

STATE OF NEW YORK  
SUPREME COURT COUNTY OF SCHUYLER

Index No.

BRANDON MATTHEWS, DANIELLE  
MATTHEWS [REDACTED] a minor, by  
his parent and guardian DANIELLE MATTHEWS,  
[REDACTED] a minor, by her parent  
and guardian DANIELLE MATTHEWS and  
[REDACTED] a minor, by his parents  
and guardians, BRANDON AND DANIELLE  
MATTHEWS,

Plaintiff designates Schuyler County  
as the place of trial

The basis of venue is  
Plaintiff's residence

## SUMMONS

Plaintiffs,

Plaintiff resides in Watkins Glen, NY

-against-

VILLAGE OF WATKINS GLEN, and LUKE LESZYK,  
individually and in his capacity as Mayor of the  
Village of Watkins Glen, New York,

Defendants.

## ACTION FOR DAMAGES

### TO THE ABOVE-NAMED DEFENDANTS

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action and to serve a copy of your Answer on the Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if the Summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.



Dated: April 7, 2021



Matthew J. Buzzetti

Attorney for *Plaintiffs*

111 North Main Street

Elmira, New York 14901

(607) 735-2250

[matt@buzzettlawoffice.com](mailto:matt@buzzettlawoffice.com)



**BUZZETTI**  
LAW  
OFFICE

111 NORTH MAIN STREET  
ELMIRA, NEW YORK 14901  
PHONE: 607-735-2250 FAX: 607-348-1616

STATE OF NEW YORK  
SUPREME COURT COUNTY OF SCHUYLER

BRANDON MATTHEWS, DANIELLE  
MATTHEWS [REDACTED], a

VERIFIED COMPLAINT

minor, by his parent and guardian

DANIELLE MATTHEWS [REDACTED]

Index No.:

[REDACTED] a minor, by her parent and  
guardian DANIELLE MATTHEWS and

[REDACTED] a minor, by his  
parents and guardians, BRANDON AND  
DANIELLE MATTHEWS,

Plaintiffs,

-against-

VILLAGE OF WATKINS GLEN, and  
LUKE LESZYK, individually and in his  
capacity as Mayor of the Village of  
Watkins Glen, New York,

Defendants.

The Plaintiffs, BRANDON MATTHEWS and DANIELLE MATTHEWS, and [REDACTED]  
[REDACTED] a minor, by his parent and guardian DANIELLE MATTHEWS, [REDACTED]  
[REDACTED] a minor, by her parent and guardian, DANIELLE MATTHEWS, and [REDACTED]  
[REDACTED] a minor, by and through his parents and guardians, BRANDON  
MATTHEWS and DANIELLE MATTHEWS, collectively by and through their attorney,  
Matthew J. Buzzetti, Esq., as and for their Verified Complaint, states as follows:

1. The Plaintiff Brandon Matthews and Danielle Matthews (hereinafter referred  
to as Mr. Matthews and Mrs. Matthews and/or Plaintiffs) reside at 2701 Townsend Road,  
Watkins Glen, New York.

2. The Plaintiff's minor children/step-children [REDACTED]  
[REDACTED] and [REDACTED]



[REDACTED] all reside with their parents and guardian at [REDACTED] Watkins Glen, New York.

3. At all times contained within this complaint the Plaintiff's resided within the State of New York.

4. The Defendant, Village of Watkins Glen, is a municipal incorporation within the State of New York. The main business office for the Village of Watkins Glen is located at 303 N. Franklin Street, Watkins Glen, New York 14891.

5. Currently, the Village of Watkins Glen Board of Trustees (hereinafter referred to as The Board of Trustees) consists of five (5) members. The Mayor, also a member of the Board of Trustees, is Mr. Luke Leszyk (hereinafter referred to as Mr. Leszyk). The other members consist of: (1) Deputy Mayor, Louis Perazzini; (2) Laurie Denardo; (3) Nan Woodworth; and (4) Bob Carson (Elected September 15, 2020).

6. All members of the Board of Trustees are currently elected and sitting members of the Village of Watkins Glen and were elected to act in an official capacity during all times complained of herein.

7. Mr. Luke Leszyk, as an individual, resides in Watkins Glen, New York and has resided within the State of New York during the time complained of herein.

