

Raven for Mayor 2027

An Independent Citizens' Campaign for Mayor of the City of Elmira — Where Frustration Becomes Action, Action Becomes Renewal, and Renewal Becomes Hope.

NOTICE OF CLAIM

PURSUANT TO NEW YORK GENERAL MUNICIPAL LAW § 50-e

TO:
CITY OF ELMIRA
c/o City Clerk
317 East Church Street
Elmira, New York 14901

AND TO:
Corporation Counsel
City of Elmira
317 East Church Street
Elmira, New York 14901

CONCERNING:
The City of Elmira; Elmira Police Department; Sgt. Joseph Linehan; presently unidentified officers, supervisors, policymakers, employees and agents of the City of Elmira responsible for the investigation, preparation, review, approval, issuance and dissemination of the September 22, 2026 Elmira Police Department press release concerning the September 16, 2026 motor-vehicle collision in the 700 block of Baldwin Street, Elmira, New York.

CLAIMANT:
Julian Raven, Independent Candidate for Mayor of the City of Elmira
714 Baldwin St., Elmira, New York, 14901

607-426-0029
info@ravenformayor.com

PLEASE TAKE NOTICE, pursuant to General Municipal Law §50-e, that claimant Julian Raven hereby presents claims against the City of Elmira and preserves claims arising from the acts and omissions of its officers, agents, employees and servants, including Sgt. Joseph Linehan and other persons whose identities and roles are presently within the City's knowledge and will be determined through investigation, disclosure, Freedom of Information requests and discovery.

1. Nature of the Claim

This claim arises from the alleged preparation, approval, publication and dissemination by officials of the City of Elmira and Elmira Police Department of a materially false, misleading and incomplete official governmental account of an objectively verifiable lifesaving response following a motor-vehicle collision on September 16, 2026. (Exhibit A)

The claim further arises from the alleged knowing or reckless omission, suppression, misattribution and/or distortion of material facts concerning Claimant's participation in rendering emergency lifesaving assistance to a pulseless motorist before professional emergency responders arrived.

Claimant alleges that the City, through the Elmira Police Department, thereafter published an official press release on September 22, 2026 that affirmatively attributed the initiation of pre-arrival emergency assistance to a City of Elmira Department of Public Works employee while completely eliminating Claimant and his material role from the official account.

Claimant alleges that this governmental publication was false and/or materially misleading in its overall factual meaning and implication.

The claims presently contemplated include, without limitation, **defamation, libel, defamation by implication, negligent and/or intentional publication of false or materially misleading governmental information to the extent recognized by law, damages resulting from knowing distortion and misattribution of an official governmental account, and related state-law causes of action established by further investigation and discovery.**

Claimant further gives notice that the underlying conduct may support claims for declaratory and equitable relief, judicial review, and federal constitutional claims, including First Amendment retaliation under 42 U.S.C. §1983, depending upon evidence establishing knowledge, motive, participation, municipal policy, ratification, final policymaking authority and resulting constitutional injury.

Federal constitutional claims are identified for notice and preservation purposes; Claimant does not concede that General Municipal Law §50-e constitutes a condition precedent to federal claims brought under 42 U.S.C. §1983.

2. Time, Place and Manner in Which the Claim Arose

On September 16, 2026, a motor vehicle left Clemens Center Parkway and collided with a residence in the 700 block of Baldwin Street in the City of Elmira, Chemung County, New York.

Claimant was present during the immediate aftermath of the collision.

Claimant states that contemporaneous evidence will establish, among other facts, that Claimant:

