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NEW YORK

NOTICE OF CLAIM

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In the Matter of the Claim of  
WENONA D. SMALL, as Proposed Administratrix of the Estate of DELRAWN D. SMALL  
DEMPSEY, on her own behalf, and on behalf of his children and WENONA D. SMALL  
Individually,  
against  
THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, and  
POLICE OFFICER WAYNE ISAACS,  
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**TO: COMPTROLLER OF THE CITY OF NEW YORK, on behalf of THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER WAYNE ISAACS**

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

WENONA D. SMALL, as Proposed Administratrix  
of the Estate of DELRAWN D. SMALL  
DEMPSEY  
39 Fred Hecht Drive  
Spring Valley, NY 10977

**2. The nature of the claim:** The claims include, but are not limited to, wrongful death; pre-death pain and suffering, and conscious pain and suffering; pre-impact terror; assault; battery; intentional infliction of emotional distress; negligent infliction of emotional distress; negligent hiring; negligent training; negligent supervision, including failure to adequately discipline; negligent retention and hiring; interference with family relationship; loss of services, society, and affection; loss of consortium; respondeat superior; and violation of civil rights under 42 U.S.C. 1983. The claims arise in connection with the shooting death of DELRAWN D. SMALL DEMPSEY at or near the intersection of Atlantic Avenue and Bradford Street in the County of Kings, City and State of New York, at which time Respondent WAYNE ISAACS -a Police Officer employed by the New York City Police Department and assigned to the 79<sup>th</sup> Police Precinct, fired his service weapon resulting in the death of DELRAWN D. SMALL DEMPSEY, an unarmed man. Respondent WAYNE ISAACS, negligently and recklessly shot DELRAWN D. SMALL DEMPSEY. The shooting took place on or about July 4, 2016, a Monday at approximately 12:05 A.M., when Respondent WAYNE ISAACS fired his service weapon, striking DELRAWN D. SMALL DEMPSEY multiple times, resulting in mortal injuries. Further, the aforesaid is a direct result of the negligence, recklessness and carelessness of the Respondents, their agents, servants, and/or employees and constituting a violation of Civil Rights in accordance with 42 U.S.C. 1983 in that decedent DELRAWN D. SMALL DEMPSEY 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 DELRAWN D. SMALL DEMPSEY to be so deprived and other and further violations of decedent DELRAWN D.

SMALL DEMPSEY'S 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. 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. 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 department, behavior and conduct as police officers, especially regarding the 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 and negligent training regarding the use and discharge of a weapon as well as negligence relating to training of police officers regarding their duty to deescalate situations with civilians. Further, it is claimed that respondents THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT have continued to improperly supervise officers, including the officer herein, as well as in its staffing, and administration, which allowed decedent DELRAWN D. SMALL DEMPSEY to be killed on July 4, 2016, 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.

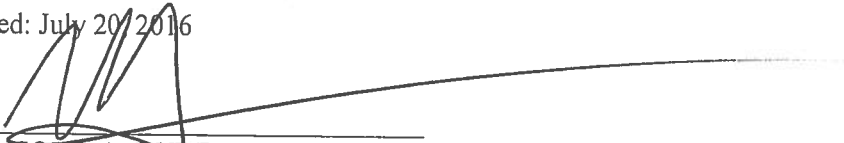
**3. The time when, the place where and the manner in which the claim arose:** At approximately 12:05 A.M. on July 4, 2016 at or near the intersection of Atlantic Avenue and Bradford Street in the County of Kings, City and State of New York, decedent, an unarmed man, was caused to be shot to death as described aforesaid.

**4. The items of damage or injuries claimed are (include dollar amounts):** Severe physical injuries and pain and suffering leading to death; wrongful death; pain and suffering; conscious pain and suffering; pre-death pain and suffering; emotional and psychological distress and the horror decedent DELRAWN D. SMALL DEMPSEY suffered leading up to and during the attack 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, companionship and consortium of the wife WENONA D. SMALL and loss of services, society and affection of his children. Damages are also claimed for punitive damages and attorneys fees. 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 TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**TOTAL AMOUNT CLAIMED TWENTY FIVE MILLION DOLLARS (\$25,000,000.00)  
PLUS ATTORNEYS' FEES**

The undersigned claimant(s) therefore present(s) 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 claimant intends to commence an action on this claim.

Dated: July 20, 2016

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

#### ATTORNEY'S VERIFICATION BY AFFIRMATION

SANFORD A. RUBENSTEIN, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at RUBENSTEIN & RYNECKI, ESQS., attorneys of record for the claimant(s) herein. I have read the annexed

#### NOTICE OF CLAIM

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files. The reason I make the foregoing affirmation instead of the claimant is because claimant is not presently in the county wherein the proposed attorneys for the claimant maintain their offices.

Dated: BROOKLYN, NEW YORK  
July 20, 2016

  
SANFORD A. RUBENSTEIN

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In the Matter of the Claim of  
WENONA D. SMALL, as Proposed Administratrix of the Estate of DELRAWN D. SMALL  
DEMPSEY, on her own behalf, and on behalf of his children and WENONA D. SMALL  
Individually,  
against  
THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, and  
POLICE OFFICER WAYNE ISAACS,  
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NOTICE OF CLAIM AGAINST  
THE CITY OF NEW YORK  
-----

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



\* L2072488 \*

New York State Department of Health

# Certificate of Marriage Registration

District Name Clarkstown

District No. 4350

Local Register No. 468

*This is to certify that the persons identified below were married on the date and at the place specified as shown by the duly registered license and certificate of marriage on file in this office*

**Groom** Name Delrawn D. Small  
First Middle Premarriage Surname

New Surname (if applicable)  Check box if same as premarriage surname.

Residing at 39 Fred Hecht Drive, Spring Valley, NY 10977

Date of Birth 03/01/1979 Place of Birth New York, New York  
Month Day Year City, Town or Village/State or Country

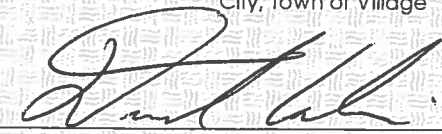
**Bride** Name Wenona D. Hauser  
First Middle Premarriage Surname Maiden Name

Small (if different from premarriage surname)  Check box if same as premarriage surname

New Surname (if applicable)  
Residing at 39 Fred Hecht Drive, Spring Valley, NY 10977

Date of Birth 11/21/1969 Place of Birth Ramapo, New York  
Month Day Year City, Town or Village/State or Country

Date of Marriage 01/10/2006 Place of Marriage Clarkstown, NEW YORK  
Month Day Year City, Town or Village

Town or City Clerk  01/26/2006  
Month Day Year

DAVID CARLUCCI

Marriage was a second or subsequent ceremony.

Not valid unless the raised seal of the issuing locality is affixed thereon.

Any Alteration Invalidates This Certificate

See Reverse Side For A List of Security Features Used In This Form



DOH-130 (9/2001)