8. Mr. Luke Leszyk, as Mayor of the Village of Watkins Glen, New York, was elected Mayor in March of 2019, and his term naturally expires March 2023. At all times complained herein, Mr. Leszyk was the Mayor of the Village Watkins Glen, New York.

9. A Notice of Claim was filed and served on the Village of Watkins Glen on October 30, 2020. Subsequent to that notice, the Village conducted a hearing pursuant to 50-h of the General Municipal Law on December 22 and 23 of 2020.

### JURISDICTION

10. The causes of action contained herein complained of all occurred in the State of New York.

11. At all times, the Plaintiffs and their minor children/step-children resided within the State of New York.

12. At all times, the Village of Watkins Glen, New York was an entity within the State of New York.



13. At all times, the Board of Trustees were physically located and conducting business on behalf of the Village of Watkins Glen within the State of New York.

14. At all times complained of herein, Mr. Luke Leszyk was a resident of the Village of Watkins Glen within the State of New York.

15. Therefore, jurisdiction to bring this action lies within New York State and the elements of New York State CPLR § 301 have been satisfied.

### VENUE

16. At all times complained of herein, the Plaintiffs and their children/stepchildren resided within the County of Schuyler.

17. At all times complained of herein, the Village of Watkins Glen was a municipal incorporation within the County of Schuyler.

18. Therefore, proper venue based upon residence and the provision contained within CPLR § 504 deem Schuyler County the proper venue.

### GENERAL BACKGROUND AND HISTORY

19. Mr. Brandon Matthews is a police officer employed by the Village of Watkins Glen Police Department.

20. Mr. Matthews began his employment with the Police Department in June of 2006 and around April of 2019 was promoted to the Rank of Sergeant in Charge of the Department.

21. Mrs. Matthews has routinely worked in the customer service industry. Through the years, Mrs. Matthews has worked at many various local establishments.

22. Specifically, Mrs. Matthews worked at Bleachers Sports Bar and Grill (hereinafter referred to as Bleachers) as a bartender, located at 413 N. Franklin Street, Watkins Glen, New York.

23. Mrs. Matthews has three children. Her oldest two children, [REDACTED] and [REDACTED] are her children from a prior relationship. The Matthews together share a son named [REDACTED]. They all reside in the Town of Dix, County of Schuyler, and the State of New York.



24. Mrs. Matthews oldest son, [REDACTED] suffers from a severe intellectual disability. This disability limits his comprehension, motor skills, and intellect of [REDACTED].

25. The long-standing relationship between the children and Mr. Matthews has developed into a deep emotional family connection. The children do not refer to Mr. Matthews as "Brandon" they all refer to him as "Dad".

26. Being in a small rural village in Upstate New York, the Bleachers establishment is set on the main throughfare within the Village and is one of the more commonly visited and busier establishments.

27. Mr. Luke Leszyk was elected to the position of Mayor for the Village of Watkins Glen in March of 2019.

28. In or around October 2019, Mrs. Matthews was working the day shift at Bleachers, when Mr. Leszyk came into the establishment. Mr. Leszyk announced he had just finished the mandatory State of New York sexual harassment training. Mrs. Matthews asked Mr. Leszyk what he learned, and he responded by slapping her on the buttocks and stated, "I learned you are not my employee".

29. In or around late October/early November of 2019 Mr. Leszyk approached Mrs. Matthews. During this approach Mr. Leszyk stated to Mrs. Matthews words to the effect of "If you want your husband to keep his job, you will do sexual favors for me".

30. On this occasion, Mrs. Matthews whom was still employed by Bleachers, but not working a shift, was there with friends having dinner.

31. Mrs. Matthews response other than "No" was to make Mr. Leszyk aware that she was deeply offended and alarmed by the threat. Mr. Leszyk responded in substance "I guess you don't want your husband to have a job."

32. Upon information and belief, a week later a Board of Trustee member approached Mrs. Matthews at El Rancho Mexican Restaurant in Watkins Glen, New York. While at this restaurant, the Board of Trustee member stated words to the effect of "I know what Luke said to you, what do you want to do about it?". Due to the nature of the event that was taking place, Mrs. Matthews stated that it was not the time or place to discuss that topic.

33. The crass, rude, and sexual overture of Mr. Leszyk's behavior is common knowledge among the residents of the Village of Watkins Glen. There have been



multiple allegations of sexual harassment prior to, and subsequent to, that of Mrs. Matthews.

