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NOTICE OF CLAIM

COMPTROLLER'S OFFICE
CITY OF NEW YORK
IN THE MATTER OF THE CLAIM OF
GWEN CARR, as Administrator of the Estate of ERIC GARNER, and on behalf of spouse
ESAW SNIPES and his infant children [REDACTED]

against

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT,
POLICE OFFICER DANIEL PANTALEO, POLICE OFFICER JUSTIN D'AMICO, POLICE
OFFICER CRAIG FURLANI, POLICE OFFICER CHRISTOPHER MALDONADO, POLICE
OFFICER WILLIAM MEEMS, POLICE OFFICER MARK RAMOS and JOHN & JANE DOES-
Police Officers as yet unidentified,

TO: COMPTROLLER OF THE CITY OF NEW YORK, on behalf of THE CITY OF NEW
YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER DANIEL
PANTALEO, POLICE OFFICER JUSTIN D'AMICO, POLICE OFFICER CRAIG
FURLANI, POLICE OFFICER CHRISTOPHER MALDONADO, POLICE OFFICER
WILLIAM MEEMS, POLICE OFFICER MARK RAMOS and JOHN & JANE DOES-
Police Officers as yet unidentified

PLEASE TAKE NOTICE that the undersigned claimants hereby make claims and demands
against you, as follows:

1. The name and post-office address of each claimant and claimant's attorney is:

RUBENSTEIN & RYNECKI, ESQS.
16 Court Street, Ste. 1717
Brooklyn, New York 11241

GWEN CARR, as Administrator
of the Estate of ERIC GARNER
[REDACTED]

2. The nature of the claim: The claims include, but are not limited to: (i) wrongful death; (ii) pre-death pain and suffering, and conscious pain and suffering; (iii) assault; (iv) battery; (v) intentional infliction of emotional distress; (vi) negligent infliction of emotional distress; (vii) negligent hiring; (viii) negligent training; (ix) negligent supervision, including failure to adequately discipline; (x) negligent retention and hiring; (xi) interference with family relationship; (xii) respondeat superior; (xiii) violation of civil rights under 42 U.S.C. 1983 (xiv) and loss of services, society, affection, consortium and companionship (xv) wrongful imprisonment. The claims arise in connection with the choking death of ERIC GARNER in front of the premises known as 202 Bay Street in the County of Richmond, City and State of New York, at which time Respondents POLICE OFFICER DANIEL PANTALEO, POLICE OFFICER JUSTIN D'AMICO, POLICE OFFICER CRAIG FURLANI, POLICE OFFICER CHRISTOPHER MALDONADO, POLICE OFFICER WILLIAM MEEMS, POLICE OFFICER MARK RAMOS and JOHN & JANE DOES-Police Officers as yet unidentified attempted to place ERIC GARNER under arrest, when POLICE OFFICER DANIEL PANTALEO-a police officer with the New York City Police Department and upon information and belief assigned to the 120th Police Precinct, negligently and recklessly placed decedent ERIC GARNER in a chokehold, a maneuver that was banned from use by the New York City Police Department, and thereafter the Respondent Police Officers wrestled ERIC GARNER to the ground and continued the choke him and place pressure about his body causing him to be

unable to breathe, resulting in the death of ERIC GARNER, that, pursuant to the final diagnosis of the Office of Chief Medical Examiner of the City of New York included findings that the death was caused by the compression of the neck, compression of chest and the prone positioning of the decedent during physical restraint by police, petechial hemorrhages of palpebral conjunctivae and upper gingiva, hemorrhage of bulber conjunctivae and strap muscle hemorrhages of the neck due to the chokehold and pressure placed about his body causing him to be unable to breathe. The assault took place on July 17, 2014, a Thursday, when Respondents POLICE OFFICER DANIEL PANTALEO, POLICE OFFICER JUSTIN D'AMICO, POLICE OFFICER CRAIG FURLANI, POLICE OFFICER CHRISTOPHER MALDONADO, POLICE OFFICER WILLIAM MEEMS, POLICE OFFICER MARK RAMOS and JOHN & JANE DOES-Police Officers as yet unidentified assaulted ERIC GARNER, when POLICE OFFICER DANIEL PANTALEO negligently and recklessly choked ERIC GARNER and thereafter the Respondent Police Officers wrestled him to the ground while continuously choking him and placed pressure about his body causing him to be unable to breathe and causing asphyxiation resulting in mortal injuries despite repeated statements of the decedent ERIC GARNER of "I can't breathe," the Respondent Police Officers failed to release the chokehold, and failed to release the pressure being placed about his body which prevented proper breathing and thereafter the Police Officers and Emergency medical technicians and Paramedics present failed to obtain and/or provide appropriate, timely and immediate medical attention and/or assistance for the decedent ERIC GARNER all of the above which caused and or resulted in the death of ERIC GARNER.

