

STATE OF NEW YORK
COUNTY OF SCHUYLER

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,

Claimants,

- against -

NOTICE OF CLAIM

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

Respondents.

STATE OF NEW YORK)
COUNTY OF SCHUYLER) ss:

PLEASE TAKE NOTICE that the undersigned, 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, as and for their claims
against the VILLAGE OF WATKINS GLEN, and LUKE LESZYK, in his individual
capacity and capacity as Mayor of the Village of Watkins Glen, set forth the
following under oath:

1. The names and addresses of the claimants are as follows:

BRANDON MATTHEWS
2701 Townsend Road
Watkins Glen, NY 14891

DANIELLE MATTHEWS
2701 Townsend Road
Watkins Glen, NY 14891

[REDACTED]
2701 Townsend Road
Watkins Glen, NY 14891

[REDACTED]
2701 Townsend Road
Watkins Glen, NY 14891

[REDACTED]
2701 Townsend Road
Watkins Glen, NY 14891

2. The Claimants are represented by Schlather, Stumbar, Parks & Salk, LLP, Raymond M. Schlather, Esq., 200 East Buffalo Street, Post Office Box 353, Ithaca, New York 14851-0353, telephone number (607) 273-2202.

3. The claims are against the VILLAGE OF WATKINS GLEN and LUKE LESZYK, in his individual capacity and in his capacity as Mayor of the Village of Watkins Glen. The claims against the VILLAGE OF WATKINS GLEN and LUKE LESZYK are in the nature of: defamation; abuse of process; violations of personal privacy rights, including those provided under the Civil Rights Law; prima facie tort; conspiracy; trespass to land; deprivation of constitutional rights and related constitutional "dignity" torts; violations of 42 U.S.C. §§ 1983, 1985 and 1986, and related provisions of law; sexual harassment; retaliation against Claimants, and claims derivative thereof.

Upon information and belief, the time when, the place where, and the manner in which the claims arose are:

At all times pertinent herein, Sergeant Brandon Matthews (hereinafter "Sgt. Matthews") is and was a police officer employed by the Village of Watkins Glen Police Department (hereinafter, the "Police Department"). Sgt. Matthews began working for the Police Department beginning in June of 2006, and was promoted to Sergeant in Charge of the Department in or around April of 2019.

At all times pertinent herein, the Village of Watkins Glen (hereinafter, "the Village") is and was organized and existing under the laws of New York State as a municipal corporation. The Watkins Glen Police Department is a law enforcement organization under the oversight of the Village.

At all times pertinent herein, Luke Leszyk (hereinafter "Leszyk" or "Mayor Leszyk") is and was the Mayor of the Village of Watkins Glen. Leszyk—a retired New York State Trooper—was elected mayor in the Spring of 2019. It is believed that Mayor Leszyk now supports the dissolution of the Police Department, leaving law enforcement of the Village to the Schuyler County Sheriff and the New York State Police (NYSP).

At all times pertinent herein, Claimant Danielle Matthews (hereinafter "Danielle") is and was the spouse of Sgt. Matthews, and the mother of [REDACTED], and [REDACTED]. At various times between 2010 and 2020, Danielle was employed as a bartender at Bleachers Sports Bar and Grill, located at 413 N. Franklin St, Watkins Glen, New York 14891.

At all times pertinent herein, Claimant [REDACTED] (hereinafter, "[REDACTED]"), is and was a minor child (DOB [REDACTED] 03), and suffers from severe intellectual disability. [REDACTED] is Danielle's child from a previous relationship.

At all times pertinent herein, Claimant [REDACTED] (hereinafter, "[REDACTED]"), is and was a minor child (DOB [REDACTED] 08). [REDACTED] is Danielle's daughter from a previous relationship.

At all times pertinent herein, Claimant [REDACTED] (hereinafter, "[REDACTED]") is and was a minor child (DOB [REDACTED] /16). [REDACTED] is the son of Danielle and Sgt. Matthews.

At all times pertinent herein, Sgt. Matthews and Danielle were and are law-abiding, decent, honest community members and parents.

In or around late October or early November of 2019, Danielle was having dinner with some friends at Bleachers. Mayor Leszyk, a regular visitor of the bar, approached Danielle. Leszyk said to Danielle, in substance, "if you want your husband to keep his job, you will do sexual favors for me." Danielle emphatically said, "no," and made very clear to Leszyk that she was deeply offended and alarmed by his crass threat. Leszyk then stated, in substance, "I guess you don't want your husband to have a job." There were several witnesses to this event. Danielle understood this to be a real threat to her husband's job.

Mayor Leszyk has a reputation for sexually predatory behavior; he has been accused of sexual harassment by multiple women, including other female employees of Bleachers.