34. Around February of 2020, Mrs. Matthews and her daughter [REDACTED] visited Bleachers. While there, Mr. Leszyk was present at Bleachers again. This time he commented on the appearance of her young daughter. Mr. Leszyk uttered words to the effect of "You are just as pretty as your mother".

35. Upon hearing this, Mrs. Matthews instructed her daughter not to speak to strangers, including Mr. Leszyk. When Mr. Leszyk heard this he stated "You (Mrs. Matthews) had better stop treating me like this; I am the Mayor".

36. Around or about the early portion of 2020, the New York State Police (hereinafter referred to as State Police) began to investigate Mr. Matthews and his wife, Mrs. Matthews. It should be noted that Mr. Leszyk is a recently retired State Trooper who is still active in the community with the State Police.

37. Additionally, while Mr. Leszyk ran on a political platform of supporting the local police agency, recently, upon information and belief, his support to abolish the Village of Watkins Glen Police Department has been made known.

38. Upon information and belief, Mr. Leszyk was speaking to the State Police and/or other police agencies regarding the investigation into the Matthews home.

39. In fact, and in support of this belief Mr. Leszyk issued a public statement published in the Star Gazette on August 11, 2020, whereby he states that he asked the New York State Police to investigate the actions of Mr. Matthews.

40. This statement in the above-referenced article was after the State Police already investigated and executed a search warrant at the residence of the Matthews. This search included over more than twenty (20) officers of multiple police agencies, a K-9 animal unit, and a helicopter.

41. The search of the Matthews' home, which included unreasonable use and display of force, involved ripping through the toy boxes in front of their children, an officer walking in on the Matthews' disabled son while he was getting his soiled diaper changed and getting dressed, and terrifying their daughter by forcing her out of bed and making her put pants on in front of an officer, all of which has caused the Children to have severe anxiety and fear of police.

42. After the search, and while being video recorded, the State Police then attempted to coerce a relative of the Matthews' into falsely accusing them of a crime.



43. On September 30, 2020, Mr. and Mrs. Matthews appeared before a Grand Jury. The Grand Jury determined there was no basis for any prosecution and dismissed the case against the Matthews, which is now sealed.

44. Subsequent to this decision to not issue an Indictment, the Village of Watkins Glen and Mayor Leszyk ordered Mr. Matthews to remain on administrative leave.

45. On or about October 20, 2020, Mr. Matthews was removed as Sergeant in Charge of the Village of Watkins Glen Police Department and demoted to a Patrol Officer, but still not brought back to active duty. In a media release issued shortly after this action the Mayor stated that the Village of Watkins Glen was "in a holding pattern" regarding Mr. Matthews' reinstatement.

46. At the current time, Mr. Matthews is still on administrative leave as ordered by the Village of Watkins Glen and the Mayor, Mr. Leszyk.

**FOR A FIRST CAUSE OF ACTION  
ABUSE OF POWER AND PROCESS IN REGARD TO BRANDON  
MATTHEWS AND HIS EMPLOYMENT CAUSED SIGNIFICANT HARM**

47. The Plaintiffs hereby reaffirm and reallege all information contained throughout paragraphs 1 to 46.

48. Upon information and belief, Mr. Matthews was a Sergeant of the Village of Watkins Glen Police Department from April 2019 until October 2020.

49. Mr. Matthews was put on paid administrative leave on August 5, 2020, due to "an incident that occurred on August 5, 2020" according to a written letter issued to Mr. Matthews by the Mayor, Mr. Leszyk.

50. Mr. Matthews was subsequently cleared from any illegal action and/or wrongdoing by a Grand Jury on September 30, 2020.

51. To date, Mr. Matthews has not been called back to active duty.

52. In fact, Mr. Matthews was demoted by the Village of Watkins Glen and the Mayor, Mr. Leszyk, on October 20, 2020 to the rank of Patrol Officer, but still not brought back to active duty.



53. Upon information and belief, the Village of Watkins Glen and the Mayor, Mr. Leszyk, did not state any basis as to why Mr. Matthews was not only demoted, but also not called back to active duty.

54. Upon information and belief, this demotion was at the advice of the Mayor, Mr. Leszyk based upon retaliation for Mrs. Matthews rebuffing Mr. Leszyk's overtly sexual inappropriate and deliberate comments and actions directed at Mrs. Matthews.