1. My position is that the contemporaneous evidence will establish that I was first at the scene, having heard the truck race by my front door at approximately 10:20 am, before the official emergency responders.
2. I contacted 911 at 10:23 am. My message twice to the female dispatcher was: **“714 Baldwin St., GET HERE NOW!”** I used my address next door, since I knew they would find us, being unable to think of the address of the house next door or waste time trying to work it out.
3. I opened the car door.
4. I could see the DPW worker in his helmet and vest running towards me from the crossroads of Clemens Center and 5th Ave.
5. The driver was flopped all the way over on the passenger seat, though still buckled in.
6. The windshield was smashed through on the right side.
7. The DPW worker went around me to my left side since I was on the right side of the door opening, passing under my arm that was holding the door open, and immediately cut the cream colored airbags wrapping around the driver and proceeded to climb in.
8. He checked for a pulse multiple times and repeatedly said: **“no pulse.”**
9. The DPW worker, at my direction, after having said **“We've got to get him out of here..”**, unbuckled (or attempted to) the driver to his right, reaching
10. down and back beneath the driver since he was still flopped over his seat belt.
11. The DPW worker was still inside the vehicle leaning over to the driver's head area repeatedly looking for a pulse, and also proceeded to cut the seatbelt at the base where it attaches to the left hand side of the seat, freeing the man.
12. Together the DPW worker and I removed the driver from the vehicle, me lifting him from under his arms, and the worker by his belt and waist.
13. The man was heavy, floppy and slipping through my grip on his polyester shirt, as I pulled him out standing in four inches of water surrounded by debris.

14. DPW let go of the man to clear a space, throwing a sheet of sheathing out of the way, and kicking the debris with his boots, where we could immediately lie him down as I barely held on, as his limb body slipped through my grip.
15. Immediately the DPW worker got on his knees on the far side and began rapid chest compressions, as we both looked at the man's bleeding mouth.
16. He looked like he was thinking what I was thinking, as he hesitated to lean forward to give breaths. We did not want to give him mouth to mouth resuscitation and get a mouthful of blood.
17. At that point, the man lay there like a dead man, motionless, face pale, eyes staring into space, mouth open, skin and lips blueish color, except for the red blood coming from his mouth, except for the shaking from the compressions.
18. I knew I had to give him the breath of life.
19. I cupped my right hand around his open mouth, creating a sealed tube to his face with my fingers and the base of my hand, that I could breathe through to avoid the blood touching my mouth.
20. I administered the breath of life to the victim's bleeding mouth, while the DPW employee performed continuous chest compressions.
21. After several large breaths, upon which the man's chest rose significantly, he began to sputter and breathe.
22. I breathed some more to help him as he struggled to breath.
23. The victim began to breathe only after the rescue breaths were administered.
24. The victim stopped breathing after we stopped, causing more compressions and multiple breaths until the victim began to breathe again, before professional medical personnel arrived and assumed treatment.
25. I remained on my knees supporting the man's head with my left hand, above the debris covered floor we had placed him on.
26. I prayed out loud in Jesus' name.
27. The emergency workers cut the man's shirt, placed an oxygen breather on his face, and attached the defibrillator pads.
28. They began yelling to stand clear, which I did not understand was directed at me since I was still holding the man's head off the rough ground.
29. The DPW worker had to yell loudly telling me to put the man's head down, which I did as gently yet swiftly as possible as the machine began to send shock waves through his body.

30. I was overwhelmed with adrenalin as I stood there watching, with the man's blood on my hands, at which I began to wipe on my jeans.
31. The DPW worker took off hastily to a truck to get paper towels, which he brought to me and he began wiping the blood off my right hand with them.
32. I spoke with two detectives, John McKraken and WETM and WENY news who recorded my account.
33. I posted the account to facebook at 11:15 am to establish the record.

The driver survived and, according to the September 22 Elmira Police Department release, was subsequently reported in stable condition.

On September 22, 2026, the Elmira Police Department issued an official written press release signed or issued in the name of **Sgt. Joseph Linehan** concerning the incident.

The release stated, in material part:

> "Prior to officers' arrival, a City of Elmira Department of Public Works Employee, who was working nearby, observed the accident and began rendering aid to the injured driver before the arrival of medical personnel."

The official release thereafter thanked the Elmira Department of Public Works, Elmira Fire Department, Elmira Code Enforcement and Erway's Ambulance personnel.

The official publication made **no reference whatsoever to Claimant or his alleged participation in the rescue and lifesaving intervention.**

Claimant contends that the quoted statement, considered together with the selective omission of Claimant's participation, materially altered the chronology and attribution of the pre-arrival rescue and conveyed to the public an official governmental account inconsistent with what actually occurred.

