

MALLARD | PEREZ

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RECEIVED

OCT 27 2022

BY CITY ATTORNEY

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**Board Certified Civil Trial Lawyer*

+Certified Circuit Civil Mediator

†Licensed to Practice Law in FL and NY

October 24, 2022

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659717

VIA U.S. PRIORITY MAIL 9405520999938573010497

Russ Owen, Mayor
210 Sams Avenue
New Smyrna Beach, FL 32168
rowen@cityofnsb.com

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659731

VIA U.S. PRIORITY MAIL 9405520999938573010503

New Smyrna Beach City Attorney
210 Sams Avenue
New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659755

VIA U.S. PRIORITY MAIL 9405520999938573010510

Michael Kolody, Zone 1 Commissioner
210 Sams Avenue
New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659793

VIA U.S. PRIORITY MAIL 9405520999938573010527

Jake Sachs, Zone 2 Commissioner
210 Sams Avenue
New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659823

VIA U.S. PRIORITY MAIL 9405520999938573010534

Jason McGuirk, Zone 3 Commissioner
210 Sams Avenue
New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659915
VIA U.S. PRIORITY MAIL 9405520999938573010541

Randy Hartman, Zone 4 Commissioner
210 Sams Avenue
New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212659960
VIA U.S. PRIORITY MAIL 9405520999938573010572

Chief of Police
Edgewater Police Department
135 E Park Avenue
Edgewater, FL 32132

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212660010
VIA U.S. PRIORITY MAIL 9405520999938573010589

Chief of Police
New Smyrna Beach Police Department
246 Industrial Park Avenue
New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212660058
VIA U.S. PRIORITY MAIL 9405520999938573010633

Jimmy Patronis, CFO
Department of Financial Services
c/o - Division of Risk Management – State Liability Claims
200 E. Gaines Street
Tallahassee, FL 32399-0338

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 92148969009997901212660089
VIA U.S. PRIORITY MAIL 9405520999938573010619

David Altmaier
Florida Insurance Commissioner
Florida Office of Insurance
200 E. Gaines Street
Tallahassee, FL 32399-0338

Re: Notice of Intent to Pursue Tort Claim Pursuant to Florida Statute Section
768.28(6)(c)
A.B. as Parent and Natural Guardian of John Doe v. Department of Children and
Families, et al.
Name of Parent:
Place of Birth:
Date of Birth:
Social Security No.:
Name of Child:
Place of Birth:
Date of Birth:
Social Security No.:
Date of Incident: Various dates commencing in or about October 2019 and
continuing
Tribunal: Seventh Judicial Circuit Court in and for Volusia County

Our File No. 22-00156

****NOTICE: The Claimant is identified herein for the sole purpose of compliance with Chapter 768. The Claimant must be referred to hereinafter and in all future correspondence or written communication as "John Doe." Pursuant to § 794.03, Fla. Stat. (2019), it is unlawful to "print, publish, or broadcast, or cause or allow to be printed, published, or broadcast, in any instrument of mass communication the name, address, or other identifying fact or information of the victim of a sexual offense" Furthermore, this Notice is confidential and not subject to the provisions of Chapter 119 and should remain confidential. Failure to maintain the confidentiality of the contents of this Notice and/or the identity of the Claimant would violate Florida Statutes and Mr. Doe's privacy rights under the Florida Constitution. Please govern yourselves accordingly.**

Dear Sir or Madam:

Please be advised that the undersigned and Mallard Perez, PLLC represent the above-referenced persons in connection with a prospective claim against you for negligent investigation, negligence in not following Standard Operations Procedures, negligence in not following policy and procedures, breach of fiduciary duty, and violations of Florida Statutes, through the actions or inactions of you, your agents, servants, employees, which resulted in physical, sexual and verbal abuse of the minor plaintiff, abandonment and neglect of the child victim by his natural father and or his paramour.

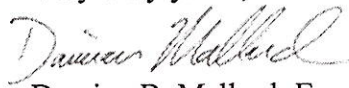
Pursuant to Florida Statutes Section 768.28(6)(c) the case style is or will be *A.B. as Parent and Natural Guardian of John Doe v. Department of Children and Families, et al.*, subject to change upon discovery responses. The tribunal will be the Seventh Judicial Circuit Court in and for Volusia County. The causes of action will include but not limited to:

- (a) Negligence
- (b) Parental damages for care and treatment of minor child and/or loss of filial consortium §768.0415

This Notice is sent to you pursuant to Florida Statutes, section 768.28(6)(c) to notify the you and/or your agents, servants, employees.

Please govern yourselves accordingly.

Very truly yours,



Damian B. Mallard, Esq.

DBM:ab