55. Upon information and belief, the demotion was baseless as Mr. Matthews was cleared in the Grand Jury Proceeding and no charges were filed against him.

56. Additionally, upon information and belief, this demotion also reflected the Mayor's and Village of Watkins Glen's position that even though a Grand Jury decided that no charges were warranted against Mr. Matthews, the Village of Watkins Glen was still undecided if his employment would continue. This was a direct action taken by the Village of Watkins Glen and the Mayor, Mr. Leszyk after Mr. Matthews testified and cleared Grand Jury.

57. All of these actions by the Village of Watkins Glen and the Mayor, Mr. Leszyk occurred within one year of the filing of this complaint.

58. The failure of the Village of Watkins Glen and the Mayor, Mr. Leszyk, to bring back Mr. Matthews to active duty has caused severe financial loss to Mr. Matthews in the form of overtime since August 5, 2020, loss of Sergeant pay since August 31, 2020, when in fact, he was not demoted until October 20, 2020, and loss of earned vacation and sick time since September 17, 2020.

59. Upon information and belief, these actions and statements by the Village of Watkins Glen and the Mayor, Mr. Leszyk, had a detrimental effect on the reputation and character of not only Mr. Matthews, as a Police Officer, but of the Matthews family as a whole, and also caused severe financial hardship due to the loss of income and benefits.

**FOR A SECOND CAUSE OF ACTION THE VILLAGE OF WATKINS GLEN AND MAYOR  
CREATED A HOSTILE WORK ENVIRONMENT BASED UPON THE MAYOR'S SEXUAL  
HARASSMENT**

60. The Plaintiff hereby reaffirm and reallege all the information contained in paragraph 1 throughout 59.

61. Upon information and belief, the Mayor of the Village of Watkins Glen and the Village of Watkins Glen are the employers for the Village of Watkins Glen Police Department.



62. In or around October 2019, Mr. Leszyk inappropriately touched Mrs. Matthews, without having any belief he had the right to do so, by slapping her on the buttocks.

63. This occurred when Mr. Leszyk was at Bleachers during a day that Mrs. Matthews was working. Mr. Leszyk came into the establishment and announced that he had just completed the mandatory State of New York Sexual Harassment Training, and she asked him if he learned anything and he slapped her on the buttocks and said "yeah, I learned you are not my employee".

64. Upon information and belief, in or around late October / early November 2019, Mr. Luke Leszyk made additional unwanted sexual advances toward Mrs. Matthews.

65. Upon information and belief, these advances included statements made to Mrs. Matthews from the Mayor, Mr. Leszyk, stating that "if you want your husband to keep his job, you will do sexual favors for me". When rebuffed by Mrs. Matthews, the Mayor replied, "I guess you don't want your husband to have a job".

66. Upon information and belief, Mr. Matthews, in his capacity as Sergeant in Charge of the Village of Watkins Glen Police Department, was to report directly to the Mayor, Mr. Leszyk.

67. Upon information and belief, these words and actions by the Mayor, Mr. Leszyk, unreasonably interfered with Mr. Matthews' work performance with the police department.

68. Upon information and belief, these comments of the Mayor, Mr. Leszyk, caused Mr. Matthews to be extremely uncomfortable reporting to Mr. Leszyk, while knowing that Mr. Leszyk had threatened his job to his Wife. Mr. Matthews was in a state of anxiety and worry regarding his position as Sergeant in Charge of the Village of Watkins Glen Police Department.

69. These advances and comments made by Mr. Leszyk to Mrs. Matthews made Mr. Matthews feel intimidated and uncomfortable at work thus creating a hostile work environment.

70. Due to the hostility at work that Mr. Matthews experienced, it became difficult to communicate and report to the Mayor, Mr. Leszyk.

71. Mr. Leszyk's comments created such a hostile work environment that it became difficult for Mr. Matthews to seek approval for additional funding for equipment



and/or additional officers, or anything that would be required to adequately conduct a police department.

**FOR A THIRD CAUSE OF ACTION  
THE SEXUAL HARASSMENT OF MRS. MATTHEWS BY MAYOR MR. LESZYK  
RESULTED IN A QUID PRO QUO CIRCUMSTANCE RELATING TO THE  
EMPLOYMENT OF MR. MATTHEWS**

72. The Plaintiff hereby reaffirm and reallege all the information contained in paragraph 1 throughout 71.

73. Upon information and belief, Mayor Leszyk subjected Mrs. Matthews to unwanted sexual harassment as an individual and an employer of her husband.

