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Andrew Moskowitz, Esq.
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December 23, 2015

Via Certified Mail, RRR

Green Brook Police Department
109 Greenbrook Road
Green Brook, NJ 08812

Township of Green Brook
Town Hall/Administrator
111 Greenbrook Road
Green Brook, NJ 08812-2501

Re: Michael J. Heller

Dear Sir or Madam:

This law firm represents Michael J. Heller. Please accept the following as a notice of claim pursuant to the Tort Claims Act, N.J.S.A. 59:1-1 to 12-3. Mr. Heller is asserting a tort claim against the Green Brook Police Department and its agents, servants and/or employees including without limitation Chief of Police G Christopher Kurz as well as any responsible agents, servants and/or employees of the Township of Green Brook.

Pursuant to N.J.S.A. 59:8-4, please be advised as follows:

A. Name and address of the claimant

Michael J. Heller, 136 Nassau Street, Clark, NJ 07066

B. The post office address to which the person presenting the claim desires notices to be sent

Andrew Moskowitz, Esq., Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, 505 Morris Ave.,
Springfield, NJ 07081, (973) 379-4200, (973) 379-7872 (fax), e-mail: amoskowitz@lawjw.com



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C. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted

In or about June 2014, Mr. Heller became a police officer for the Green Brook Police Department. On or about June 14, 2015, the Green Brook Police Department Chief Kurz told Mr. Heller that he was being "let go." Chief Kurz stated that Mr. Heller did not fit the role of "small town cop" and that he would be better suited in a larger municipality. He was further informed that he had until 5 p.m. to "resign or be fired."

On or about June 15, 2015, the claimant returned to the Green Brook Police Department with Brian Schiller, Esq.. After a discussion with Mr. Schiller, Chief Kurz promised that, in response to inquiries from prospective employers, Mr. Heller would receive a "neutral" recommendation. That same day, Mr. Heller submitted his resignation.

On or about November 16, 2015, Mr. Heller was informed that the Township of Parsippany-Troy Hills would no longer consider him for employment as a police officer. The basis for this decision was a letter from Chief Kurz that was communicated to the Township of Parsippany-Troy Hills stating, *inter alia*, that Mr. Heller had been "released from duty" due to "several incidents of poor judgment, inappropriate behavior with co-workers and the public, and failure to understand the purpose and responsibilities of his role while in uniform." ("Chief Kurz's Defamatory Statements" or "the Defamatory Statements").

Chief Kurz's Defamatory Statements purported to be factual but in fact were false and defamatory. Chief Kurz knew the Defamatory Statements were false and/or acted in reckless disregard of their truth or falsity. Alternatively or additionally, in making said statements, Chief Kurz was primarily or chiefly motivated by actual malice and/or ill will.

D. A general description of the injury, damage or loss incurred so far as it may be known at the time of presentation of the claim

Mr. Heller has suffered economic losses. As noted supra, due to Chief Kurz's Defamatory Statements, the Township of Parsippany-Troy Hills declined to consider Mr. Heller for employment as a police officer. Upon information and belief, due to Chief Kurz's Defamatory Statements, Mr. Heller has lost other employment opportunities.

Mr. Heller has also suffered emotional distress and seeks additional compensatory as well as punitive damages and attorneys fees.



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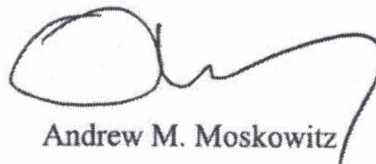
E. The name or names of the public entity, employee or employees causing the injury, damage or loss, if known

Any responsible agents, servants and/or employees of the Green Brook Police Department including without limitation Chief of Police G. Christopher Kurz, as well as any responsible agents, servants and/or employees of the Township of Green Brook.

F. The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

See response to (D), supra. Mr. Heller's damages are unliquidated and cannot be calculated with precision.

Very truly yours,



Andrew M. Moskowitz

Township of Parsippany-Troy Hills



Police Department

COPY

3339 Route 46

Parsippany, New Jersey 07054

(973) 263-4300

AUTHORIZATION FOR RELEASE OF INFORMATION

NOTICE: N.J.S. 2C:28-3a

A person commits an offense if he/she makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

I am an Applicant for a position with the Parsippany-Troy Hills Police Department. The department needs to thoroughly investigate my employment background and personal history to evaluate my qualifications to hold the position for which I applied. It is in the public's best interest that all relevant information concerning my personal and employment history be disclosed to the above department. It is in the public's best interest that all relevant information concerning my personal, employment, motor vehicle, credit, criminal, military and medical history be disclosed to the above Department.

