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BROSCIOUS FISCHER & ZAITER

LAW OFFICE

James W. Broscius (1945-2007) | **Thomas P. Fischer*** | **John M. Zaiter*** | Carolyn A. Fiorino | Nancy E. Berman

Of Counsel: Thomas R. Hampshire • L. Susan Cooke* • Martin Bry-Nildsen, Jr. (1915-1999)

*NJ & PA Bars

cc: Admin
Att: J. Dorsey



September 14, 2009

Mayor David Scappicchio
204 Flanders Drakestown Road
Budd Lake, NJ 07828

Mark Spitzer, Chief of Police
Mt. Olive Twp. Police Department
204 Flanders-Drakestown Road
P.O. Box 450
Budd Lake, NJ 07828

Jennifer M. Gentilucci, C.M.C.A.
Court Administrator
Mt. Olive Township Municipal Court
P.O. Box 450
Budd Lake, NJ 07828



RE: TORT & CLAIMS NOTICE

My Client: Frank Natale
Date of Arrest: July 15, 2009
Officer: Eric Anthony

Dear Sirs and Madam:

Please be advised that this firm represents Frank Natale with respect to the above referenced matter.

After conversations with my client and my review of the Mt. Olive Township Police Processing Room tape of July 15, 2009, I have concluded that my client's Constitutional, Civil and Human Rights have been violated.

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Mayor David Scappicchio
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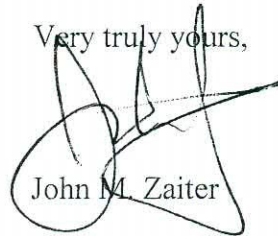
It is in this light that, I hereby put you on tort Claim Notice pursuant to N.J.S.A. 59:8-1, et al. It is clear, based upon my review of the video surveillance that Officer Eric Anthony, and other unknown officers utilized excessive force, by assaulting Mr. Natale, while he was confined in police custody.

In addition to assaulting my client, Officer Anthony maliciously filed criminal charges against Mr. Natale, by charging him with aggravated assault. That charge was recently downgraded by the Morris County Prosecutor's Office, to simple assault.

As a result of the actions of Officer Anthony and the other officers who appear in the surveillance video, and the malicious prosecution that followed, my client has suffered and will continue to suffer damages, which include but are not limited to, pain and suffering, both physical and mental, embarrassment, legal fees, anxiety and fear.

In conclusion, I hereby demand that you take disciplinary action against Officer Anthony and the other officers for this police brutality and malicious prosecution.

Very truly yours,



John M. Zaiter

jmz/jap
c.c. Frank Natale