

(C)

cc: J. D'Arcey

LAW OFFICES OF VINCENT J. FAILLA

A LIMITED LIABILITY COMPANY

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RECEIVED
AUG 14 2008
Mount Olive Township Clerk's Office
Of Counsel: PATRICK V. BANKS, ESQ.°
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pbanks@vjflaw.com

August 11, 2008

VIA FIRST CLASS & CERTIFIED MAIL R.R.R.

William Sohl, Bus. Admin.
Township of Mt. Olive
Municipal Building
204 Flanders-Drakestown Rd.
P.O. Box 450
Budd Lake, N.J. 07828

Fred Detoro, Chief
Flanders Fire Co. #1 &
Rescue Squad
27 Main Street
Flanders, N.J. 07836

Heather Detoro, Captain
Flanders Fire Co. #1 &
Rescue Squad
27 Main Street
Flanders, N.J. 07836

Joseph Abrusci Sr., President
Flanders Fire Co. #1 &
Rescue Squad
27 Main Street
Flanders, N.J. 07836

✓ Lisa Lashway, Clerk
Township of Mt. Olive
Municipal Building
204 Flanders-Drakestown Rd.
Budd Lake, N.J. 07828

RE: NOTICE OF TORT CLAIM BY NICHOLAS PETONAK

Dear Sir or Madam:

This letter shall serve to confirm that this law firm represents the legal interests of Nicholas Petonak who has

served as a member of the Flanders Fire Co. #1 & Rescue Squad (the "Association") since May, 2007. Mr. Petonak has alleged that he has been seriously victimized and mistreated by the Association, its Chief, its Captain, and the Executive Committee, in particular, by the Association's President, Joseph Abrusci Sr. Mr. Petonak's allegations are both serious and liable.

The undersigned, Nicholas Petonak, makes and presents his claim against the Association, Joseph Abrusci Sr., President, and the Township of Mt. Olive (the "Township"), through you as the governing body, to the Chief of the Fire Company, to the Captain of the Rescue Squad and to Joseph Abrusci Sr., in accordance with the applicable provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq., including N.J.S.A. 59:8-3 and 8-4 and states as follows:

1. Claimant's full name and post office address are: Nicholas Petonak, 6 Devonshire Terrace, Flanders, New Jersey 07836.
2. All future communications and notices should be given to the claimant's attorney Vincent J. Failla, Esq., at 197 Fairfield Road, Fairfield, New Jersey, 07004.
3. This claim arises from Mr. Petonak's membership with the Flanders Fire Co. #1 and Rescue Squad (the "Association"). Mr. Petonak's brother, Zachary Petonak, filed his own Tort Claim Notice on or about December 27, 2007. Since that date, Mr. Petonak has been harassed and retaliated against by the Association and its officers, specifically by Mr. Joseph Abrusci Sr.

Mr. Petonak continues to be harmed by and subjected to an ongoing pattern and practice of defamatory, discriminatory, and other unlawful conduct in violation of the Association's Bylaws and applicable New Jersey/Federal law. Mr. Petonak had abusive, frivolous and unsupported criminal charges filed against him in the Mount Olive Police Department and Municipal Court alleging theft of Flanders Fire equipment. Mr. Petonak has suffered injury to his person, to his good name and reputation, to his career and otherwise as a matter of law.

In addition, Mr. Petonak was deprived of his federal and state constitutional rights as well as his civil rights under federal and state laws and statutes. All of the above-referenced violations and grievances arise from an initial incident where the Petonak family reported to the Association, the Chief and the Captain that certain

members/officers were drinking alcohol on the Town fire trucks and also leaving alcohol on the Town fire trucks in direct violation of the Association's bylaws. Mr. Petonak has suffered through a hostile work environment since that date and has had his rights under the Conscientious Employees Protection Act violated.

4. See Number 3 of this Tort Claim Notice.
5. The claimant's injuries were proximately caused by the acts, omissions, and intentional misconduct of the Association, Joseph Abrusci Sr., the Township of Mt. Olive, and the Township employees acting in the course or scope of their office or agency.
6. The witnesses to the wrongful acts, omissions, and intentional misconduct done to Mr. Petonak were by the Association, Joseph Abrusci Sr. and Township, so far as known to the claimant, are the following persons or individuals:
 1. Wesley Petonak
435-C Boyd Street
Boonton, New Jersey, 07005.
 2. James Petonak
6 Devonshire Terrace
Flanders, New Jersey 07836
 3. Zachary Petonak
6 Devonshire Terrace
Flanders, New Jersey 07836
 4. Nicholas Petonak
6 Devonshire Terrace
Flanders, New Jersey 07836
 5. Fred Detoro, Chief
Flanders Fire and Rescue Co. #1
27 Main St.
Flanders, New Jersey 07836
 6. Heather Detoro
Captain, Rescue Squad
Flanders Fire and Rescue Co. #1
27 Main St.
Flanders, New Jersey 07836
 7. Joseph Abrusci Sr., President
Flanders Fire and Rescue Co. #1

27 Main St.
Flanders, New Jersey 07836

Mr. Petonak will supplement and/or amend this notice to reflect further witnesses as requested by the Association or the Township

7. As of the date of this claim, the claimant has suffered and sustained approximately \$500,000.00 in general damages for pain, suffering, emotional distress, and the like; and the full amount of his compensatory damages, excluding punitive damages which are claimed. In addition, the loss of income of over \$2,000,000.00 to Mr. Petonak that he would have made in law enforcement but for the false and defamatory statements made by and the false police report filed by Joseph Abrusci, Sr. against Mr. Petonak. Mr. Petonak reserves the right to amend his response to this tort claim notice.

8. By reason of the above, the undersigned claims at least \$2,500,000.00 as damages, excluding punitive or exemplary damages, and costs of suit and attorneys' fees.

Thank you for your attention to this matter and your anticipated cooperation is greatly appreciated. Please forward this Notice to the appropriate Insurance Carriers. If you have any questions or require any additional information, please feel free to contact me.

Very truly yours,


Vincent J. Failla

VJF/gl

cc: Mr. Nicholas Petonak