

TITLE 59 TORT LIABILITY NOTICE

DATED: October 23, 2024

SENT VIA REGULAR AND CERTIFIED U.S. MAIL (RETURN RECEIPT REQUESTED) TO:

The Borough of Paramus (Municipal Government)
1 W Jockish Square, Paramus, NJ 07652

The Township of Washington (Municipal Government)
350 Hudson Avenue, Township of Washington, Bergen County, NJ 07676

Re:

**Notice of Claim for Damages Pursuant to New Jersey Title 59
(Tort Liability Notice) AND LETTER OF DEMAND/INTENT TO FILE LAWSUIT**

Dear Sir/Madam:

Please be advised that I am submitting this letter as a follow-up to complaints I sent by email regarding an incident on July 28, 2024, in which it appeared two police dispatchers both refused to assist the undersigned, who was requesting an ambulance for a life-threatening emergency, which ultimately resulted in the undersigned's grandmother being admitted to an intensive care unit. Furthermore, the incident on July 28 was the latest in a pattern of incidents in which first responders appeared to refuse to assist the undersigned or a family during a bona-fide emergency, or otherwise subjected the undersigned or a family member to abuse or mistreatment. More specifically, as a result of your negligence, misconduct, tortious actions, and failure to supervise, the below-named claimants were subjected to unlawful retaliation or reprisals against the Conscientious Employee Protection Act ("CEPA", more commonly known as the "Whistleblower's Act"), discrimination, harassment, intimidation, intentional infliction of emotional distress, and substandard medical care during life-threatening emergencies and suffered physical harm and injury, long-term and undue adverse health effects, mental anguish, mental distress, undue pain and suffering, humiliation, embarrassment, anxiety, among other losses and injuries.

As referenced above, the undersigned emailed the Police Departments of Paramus and Township of Washington to complain of the actions of their dispatchers on the morning of July 28, 2024. To put it simply, the undersigned was under the belief that his nearly 90-year-old and terminally ill grandmother was "being left for dead" and "being left to suffer needlessly" and was highly upset when his email was written. In that email, the undersigned made it known that he himself is a professional first responder who previously held supervisory positions with the Township of Washington. Both police departments appeared to respond by faulting the actions of the undersigned, *who was off-duty and handling a personal emergency or emergency involving his family member, and NOT acting in any kind of official capacity what-so-ever*, and to accuse the undersigned of acting against emergency services protocols. It is acknowledged that at the time, the undersigned responded by apologizing and withdrawing his complaint, as he was pre-occupied and wished for no further trouble. However, upon further examination and contemplation, the attack on the undersigned's professionalism and actions during his personal/grandmother's emergency was wrongful.

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The July 28 incident came only just over a month after a previous incident that the undersigned complained about and submitted a tort notice (dated Sept 13). In this June 2024 incident, the undersigned and his sister, both medical professionals, separately contacted emergency services to report that their mother was in a life-threatening condition, after becoming ill with COVID-19. Their call for help resulted in an EMT from Paramus arguing repeatedly with undersigned and his family against providing further help for their mother, starting within approximately one minute of said EMTs arrival on scene. Again, in this incident, undersigned was strictly off-duty and not in an official capacity. The July 2024 email and September 2024 tort notice complaining of the June 2024 incident are referenced and incorporated herein.

The June and July 2024 incidents in which various first responders refused or attempted to refuse to assist the undersigned during life-threatening emergencies came after the undersigned sent a tort notice in September 2023 to the Township of Washington and its Ambulance Corps complaining of violations of the NJ Law Against Discrimination, and a years-long pattern in which his fellow first responders repeatedly and severely slandered the undersigned and interfered with the operations of a company that he owns. Likewise, the September 2023 tort notice is hereby referenced and incorporated herein.

It should also be noted that the undersigned, by way of counsel, filed a worker's compensation claim in February 2024 as well as a lawsuit in New Jersey Superior Court against the Township of Washington and its ambulance corps for physical injuries and damages. Additionally, the undersigned was interviewed by the Township of Washington Police Department in July 2022 regarding the abuse and mistreatment, up until that time, from his fellow first responders. Therefore, Complaint #I-2022-006524 / Case #183-22 is referenced and incorporated herein.

Upon further contemplation and evaluation, the undersigned finds it unrealistic that the two occurrences of his and his family being denied emergency services, in light of ongoing and pending litigation against the Township of Washington, its ambulance corps, and other first responders working in the same area, happened by coincidence and does believe that he was being retaliated against by his co-workers, against the Whistleblower's Act/CEPA.

Please accept this letter (hereinafter and interchangeably referred to as "Tort Notice") as formal notification of our intent to pursue a claim and legal actions against and all of the potential defendants named below, and other entities that may be determined to be responsible pursuant to the provisions of the New Jersey Tort Claims Act, specifically, N.J.S.A. 59:1-1, et seq.