In or around February of 2020, Danielle visited Bleachers with her then-11-year-old daughter [REDACTED]. Mayor Leszyk approached Danielle and [REDACTED] and told [REDACTED], in substance, "you are as pretty as your mother." Danielle instructed [REDACTED] to not speak to strangers, especially to that man (i.e., Leszyk). Mayor Leszyk replied, in substance, "you (Danielle) had better stop treating me like this; I am the mayor."

Soon thereafter, in retaliation for Danielle's refusal to submit to Leszyk's heinous sexual demands, the NYSP began to investigate Sgt. Matthews and Danielle with Leszyk's support.

In this regard, on or about July 29, 2020, the NYSP secured a search warrant of Claimants' home, which was executed by the NYSP on August 5, 2020. In an excessive and unreasonable display of force—far beyond what was necessary or authorized by the search warrant—more than 20 officers and a K-9 dog assisted in the execution of the search, and a helicopter was used to fly over, inspect and land on Claimants' residential property. Sgt. Matthews and Danielle's minor children, [REDACTED] (an 11-year-old), [REDACTED] (a 4-year-old), and [REDACTED] (a 17-year old, suffering from severe intellectual disability) were all traumatized as a result.

Specifically, the officers ripped through 4-year-old [REDACTED] toybox purportedly as part of their search, and insisted—despite Danielle's pleas that the Officers allow her to assist [REDACTED] in private—that [REDACTED] undress and remove his soiled adult diapers in front of them. 11-year-old [REDACTED] was terrified as a result of the NYSP's violent show of force, worsening her existing anxiety. As a result of the excessive and unreasonable search, all of the children have suffered from increased anxiety and insomnia.

Thereafter, the NYSP attempted to coerce a relative of Sgt. Matthews into falsely accusing Sgt. Matthews of a crime (this was captured on video).¹

On or about August 11, 2020, Mayor Leszyk issued a public statement that: "The [V]illage placed Sergeant In Charge Brandon Matthews on indefinite administrative leave and asked the New York State Police to conduct an investigation, according to Mayor Luke Leszyk" (online version can be accessed at: <https://www.stargazette.com/story/news/public-safety/2020/08/11/watkins-glen-police-supervisor-suspended-pending-state-police-probe/3345988001/>; print version published on August 12, 2020). This, and other comments released by the Village

¹ Given that the search warrant and the subsequent criminal investigation were sealed upon a grand jury determination that there was no basis for any criminal prosecution of either Claimant, any details of the charges and allegations with respect thereto have been omitted from this Notice of Claim.

and the Mayor to third parties concerning Sgt. Matthews' administrative leave, were in clear violation of Sgt. Matthews' personal privacy rights. Mayor Leszyk's statement insinuated that Sgt. Matthews had committed some unspecified crime, which is objectively false and was injurious to Sgt. Matthews' reputation in the community.

The Village and Leszyk made such false reports to the media, and supported the criminal investigation of Sgt. Matthews and Danielle, knowing that Sgt. Matthews and Danielle were law-abiding citizens and that any criminal investigation with respect thereto was unfounded, in order to advance their agenda to dissolve the police department and further damage Sgt. Matthews' professional reputation. Mayor Leszyk also intended to harm and retaliate against Sgt. Matthews and Danielle for Danielle's refusal to submit to the unwanted and grossly heinous sexual threats of Mayor Leszyk, and for her repeated dismissal of Leszyk's subsequent attempts to communicate with Danielle in public.

On or about September 30, 2020, Sgt. Matthews and Danielle were brought before a grand jury; the grand jury found no basis for any prosecution of either Claimant and closed the case. Nevertheless, the Village and Mayor Leszyk ordered that Sgt. Matthews remain on administrative leave.

On or about October 20, 2020, Sgt. Matthews was removed as Sergeant in Charge of the Police Department and later was demoted to the position of Patrol Officer, resulting in a reduction in salary. This information was made public and published in numerous media outlets. Indeed, Mayor Leszyk made a statement to the media that the Village is "in a holding pattern" regarding Sgt. Matthews' reinstatement.²

As a result of the foregoing, the Village and Mayor Leszyk have misused, used and attempted to use the criminal justice system to accomplish the improper collateral objective of punishing Danielle and Sgt. Matthews for Danielle's rebuffing the Mayor's sexual advances and threats and to further the Village and Mayor Leszyk's goal of dissolving the Police Department, and otherwise have abused process.

By reason of the foregoing, Respondents committed prima facie tort against the Claimants; defamed Sgt. Matthews' character; abused the process of law; deprived Claimants of constitutional rights and privileges; deprived claimants of their civil rights, including rights of privacy; trespassed; engaged in conduct prohibited by 42 U.S.C. §§ 1983, 1985 and 1986, and related provisions of law; and subjected

² <http://www.odessafile.com/index.html?source=topnav;>
<https://webcache.googleusercontent.com/search?q=cache:AB3Id3zS94oJ:https://www.star-gazette.com/story/news/public-safety/2020/10/13/watkins-glen-police-sergeant-wont-face-criminal-charges/5978199002/+&cd=2&hl=en&ct=clnk&gl=us.>

Claimants to sexual harassment and retaliation, among other claims, under state and federal law.