74. Upon information and belief, these advances were demands for sexual favors and sexual acts between Mrs. Matthews and the Mayor, Mr. Leszyk.

75. Upon information and belief, the Mayor, Mr. Leszyk, explicitly stated that if these demands were rejected Mr. Matthews would no longer have a job at the Village of Watkins Glen Police Department.

76. Upon information and belief, Mrs. Matthews understood these comments to mean that if she rejected the Mayor, Mr. Leszyk, her husband's employment would be terminated.

77. Upon information and belief, not having Mr. Matthews as a Sergeant within the Village of Watkins Glen Police Department would result in lost wages and compensation, sick and vacation time, health insurance for Mr. Matthews but also his family, life insurance and retirement benefits, and any other perks of Mr. Matthews' employment.

78. Upon information and belief, as the Matthews were aware a board member knew of the action of the Mayor, Mr. Leszyk, but failed to do anything, they believed they had no other avenue to report the incidents due to the fact that the person Mr. Matthews normally directly reported to was the Mayor, Mr. Leszyk, and as such, the Mayor would be the person Mr. Matthews would have to report these type of complaints of misconduct.

**FOR A FOURTH CAUSE OF ACTION  
THE COMMENTS MADE BY MR. LESZYK ACTING AS MAYOR ON BEHALF  
OF THE VILLAGE OF WATKINS GLEN CAUSED DEFAMATORY INJURY TO  
BRANDON MATTHEWS' CHARACTER**



79. The Plaintiffs hereby reaffirm and reallege all the information contained in paragraphs 1 throughout 78.

80. Upon information and belief, Mayor Leszyk made multiple public comments in news and media outlets between (approximately) August of 2020 and March of 2021.

81. Upon information and belief, Mayor Leszyk stated in August of 2020 that Mr. Matthews was on indefinite leave and that he asked the State Police to investigate and then provide a report to the Village of Watkins Glen.

82. Upon information and belief, in statements issued by Mayor Leszyk since August of 2020, there has been no mention of what, if any, State Police investigation is occurring or has occurred, nor has he reported if the investigation was completed.

83. Upon information and belief, there was no pending or active State Police investigation regarding the Matthews at the time these comments were made.

84. Upon information and belief, the Matthews were present and testified in person at a Grand Jury proceeding on September 30, 2020, which was returned that no charges were warranted against them.

85. Upon information and belief, after the Matthews cleared Grand Jury, Mr. Leszyk made these comments with full knowledge that there were no charges against Brandon Matthews. Mayor Leszyk stated that the Village of Watkins Glen was "in a holding pattern" relating to his employment, then proceeded to demote Mr. Matthews, and keep him on administrative leave, all while knowing that not only was there no pending investigation, but also knowing that Mr. Matthews was cleared of any wrongdoing.

86. Upon information and belief, these statements were made in the largest news and media outlets in the Schuyler County area, which caused doubt to the innocence of Mr. Matthews, even after being made aware that a Grand Jury voted to not charge Mr. Matthews,

87. The Mayor and the Village of Watkins Glen maintained an allure of an "investigation" in order to cause harm to Brandon Matthews' reputation by making these statements after they knew and/or should have known Mr. Matthews was no longer under an investigation and a Grand Jury chose to not charge him.

88. Upon information and belief, due to these statements by Mayor Leszyk, the residents in the Village of Watkins Glen and the surrounding towns have made many



comments about Brandon Matthews and his ability to be a police officer, when in fact, any investigation was long finished with a result of no wrongdoing.

89. Upon information and belief, the Mayor and Village of Watkins Glen officials knew or should have known, that these statements would cause injury to the reputation and character of Brandon Matthews.

90. These statements made public to the various news outlets directly damaged the reputation and character of Brandon Matthews not only as an individual, but as a police officer of this community.

**FOR A FIFTH CAUSE OF ACTION  
MR. LUKE LESZYK PHYSICALLY AND EMOTIONALLY  
ASSAULTED DANIELLE MATTHEWS**

91. The Plaintiffs hereby reaffirm and reallege all the information contained in paragraph 1 throughout 90.

92. In or around October 2019, Mr. Leszyk inappropriately touched Mrs. Matthews, without having any belief he had the right to do so, by slapping her on the buttocks.