I hereby authorize any representative of the Parsippany-Troy Hills Police Department bearing this release to obtain any information in your files pertaining to my personal, employment, motor vehicle, credit, criminal, military and medical records and I hereby direct you to release such information upon request of the bearer of this release.

I do hereby authorize a review and full disclosure of all records, or any part thereof, concerning myself, by and to any duly authorized agent of the Parsippany-Troy Hills Police Department, whether said records are of a public, private, or confidential nature. The intent of this authorization is to give my consent for full and complete disclosure. I reiterate and emphasize that the intent of this authorization is to provide full and free access to the background and history of my personal life, for the specific purpose of pursuing a background investigation that may provide pertinent data for the Parsippany-Troy Hills Police Department to consider in determining my suitability for employment with that department. It is my specific intent to provide access to personnel information, however personal or confidential it may appear to be.

I consent to your release of any and all public and private information that you may have concerning me, my work record, my background and reputation, my military service record, education records, my financial status, my criminal history record, including any arrest records, any information contained in investigatory files, efficiency ratings, complaints or grievances filed by or against me, either criminal or civil, in which I presently have, or have had an interest, attendance records, polygraph examinations, and any internal affairs investigations and discipline, including any files which are deemed to be confidential.

I hereby release you, your organization, and others from liability or damages that may result from furnishing the information requested, including any liability or damage pursuant to any state or federal laws.



mgn

I hereby release you, as the custodian of such records of your organization, including its officers, employees or related personnel, both individually or collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family, or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. I direct you to release such information upon request of the duly accredited representative of the Parsippany-Troy Hills Police Department regardless of any agreement I may have made with you previously to the contrary. The law enforcement organization requesting the information pursuant to this release will discontinue processing my application if you do not disclose the information requested. For and in consideration of the of the Parsippany-Troy Hills Police Department's acceptance and processing of my application for employment, I agree to hold your organization, its agents and employees harmless from any and all claims and liability associated with my application for employment or in any way connected with the decision whether or not to employ me with the Parsippany-Troy Hills Police Department.

I understand that should information of a serious criminal nature surface as a result of this investigation, such information may be turned over to the proper authorities. I understand my rights under Title 5, United States Code, Section 552a, the Privacy Act of 1974, with regard to access and disclosure of records, and I waive those rights with the understanding that information furnished will be used by the Parsippany-Troy Hills Police Department in conjunction with employment procedures. Additionally, pursuant to N.J.A.C. 13:59-1.2(b), regarding the release of New Jersey State Bureau of Investigation criminal reports, I hereby authorize the Parsippany-Troy Hills Police Department to release to the Department of Personnel, and further authorize the Department of Personnel to receive, criminal reports pertaining to my background investigation.

A photocopy or fax copy of this release form will be as valid as an original thereof, even though the said photocopy or fax does not have an original writing of my signature. Should there be any questions as to the validity of this release, you may contact me at the address listed below on this form. I agree to pay any and all charges or fees concerning this request and can be billed for such charges at the address listed on this form. I agree to indemnify and hold harmless the person to whom this request is presented and his/her agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or by reason of complying with this request.

APPLICANT:

Michael J. Heller

ADDRESS:

136 Nassau St Clark, NJ 07066

HOME PHONE:

[REDACTED]

D.O.B.

12/02/83

SIGNATURE:

mj Heller

DATE:

10/01/15



Candidate's Signature

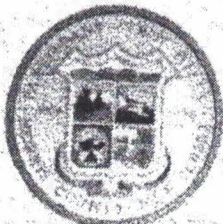
X mj Heller

COPY



mjH

***Township of
Parsippany-Troy Hills***



Police Department

***3339 Route 46
Parsippany, New Jersey 07054
(973) 263-4300***

NOVEMBER 10, 2015

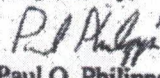
Michael Heller,

This letter is to inform you that the background investigation for your employment as a police officer with this agency is being terminated, thereby disqualifying you from any further consideration. As part of the background investigation process, your experience and employment record was used to consider your suitability for the position sought, which resulted in an "Unsatisfactory employment record," specifically:

A letter from Greenbrook, NJ Police Department Chief of Police G Christopher Kurz to Township Administrator Kelly Cupit, dated June 14, 2015, which documents your being "released from duty with [Greenbrook Police Department]" during your extended probationary period. Cited in the letter are several incidents of poor judgement, inappropriate behavior with co-workers and the public, and failure to understand the purpose and responsibilities of [your] role while in uniform.

Should you wish to dispute this correspondence, please follow the instructions listed on the Notice of Eligibility originally sent to you by the NJ Civil Service Commission.

Respectfully,


Paul O. Philipps
Chief of Police

AN EQUAL OPPORTUNITY EMPLOYER