As a result of the foregoing, Claimants have suffered both economic and non-economic damages.

As a result of the foregoing, the conduct of the Village and Mayor Leszyk, was knowing and wanton, demeaning of community standards and sensibilities, and is insulting to all decent people, thereby warranting punitive sanctions.

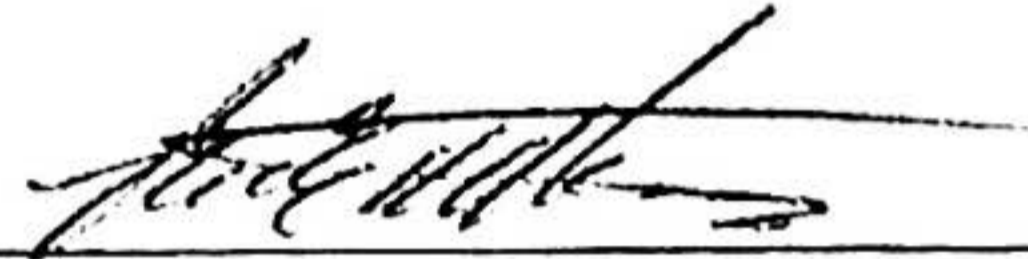
4. The items of damage sustained by Claimants include, but are not limited to: pain and suffering; loss of employment; loss of earning capacity; economic loss; payment of legal fees in excess of \$10,000.00; loss of economic opportunity; loss of reputation; loss of community standing; loss of dignity; mental anguish; stress, anxiety and fear; public humiliation; general inconvenience; interference with personal life and happiness; deprivation of liberty; other damages, both direct and derivative of these actions, and related damages sustained in the premises. Danielle and Sgt. Matthews also have sustained loss of consortium and related damages. All of the injuries and damages mentioned herein were caused by the acts and omissions of the Respondents, acting individually or in concert with others.

An award of punitive damages also is warranted under the circumstances.

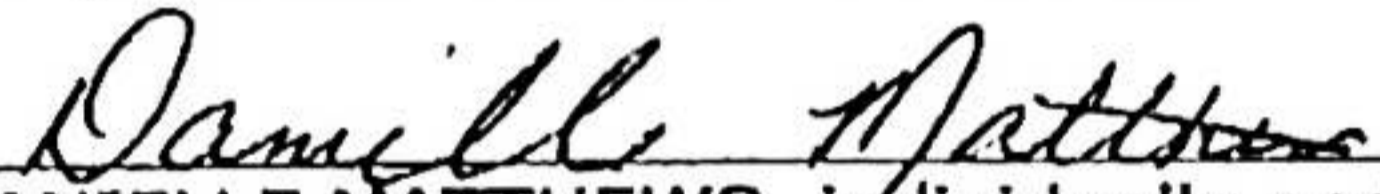
WHEREFORE, Claimants BRANDON MATTHEWS, DANIELLE MATTHEWS, [REDACTED], [REDACTED], and [REDACTED], make claims against Respondents LUKE LESYZK, individually and in his capacity as Mayor of Watkins Glen, and the VILLAGE OF WATKINS GLEN, in an amount sufficient to fully compensate for all damages herein, and for punitive damages, and demand prompt and reasonable adjustment thereof.

DATED: Ithaca, New York

October 30, 2020



BRANDON MATTHEWS, individually and as the parent of [REDACTED] MATTHEWS



DANIELLE MATTHEWS, individually and as the parent of [REDACTED], and the sole custodial parent of [REDACTED] and [REDACTED]

VERIFICATION

STATE OF NEW YORK)
COUNTY OF SCHUYLER)

Brandon Matthews, being duly sworn, deposes and says that he is a claimant in the above action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his own knowledge except as to those matters therein stated to be true upon information and belief, and, as to those matters, he believes them to be true.



Brandon Matthews

Sworn to me on this 30th
day of October, 2020



NOTARY PUBLIC

Marla V. Galge
Notary Public, State of New York
No. 02GA6386843
Qualified in Schuyler County
Commission Expires February 04, 2023

STATE OF NEW YORK)
COUNTY OF SCHUYLER)

Danielle Matthews, being duly sworn, deposes and says that she is a claimant in the above action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her own knowledge except as to those matters therein stated to be true upon information and belief, and, as to those matters, she believes them to be true.



Danielle Matthews

Sworn to me on this 30th
day of October, 2020



NOTARY PUBLIC

Marla V. Galge
Notary Public, State of New York
No. 02GA6386843
Qualified in Schuyler County
Commission Expires February 04, 2023