93. This occurred when Mr. Leszyk was at Bleachers during a day that Mrs. Matthews was working. Mr. Leszyk came into the establishment and announced that he had just completed the mandatory State of New York Sexual Harassment Training, and she asked him if he learned anything and he slapped her on the buttocks and said, "yeah, I learned you are not my employee".

94. Upon information and belief, in or around late October / early November of 2019, Mr. Leszyk made additional unwanted sexual advances toward Mrs. Matthews when he approached Mrs. Matthews in Watkins Glen, New York.

95. Upon information and belief, when Mr. Leszyk approached Mrs. Matthews and demanded she provide sexual favors in exchange for Mr. Matthews continuing employment with the Village of Watkins Glen Police Department.

96. Upon information and belief, these comments and actions made by Mr. Leszyk were intentional and directed solely at Mrs. Matthews.

97. Upon information and belief, these statements and actions made by Mr. Leszyk placed Mrs. Matthews in apprehension of offensive contact and fear for her husband's job.



98. Upon information and belief, Mrs. Matthews was fearful that Mr. Leszyk would follow up with the remarks by continuing unwanted sexual advances and touches and if she tried to stop him and/or report him, her husband would lose his job.

**FOR A SIXTH CAUSE OF ACTION  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS ON ALL PLAINTIFFS**

99. The Plaintiffs hereby reaffirm and reallege all the information contained in paragraph 1 throughout 98.

100. Upon information and belief, the Mayor, Mr. Leszyk systematically sought to end Mr. Matthews' employment and/or abolish the Village of Watkins Glen Police Department.

101. Upon information and belief, based upon these goals and in combination with the denial of his unwanted sexual advances towards Mrs. Matthews, the Mayor, Mr. Leszyk sought out to begin or assist a State Police investigation into the Matthews.

102. Upon information and belief, this conduct (inserting himself as the Mayor) into a criminal investigation was intentional as it produces a means to an end (and retribution) for the Mayor, Mr. Leszyk.

103. Upon information and belief, once cleared of any wrongdoing by a Grand Jury of Schuyler County, the Mayor, Mr. Leszyk and the Village of Watkins Glen failed to immediately return Mr. Matthews to active duty.

104. Upon information and belief, the Village of Watkins Glen took statements made by Mr. Matthews at the 50-H hearings, which were conducted on December 22 and 23, 2020, and ordered him to undergo an Independent Psychological examination to determine if he was "fit for duty".

105. Upon information and belief, this is not common practice for the Village of Watkins Glen Police Department, as no other officer has had to submit to a psychological exam during the almost eleven (11) years of service that Mr. Matthews has been with the Department.

106. Upon information and belief, this examination was conducted at the Village of Watkins Glen offices directly outside of the office of the Mayor, Mr. Leszyk.



107. Upon information and belief, although determined "fit for duty" by the Psychologist professional chosen by the Village of Watkins Glen, the Mayor, Mr. Leszyk and the Village of Watkins Glen have failed to bring Mr. Matthews back to work.

108. Upon information and belief, based upon the involvement of the Mayor, Mr. Leszyk within the State Police investigation, as well as the outright refusal to defend their employee when they have or should have possessed the knowledge that he has committed no crime, and a refusal to return him to his work at any point to date and demoted him while on administrative leave for no apparent reason, was and is a pattern of extreme and outrageous conduct by the Village of Watkins Glen and the Mayor, Mr. Leszyk.

109. Upon information and belief, not only has Mr. & Mrs. Matthews been suffering from emotional distress, but the effect that all of this has had on their children has been devastating.

110. Upon information and belief, [REDACTED] who suffers from severe intellectual disability, is not able to process the events that have occurred from August 5, 2020 and thereafter. He shows fear when people come to the door of the Matthews' home, he is afraid to be alone, and when he sees police cars when he is out and about; he asks if they (meaning Mr. & Mrs. Matthews) are in trouble.

111. Upon information and belief, [REDACTED]'s anxiety is mentally and physically crippling. She is involved in mental health counseling to discuss, process and cope with the traumatic events from the extremely forceful search of the State Police.

112. Upon information and belief, [REDACTED] is extremely fearful that the police officers are going to come back.

113. Upon information and belief, [REDACTED] has been bullied and picked on in school due to the allegations and statements of the Mayor, Mr. Leszyk in the media regarding Mr. Matthews and subsequent public comments.