The claim therefore accrued no later than publication and dissemination of the Elmira Police Department press release on **September 22, 2026**, subject to any

separately actionable subsequent publications, republications, alterations, refusals, retaliatory acts or other conduct that investigation may reveal.

3. Governmental Knowledge and Records

Claimant alleges upon information and belief that the City of Elmira and/or its employees possessed, received, created, maintained or had access to contemporaneous evidence capable of establishing the identity and actions of persons involved in the emergency response, including but not limited to:

911 recordings and associated caller information;

computer-aided dispatch records and timestamps;

police radio communications;

body-worn-camera recordings;

dash-camera recordings;

officer reports and supplemental reports;

officer notebooks and field notes;

photographs and audiovisual evidence;

statements from Claimant;

statements from the City Department of Public Works employee;

Fire Department, Code Enforcement and emergency-response information;

witness statements;

media recordings and interviews;

and other contemporaneous evidence identifying the persons who participated in the rescue.

Claimant alleges that discovery is necessary to determine precisely **what information Sgt. Linehan and other responsible officials possessed before publication, who drafted the release, who edited it, who reviewed and approved it, whether prior drafts identified Claimant, whether material information was removed during editing, and what communications occurred regarding Claimant's participation.**

4. Defamation and False Implication

Claimant alleges that the City's official publication did more than simply fail to praise or identify him.

Claimant had publicly described his participation in the rescue before issuance of the September 22 official statement.

By affirmatively presenting a governmental version in which the City DPW employee was identified as the person who observed the accident and began rendering aid while Claimant disappeared completely from the account, the official publication was capable of communicating to persons aware of Claimant's prior account that Claimant's description of his participation was false, exaggerated, fabricated or contradicted by the official police investigation.

New York recognizes that defamation may arise through the **omission or strategic juxtaposition of facts** where the communication as a whole conveys and endorses a false defamatory inference. *Partridge v. State of New York*, 173 A.D.3d 86 (3d Dep't 2019).

Claimant alleges that investigation and discovery will establish whether the false implication resulted from mistake, reckless disregard, intentional manipulation, retaliatory motive, or deliberate alteration of the governmental narrative.

5. Knowing Distortion and Falsification of Governmental Records

The conduct alleged also raises substantial questions concerning the integrity of official governmental records and communications.

Claimant alleges that investigation is necessary to determine whether any government employee knowingly made, altered, omitted, caused the omission of, concealed or disseminated materially false information within an official City record or written instrument.

Potentially relevant New York statutory provisions include, according to the facts ultimately established:

Penal Law §175.05, concerning falsifying business records;

Penal Law §175.10, concerning falsifying business records in the first degree;

Penal Law §175.20, concerning tampering with public records in the second degree;

Penal Law §175.25, concerning tampering with public records in the first degree;

Penal Law §175.40, concerning issuance by an authorized public servant of an official written instrument known to contain false information with intent to defraud, deceive or injure another; and

Penal Law §195.00, concerning official misconduct committed with intent to obtain a benefit or deprive another person of a benefit.

Claimant does not assert these Penal Law provisions as independent private civil causes of action where New York law provides none. They are identified because the facts concerning governmental knowledge, record alteration, intent and publication remain directly relevant to Claimant's civil claims, actual malice, retaliatory intent, governmental liability and potential referral to appropriate authorities.

6. Retaliatory Context

At the time of the challenged governmental publication, Claimant was a publicly declared candidate for Mayor of the City of Elmira and was engaged in litigation, petitioning, criticism of municipal government and other activity protected by the First Amendment.

Claimant had instituted litigation involving the City and municipal officials during 2026.

Claimant therefore preserves claims that the alleged manipulation, suppression or misattribution of his conduct may have been retaliatory if discovery establishes that the responsible officials knew of Claimant's protected activities and intentionally altered, approved or maintained the official account because of those activities.

Claimant does not presently allege retaliatory motive as an established fact. He gives notice that the issue will be determined from the City's records, communications, drafting history, knowledge and decision-making process.