The aforesaid is a direct result of the negligence, recklessness and carelessness of the Respondents, their agents, servants, and/or employees. The aforesaid was a Violation of Civil Rights in accordance with 42 U.S.C. 1983 in that decedent ERIC GARNER was deprived of his rights, privileges and immunities secured by the Constitution and laws of the United States of America by one who under color of a statute or regulation of a State caused decedent ERIC GARNER to be so deprived and other and further violations of decedent ERIC GARNER' rights and privileges secured to him under the Constitutions of the United States of America and the State of New York by the agents, servants and employees of the CITY OF NEW YORK. Said Respondents failed to use such care in the performance of police duties as reasonably prudent and careful police officers would have used under similar circumstances. Said Respondents failed to use proper police procedure and tactics as reasonably prudent and careful police officers would have used under similar circumstances. Rather, the Respondent Police Officers herein performed a long banned maneuver by placing the decedent in a chokehold a maneuver banned by police procedure and police guidelines. The officers involved failed to properly report the use of the banned chokehold maneuver to superiors, so as to attempt to create a cover up. In addition, the Police Officers present when the banned chokehold was used failed to stop the use of this banned maneuver so as to become tacit collaborators. Respondents THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, were negligent in hiring and retaining persons who were unfit to serve as police officers in that THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, its agents, servants and/or employees, failed to exercise reasonable precautions in employing said police officers by failing to properly investigate their backgrounds. Respondents THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT were aware of prior lawsuits against the Respondent Police Officers yet continued to retain them as employees. Negligence of THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT in the training and instruction of its police officers by not exercising care in instructing them as to their deportment, behavior and conduct as police officers, especially regarding the methods for arrest, use of physical force and

abuse of power while in the field; and as representatives of THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT; in their training and instruction, more specifically with regard to their training as to the proper use of force, their training in apprehension and arrest, and their training as to the proper response and tactics in responding to a situation as herein confronted with. Further, it is claimed that respondents THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT have continued to improperly supervise officers in the field, including the police officers herein, which allowed decedent ERIC GARNER to be killed on July 17, 2014, as well as the fact that respondents THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT failed to respond appropriately to past complaints of police misconduct, not only by their own Internal Affairs Bureau, but also the Civilian Complaint Review Board, Mollen Commission reports and other public reports. The incident herein may have a direct relationship and/or may have been caused by the "broken windows" policing policy being implemented and utilized by the respondents THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

3. The time when, the place where and the manner in which the claim arose: At approximately 4:00 P.M. on Friday July 17, 2014, at or about the premises located at 202 Bay street, in the County of Richmond, City and State of New York, decedent was choked to death as described aforesaid without reason or provocation. Claimant GWEN CARR was granted Letters of Limited Administration for the Estate of ERIC GARNER on July 30, 2014. A copy of the Letters is annexed hereto.


4. The items of damage or injuries claimed are (include dollar amounts): Severe physical injuries and pain and suffering leading to death; injuries reported in the NYC Medical Examiners report include but are not limited to: compression of the neck, compression of chest, petechial hemorrhages of palpebral conjunctivae and upper gingiva, hemorrhage of bulber conjunctivae and strap muscle hemorrhages of the neck; further injuries include: wrongful death; pain and suffering; conscious pain and suffering; pre-death pain and suffering; pre-impact terror preceding his death, emotional and psychological distress and the horror decedent ERIC GARNER suffered leading up to and during the assault and choking as described aforesaid; loss of future earnings; loss of support; other pecuniary loss; loss of civil rights; interference with the familial relationship; loss of services, society, affection and consortium to his spouse ESAW SNIPES; loss of services, society, affection and companionship of the his infant children [REDACTED]

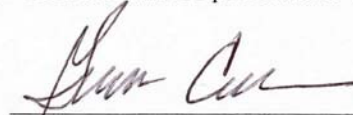
[REDACTED] Punitive damages and attorneys' fees are also claimed. Due to the actions and/or negligence of the Respondents as aforesaid, the Claimants have been damaged by reason of the aforesaid and Claimants have been damaged in the sum of SEVENTY FIVE MILLION DOLLARS (\$75,000,000.00).

**TOTAL AMOUNT CLAIMED SEVENTY FIVE MILLION DOLLARS (\$75,000,000.00)
PLUS ATTORNEYS' FEES**

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the Claimants intend to commence an action on this claim.

Dated: September 13, 2014


RUBENSTEIN & RYNECKI, ESQS.
16 Court St., Ste. 1717
Brooklyn, New York 11241
(718) 522-1020


GWEN CARR, as Administrator of the
Estate of ERIC GARNER

INDIVIDUAL VERIFICATION

ss.:

GWEN CARR

being duly sworn, deposes and says that deponent is the Claimant in the within action; that the foregoing Notice of Claim has been read and she knows the contents thereof; that the same is true to deponents' own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.


GWEN CARR

Sworn to me the
13th day of September, 2014


Notary Public
SANFORD RUBENSTEIN
Notary Public, State of New York
No. 02RU6201161
Qualified in Kings County
Commission Expires 02/17/2017

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ESAW SNIPES and his infant children, [REDACTED]

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Attorneys for the Claimants
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