114. Upon information and belief, [REDACTED] is scared and reacts in a very emotional state every time a loud noise is heard due to the helicopter sound that was experienced during the search. Furthermore, he relives the police searching in his toy box.

115. Upon information and belief, none of the children in the household sleep through the night and/or well at night for fear of police action and/or for fear and stress of the bullying.



116. Upon information and belief, Mrs. Matthews has been diagnosed and suffers from post-traumatic stress disorder directly in relation to dealing with the actions and statements of Mr. Leszyk and the failure to act by the Village of Watkins Glen and furthermore by the subsequent stress and anxiety her Husband and Children are feeling from the events that have followed in the fall-out of Mr. Leszyk's actions and the failure to act by the Village of Watkins Glen.

117. Upon information and belief, while Mr. Matthews is ready, willing and able to resume his public service as a police officer, he is dealing with the emotional distress of watching his family suffer and furthermore, the confusion of being declared fit for duty, and still not being brought back to work.

118. Upon information and belief, all of the above has caused severe emotional and mental harm to the family and all Plaintiffs.

119. Upon information and belief, these damages are the result of the actions by the Mayor, Mr. Leszyk, and the Village of Watkins Glen.

**FOR A SEVENTH CAUSE OF ACTION  
LOSS OF CONSORTIUM IN THEIR RELATIONSHIP BASED UPON THE DIRECT AND  
WILLFUL ACTIONS OF THE MAYOR AND THE VILLAGE OF WATKINS GLEN**

120. The Plaintiffs hereby reaffirm and reallege all the information contained in paragraph 1 throughout 119.

121. Upon information and belief, the Matthews' have been married for over six (6) years and together for ten (10) years.

122. Upon information and belief, their marriage has always been fun and enjoyable.

123. Upon information and belief, while Mr. and Mrs. Matthews have experienced the normal ups and down of any relationship and/or marriage, the events in their lives from August 2020 until now have caused a breakdown in the physical manifestations of their marriage.

124. Upon information and belief, the stress, and mental anguish that they have experienced and continue to experience has not allowed either party to successfully engage in a sexual nature since the events of August 2020.

125. Upon information and belief, all the events that have taken place since then are at the retaliatory hands of the Mayor, Mr. Leszyk and the Village of Watkins Glen.



126. Upon information and belief, Mr. and Mrs. Matthews have suffered pecuniary injuries to their relationship.

### PRAYER FOR RELIEF

**WHEREFORE**, the Plaintiffs respectfully demand judgment against the Defendants as follows: (a) a declaratory judgement that the actions, and practices of the Defendants complained of herein violate the laws of the State of New York; (b) an award of damages against the Defendants in an amount to be determined at trial, plus interest, to compensate for all monetary and/or economic damages, including but not limited to, loss of past and future income, wages, compensation, seniority, and other benefits of employment; (c) an award of damages against the Defendant's in an amount to be determined at trial, plus interest to compensate for all non-monetary and/or compensatory damages, including but not limited to, compensation for Plaintiff's mental anguish, humiliation, embarrassment, stress and anxiety, loss of consortium, emotional pain and suffering, and emotional distress; (d) an award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiffs, including, but not limited to, loss of income, earned bonus pay, reputational harm and harm to professional reputation, in an amount to be determined at trial, plus interest; (e) an award of punitive damages in an amount to be determined at trial; (f) prejudgment interest on all amounts due; (g) an award of costs that Plaintiffs have incurred in this action, including, but not limited to, expert witness fees, as well as Plaintiffs' reasonable attorneys' fees and costs to the fullest extent permitted by law; (h) and awarding Plaintiffs such other and further relief as to the Court may seem just and proper, together with costs and disbursements of this action.

Dated: April 7, 2021

  
Matthew J. Buzzetti, Esq.  
Attorney for *Plaintiffs*  
111 North Main Street  
Elmira, New York 14901  
(607) 735-2250



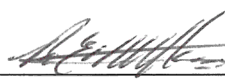
**BUZZETTI**  
LAW OFFICE

111 NORTH MAIN STREET  
ELMIRA, NEW YORK 14901  
PHONE: 607-735-2250 FAX: 607-348-1616

## VERIFICATION

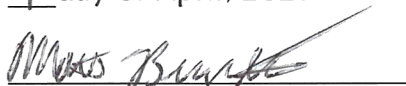
STATE OF NEW YORK       )  
COUNTY OF CHEMUNG    ) ss:

Brandon Matthews, being duly sworn, deposes and says that he is one of the Plaintiffs in the within action; that he has read the foregoing Verified Complaint and he knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes it to be true.



