, employee or department of East Brunswick Township for your client, Richard B. Monticciolo has been received.

In accordance with the New Jersey Tort Claims Act, East Brunswick Township has adopted an official form to be completed by an individual seeking to assert a claim against East Brunswick Township.

A copy of the Claim Form is enclosed and includes a form authorizing us to obtain reports with respect to this claim.

Your claim will not be considered as filed and cannot be evaluated until you return the completed form and provide the information requested.

You should be aware of the fact that the New Jersey Tort Claims Act includes limitations on claims against public entities and establishes time limits for the filing of such claims.

Sincerely,

Traci Randzio

Claims Coordinator

Sent via regular mail