



# MALLARD | PEREZ

PERSONAL INJURY TRIAL ATTORNEYS

DAMIAN B. MALLARD  
damian@mallardperez.com  
*Board Certified Civil Trial Lawyer*  
*Certified Circuit Civil Mediator*

SARA B. MALLARD  
sara@mallardperez.com

JEAN SCHUKRAFT, R.N., C.C.M.  
jean@mallardperez.com

889 N. WASHINGTON BOULEVARD  
SARASOTA, FLORIDA 34236

Telephone: (941) 952-1682  
Facsimile: (941) 378-1605

ALAN L. PEREZ  
alan@mallardperez.com

COURTNEY I. FLANDREAU  
courtney@mallardperez.com  
*Licensed to Practice Law in FL and NY*

ELIZETE D. VELADO  
elizete@mallardperez.com

RECEIVED

DEC 30 2022

BY CITY ATTORNEY

December 27, 2022

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9405 25

VIA U.S. PRIORITY MAIL 9405520999938573011159

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

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9406 24

VIA U.S. PRIORITY MAIL 9405520999938573011166

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

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9406 62

VIA U.S. PRIORITY MAIL 9405520999938573011173

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

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9407 61

VIA U.S. PRIORITY MAIL 9405520999938573011180

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

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9407 30

VIA U.S. PRIORITY MAIL 9405520999938573011197

Jason McGuirk, Zone 3 Commissioner

210 Sams Avenue

New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9407 85

VIA U.S. PRIORITY MAIL 9405520999938573011203

Randy Hartman, Zone 4 Commissioner

210 Sams Avenue

New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9408 39

VIA U.S. PRIORITY MAIL 9405520999938573011210

Chief of Police

Edgewater Police Department

135 E Park Avenue

Edgewater, FL 32132

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9409 45

VIA U.S. PRIORITY MAIL 9405520999938573011224

Chief of Police

New Smyrna Beach Police Department

246 Industrial Park Avenue

New Smyrna Beach, FL 32168

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED 9214 8969 0099 9790 1212 9408 84

VIA U.S. PRIORITY MAIL 9405520999938573011234

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 9214 8969 0099 9790 1212 9409 69

VIA U.S. PRIORITY MAIL 9405520999938573011241

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)  
M.P. as Parent and Natural Guardian of minors John Doe and Jane 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 March 2021 and continuing  
Tribunal: Seventh Judicial Circuit Court in and for Volusia County  
Our File No. 22-00168

**\*\*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 "Jane 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 Ms. 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 her natural mother and or her paramour.

Pursuant to Florida Statutes Section 768.28(6)(c) the case style is or will be *M.P. as Parent and Natural Guardian of John Doe and Jane 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,

A handwritten signature in cursive script, appearing to read "Damian B. Mallard".

Damian B. Mallard, Esq.

DBM:ab