7. Injuries and Damages

As presently known and subject to supplementation following investigation and discovery, Claimant alleges injuries including:

injury to reputation and standing in the community;

false implication concerning Claimant's truthfulness and credibility;

loss of the ordinary public and civic recognition associated with Claimant's actual participation in a lifesaving event;

loss or impairment of opportunities for civic recognition, commendation or acknowledgment;

humiliation, embarrassment and emotional distress recoverable as components of otherwise actionable tort claims;

costs and expenditures incurred investigating, documenting and responding to the official governmental account;

economic and professional damages, if established through discovery and documentation;

damage resulting from dissemination and foreseeable republication of the governmental account;

and such other legally cognizable damages as investigation and discovery establish.

Claimant expressly reserves the right to supplement his description of injuries and damages as permitted by law.

No monetary amount is stated in this Notice of Claim, pursuant to General Municipal Law §50-e(2), because the City of Elmira is a municipal corporation other than the City of New York.

8. Correction and Mitigation

Claimant has separately demanded that the City and Elmira Police Department preserve the complete evidentiary record and investigate, correct and/or supplement the September 22, 2026 official publication and any underlying governmental record that materially misstates or omits Claimant's participation.

Claimant expressly reserves the right to rely upon the City's response, refusal to respond, correction, republication or continued publication after notice insofar as such conduct is legally relevant to mitigation, knowledge, state of mind, actual malice, ratification or damages.

Nothing herein should be understood to suggest that failure to correct creates a new publication or extends any applicable limitations period except to the extent independently provided by law.

9. Persons Presently Believed to Be Involved

Persons and entities presently known to be relevant include:

City of Elmira;

Elmira Police Department, as a department of the City whose conduct is attributed to the City for purposes permitted by law;

Sgt. Joseph Linehan, identified on the September 22, 2026 press release;

the Chief of Police;

responding Elmira police officers;

the City employee or employees who drafted, edited, reviewed, approved or distributed the September 22 release;

the City Department of Public Works employee who rendered emergency assistance;

and additional City officials, employees, agents, policymakers or supervisors whose identities and involvement are presently unknown.

Claimant reserves all rights concerning subsequently identified responsible parties.

10. Reservation of Rights

This Notice is intended to comply with General Municipal Law §50-e and preserve all state-law claims requiring a Notice of Claim.

It is not intended as an exhaustive pleading.

Claimant reserves the right to pursue every remedy supported by the evidence and applicable law, including claims for damages, declaratory relief, equitable relief and judicial review, and to amend or supplement factual allegations and legal theories as additional information becomes available.

Nothing in this Notice waives any federal cause of action, constitutional claim, statutory remedy, common-law claim, Article 78 remedy, right to seek disclosure,

right under the Freedom of Information Law, or right to refer evidence to governmental oversight or prosecutorial authorities.

Respectfully submitted,



Julian Raven
Independent Candidate for Mayor
714 Baldwin St.
Elmira, New York, 14901
julianmarcusraven@gmail.com

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHEMUNG

I, **Julian Raven**, being duly sworn, depose and state:

I am the Claimant identified in the foregoing Notice of Claim.

I have read the foregoing Notice of Claim and know its contents.

The factual statements contained therein relating to matters within my personal knowledge are true to my knowledge.

Statements made upon information and belief concern matters presently within the possession or knowledge of the City of Elmira, Elmira Police Department, its employees, other witnesses, media organizations, or other persons, and I believe those statements to be true based upon the information presently available to me.

I reserve the right to amend or supplement factual matters as additional governmental records, recordings, statements and other evidence become available.

Julian Raven, Claimant

Sworn to before me this
___ day of September, 2026

Notary Public

AFFIDAVIT OF SERVICE OF NOTICE OF CLAIM

STATE OF NEW YORK
COUNTY OF CHEMUNG

I, _____, being duly sworn, state that on _____, 2026, I served the foregoing **Notice of Claim Pursuant to General Municipal Law §50-e** upon the **City of Elmira** by:

☐ personal delivery to: _____
☐ Corporation Counsel ☐ City Clerk

AND

☐ Certified Mail, Return Receipt Requested, addressed to:

City of Elmira
John Ryan, Corporation Counsel,
317 E Church St, Elmira, NY 14901
Elmira, New York 14901

Signature

Sworn before me this ___ day of _____, 2026.