With regard to the provisions of N.J.S.A. 59:8-4, please be advised of the following:

A. The claimants are Justin G. TSAI, Xiu Duan ZOU, Joseph TSAI Sr, Joseph TSAI

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Jr, Yi Yun Tsai unnamed home aides 1-10, and unknown persons or entities 1-10. Justin G. Tsai is the grandson of Xiu Duan ZOU. Justin G. Tsai presently holds New Jersey EMT License #615178, was initially credentialed as an EMT on June 24, 2015, and was a former member of the nursing profession bearing license #RN-GTL-20-01509, until he voluntarily gave up his nursing license in lieu of professional pursuits he deemed more suitable to himself. Xiu Duan ZOU is grandmother of Justin G. Tsai, mother of Joseph Tsai Jr, and wife of Joseph Tsai Sr. Xiu Duan ZOU is a retired healthcare executive, former community health nurse (New York City, from ~1987-~2000), former critical care nurse (PR China, ~1961-1987), and former paramedic (China, ~1961-1987). Xiu Duan ZOU is at present terminally ill with end-stage dementia and no longer has the ability to communicate meaningfully or make decisions. Xiu Duan ZOU did sign a number of documents to include living wills and advanced directives while she still possessed the capacity to do so, with both of her daughters-in-law witnessing her signature, which then named Justin G. Tsai as her primary healthcare agent and decision-maker at such time she is no longer possesses the capability to make her own decisions. Joseph X. Tsai, Sr has been married to Xiu Duan ZOU since the 1960s and was physically at his wife's bedside and witnessed her wanton and needless suffering during the time of the unnecessary delay in obtaining emergency services and an ambulance for his wife, thus suffering undue psychological harm and distress as a result. Joseph Tsai Jr. was on the phone with his father and watching via a live video-feed his mother's suffering and thus suffered undue psychological harm and distress. Zou's unnamed aides, who are extremely dedicated to her care and comfort, also suffered undue harm while helpless and watching their client suffer needlessly. Yi Yun TSAI was standing besides her husband (Joseph Jr) and son (Justin) and observed the events as they unfolded, and was able to view her mother-in-law's suffering through video-feed, thus causing her undue psychological harm and distress. Justin G. TSAI most certainly suffered needlessly as he frantically and desperately searched for a dispatcher willing to send an ambulance to care for his grandmother. All members claimants most certainly suffered psychological harm and distress when made aware of the claim that their own actions caused their family member's suffering.

Justin G. Tsai, Joseph Tsai Jr, and Yi Yun Tsai reside at 144 Ivanhoe Drive, Paramus in the County of Bergen, State of New Jersey.

Joseph Tsai Sr and Xiu Duan Zou reside at 111-21 66th Ave, Unit 3A, Forest Hills in the County of Queens, State of New York.

Note: Justin G. Tsai was at all times relevant designated in writing by Xiu Duan ZOU to be her decision-maker at any time she is no longer able to make decisions for herself. Therefore, the written documents signed by ZOU also excludes him from any liability for any actions or decisions made in good faith;

B. All notices, letters and communications should be sent to: myself, Justin G. Tsai, 144 Ivanhoe Dr, Paramus, NJ 07652-4135;

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C. On or about the morning of July 28, 2024, the home aides caring for Claimant ZOU phoned Claimant Justin and Joseph Jr. to notify both that ZOU was appearing to be struggling to breathe. Joseph Sr. had just recovered from COVID19 and ZOU appeared to be showing typical COVID19 symptoms. As the aides are not licensed medical professionals, they lacked the authority to make decisions on behalf of ZOU and were unable to summon further medical help for ZOU. Therefore, they reported their concerns instead to Justin and Joseph Jr., and left the decision to the family whether to seek further help and to do so themselves. Justin and Joseph Jr. were at that time located at their residence in Paramus, NJ. This was not the first time that Justin has had to call an ambulance for any of his grandparents, all NYC residents, while physically located in New Jersey, and has been able to request a New York City dispatcher through a New Jersey dispatcher in the past.

Incidentally, the night prior, Justin had phoned the Paramus Police on their landline to report that someone had tampered with his vehicle. With the Paramus Police landline showing at the top, Justin without hesitation pushed the button to dial Paramus Police and notified the dispatcher of the situation. As detailed in the complaint email, referenced and incorporated herein, the dispatcher provided Justin instead with a phone number that ultimately lead to a NYPD voicemail box and not a person who could assist. With his grandmother's life in danger and time running out, and not receiving the needed help from Paramus, he then called Township of Washington, as he was at the time still on medical leave from their Ambulance Corps, with a similar plea for assistance. Again, he was denied. He called 911 in hopes of reaching any other dispatcher, only to reach the same person he spoke to moments ago at Paramus. The same dispatcher asked him to wait. At the same time, another family member reached an NYPD precinct through a landline, and found a desk officer who was willing to transfer the call appropriately. Justin thus spoke to the NYPD desk officer and obtained an ambulance for his grandmother.

Justin was then and now dumbfounded as to how the previous two dispatchers, each who were sitting in dispatch centers with a variety of communications equipment available to them, were unable to contact New York City ('s emergency services) and relay the information Justin had just provided. He therefore emailed to both ask and complain, and received answers that faulted him for using landlines as opposed to simply dialing 911.

The claim that Justin's contacting law enforcement through landlines rendered responders unable to help is faulty for a number of reasons.