Brandon Matthews  
*Plaintiff*

Sworn to before me on this  
7 day of April, 2021

  
Notary Public

MATTHEW J. BUZZETTI  
Notary Public, State of New York  
Chemung County No. 02BU6288520  
My Commission Expires:

9-9-21



BUZZETTI  
L A S  
T I C E

III NORTH MAIN STREET  
ELMIRA, NEW YORK 14901  
PHONE: 607-735-2250 FAX: 607-348-1616

## VERIFICATION

STATE OF NEW YORK       )  
COUNTY OF CHEMUNG    ) ss:

Danielle Matthews, being duly sworn, deposes and says that she is one of the Plaintiffs in the within action; that she has read the foregoing Verified Complaint and she knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, she believes it to be true.

  
Danielle Matthews  
Plaintiff

Sworn to before me on this  
7 day of April, 2021

  
Notary Public

MATTHEW J. BUZZETTI  
Notary Public, State of New York  
Chemung County No. 02BU6288520  
My Commission Expires:

9-9-21



BUZZETTI  
LAW  
F I C E

III NORTH MAIN STREET  
ELMIRA, NEW YORK 14901  
PHONE: 607-735-2250 FAX: 607-348-1616


## ATTORNEY'S CERTIFICATION

STATE OF NEW YORK:  
COUNTY OF CHEMUNG: ss.:

The undersigned, an attorney admitted to practice in the courts of the State of New York, shows that:

1. The deponent is the attorney of record for Danielle and Brandon Matthews, the Plaintiffs in the within action;
2. The deponent certifies that deponent has no knowledge that the substance of this submission is false;
3. The statements or allegations of fact contained herein were obtained from Danielle and Brandon Matthews, the Plaintiffs herein, unless otherwise so stated and deponent has not conducted an independent audit or verification of the information supplied by Danielle and Brandon Matthews;
4. This certification is made as an officer of the court as a representation to the court. This certification is not to be relied upon by any other person or entity, including but not limited to the Defendants in the within action.

I hereby certify under penalty of perjury and as an officer of the Court that I have no knowledge that the substance of any of the factual submissions contained in this document is false.

  
MATTHEW J. BUZZETTI, ESQ.



BUZZETTI  
LAW  
OFFICE

III NORTH MAIN STREET  
ELMIRA, NEW YORK 14901  
PHONE: 607-735-2250 FAX: 607-348-1616

## CLIENT'S CERTIFICATION

STATE OF NEW YORK:  
COUNTY OF CHEMUNG: ss.:

I, Brandon Matthews, the Plaintiff in the within action, state and show that:

1. The statements and/or allegations of fact contained in this submission were supplied by me to my attorney, Matthew J. Buzzetti, Esq.;
2. I understand that my attorney has relied upon the information so supplied by me in preparing this submission and in certifying this submission, and that he has no independent knowledge of the accuracy of said submission.
3. That all of the allegations of fact and factual submissions contained herein are true to the best of my knowledge.

I affirm that the foregoing statements are true, under penalties of perjury.



BRANDON MATTHEWS

## CLIENT'S CERTIFICATION

STATE OF NEW YORK:  
COUNTY OF CHEMUNG: ss.:

I, Danielle Matthews, the Plaintiff in the within action, state and show that:

1. The statements and/or allegations of fact contained in this submission were supplied by me to my attorney, Matthew J. Buzzetti, Esq.;
2. I understand that my attorney has relied upon the information so supplied by me in preparing this submission and in certifying this submission, and that he has no independent knowledge of the accuracy of said submission.
3. That all of the allegations of fact and factual submissions contained herein are true to the best of my knowledge.

I affirm that the foregoing statements are true, under penalties of perjury.




DANIELLE MATTHEWS



## ATTORNEY CERTIFICATION

I, Matthew J. Buzzetti, certify that to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, certify that the presentation of the foregoing paper or the contentions therein are not frivolous as defined in subsection (c) of section 130.1.1 of the Rules of the Chief Administrator of the Court.

Dated: 4-7-2021

  
Matthew J. Buzzetti



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