To begin with, Tsai was off duty and handling a personal emergency involving his family member, not acting in a professional or official capacity. While it is true that Justin boasts a number of years of emergency services experience and was most recently self-employed as a consultant, there is a fundamental difference between handling an emergency on-duty and off-duty. Justin never has been nor has ever claimed to be a trained emergency services dispatcher.

Because of the fundamental difference between on-duty and off-duty actions, various legal principles, such as the Good Samaritan law, renders Justin exempt from any form of liability for his off-duty actions or actions while caring for a family

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member, provided that he is acting in good-faith. In other words, it is recognized that Justin cannot be held to the same standards he would be as a professional, when off duty or caring for a family member.

The faulting of Justin for his actions while caring for an ill and dying family member is wrongful also because it is fundamentally recognized that the circumstances that Justin was in would be highly upsetting for the typical person if not the vast majority of people. It is well-known that plenty of people have phoned for emergency services while emotional, irrational, and distraught and were able to receive the assistance they needed through professional responders who problem-solved and helped calm down the person(s) seeking assistance. Yet, in Justin's case, coincidentally at the same time he was seeking damages from other first responders, he was denied the help he desperately needed and faulted over an honest mistake.

It is also well known that there are a variety of ways that an emergency may be reported or resources requested. A person may approach a facility or uniformed (on-duty) personnel to report a situation in person. An officer on patrol may come across a situation, and contact or radio dispatch to request additional resources. First responders at the scene of an emergency may likewise request an additional resource by contacting, radioing, or calling a dispatcher. Dispatch centers routinely contact each other whether it be by phone (landline) or by radio to request additional help or to report a stolen vehicle or suspect potentially fleeing into a neighboring jurisdiction.

While claimants will endeavor to report their emergencies through 911 and refrain from contacting emergency services through landline numbers, to say that claimants must follow an exact procedure perfectly to report a life-threatening emergency or risk being declined help is also completely unrealistic.

Lastly, while claimants recognize that the actions complained about do not represent the vast majority of first responders, Paramus and its police department, and Washington Twp. and its police department, it also should be recognized that no member of Justin's family has ever played a role in any of the disputes ongoing between his (former) colleagues and Justin;

D. As a result of aforementioned incident(s), each claimant has suffered serious and permanent injuries as a result of the consequences of the acts of the potential defendants. These injuries include psychological damages, psychiatric injury, emotional damages and physical injuries, all of which occurred as a result of the aforementioned incident.

The following are the Damages Sought/Charges to be Filed as a result of the aforementioned course of conduct:

- **Violation of the Conscientious Employees Protection Act (Whistleblower's Act/CEPA)**
- **Harassment,**

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- Intimidation,
- Bullying,
- Intentional Infliction of Emotional Distress,
- Discrimination,
- Violation of Civil Rights,
- Violation of Constitutional Rights,
- Violation of New Jersey Law Against Discrimination (the "NJLAD").
- Medical Expenses
- Physical and Psychological Pain and Suffering
- Physical Injuries;

E. The potential defendants are:

1. **Borough of Paramus**, 1 Jockish Square, Paramus Boro, Bergen County, NJ 07652, a municipal corporation/entity.
1. **Township of Washington**, 350 Hudson Ave, Twp of Washington, Bergen County, NJ 07676, a municipal corporation/entity.
2. **Paramus Police Department**, a subordinate entity to the Borough of Paramus.
3. **Unknown Supervisors of the Township of Washington Police Department #1 - 100** in their official capacities for failure to properly supervise.
4. **Unknown Supervisors of the Borough of Paramus Police Department # 1 - 100** in their official capacities for failure to properly supervise.
5. **Unknown Dispatchers of the Township of Washington (Police Department) #1 - 10** in their personal and official capacities
6. **Unknown Dispatchers of the Borough of Paramus (Police Department) # 1 - 10** in their personal and official capacities
7. **All defendants named in the September 2024 and September 2023 tort notices, all defendants named in the February 2024 worker's compensation claim, and all defendants named in the October 2024 lawsuit (docket # BER-L-5946-24).**
8. **Municipal Entitles 1-100**
9. **ABC Corporations 1-100**
10. **John Does 1-100, individually and in their official capacities**
and their agents, servants and/or employees,
and other agencies/entities to be determined at a later time;

F. Claimants are demanding compensation up to and in the amount of \$10,000,000 (ten million dollars) USD per victim. The amount claimed is yet to be determined

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because of ongoing evaluations and treatment;

Should you require any additional information, please do not hesitate to contact me. Please be advised that, should any portion of this notice be held invalid or unenforceable, the rest of this notice shall remain in full effect.

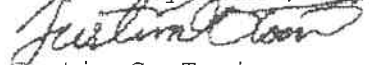
If you have a Title 59 Notice of Claim form to be completed, please forward that form to us immediately.

Today's Date:

October 23, 2024

Paramus, New Jersey

Very Truly Yours,



Justin G. Tsai

BOROUGH OF PARAMUS

2024 NOV -4 A 10:14

BOROUGH CLERKS OFFICE