



**RUPP  
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ATTORNEYS**

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**CHAD A. DAVENPORT**  
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April 6, 2020

***VIA CERTIFIED MAIL RETURN  
RECEIPT REQUESTED***

Danielle Wagner  
Village Clerk  
Village of Gowanda  
27 East Main Street  
Gowanda, New York 14070

Dear Ms. Wagner:

Re: Ronald Clabeaux v. Village of Gowanda

Enclosed please find a notice of claim directed to the Village of Gowanda and Village of Gowanda Police Department. Please advise whether the claim will be addressed or if the filing of a lawsuit will be necessary.

Should you have any questions or concerns regarding the foregoing, please call.

Sincerely,



Chad A. Davenport

Enclosures

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF CATTARAUGUS

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RONALD CLABEAUX, SR.,

Claimant,

**NOTICE OF CLAIM**

v.

VILLAGE OF GOWANDA,  
THE GOWANDA POLICE DEPARTMENT,  
DENNIS FELDMAN, individually and in his capacity as  
Officer-in-Charge of the Gowanda Police Department, and  
OTHER KNOWN OR UNKNOWN OFFICERS AND  
PERSONNEL OF THE GOWANDA POLICE  
DEPARTMENT.

Respondents.

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STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF CATTARAUGUS            )

**TO: VILLAGE OF GOWANDA**

**Attn: Danielle Wagner  
Village of Gowanda Clerk  
27 East Main Street  
Gowanda, New York 14070**

**PLEASE TAKE NOTICE** that pursuant to any and all laws, rules, or regulations as may apply to the circumstances at hand, including but not limited to General Municipal Law § 50-e, Rupp Baase Pfalzgraf Cunningham LLC, on behalf of the claimant, Ronald Clabeaux, Sr. hereby submits this notice of claim and demand to the Respondents as follows:

1. **Claimant:**

Ronald Clabeaux  
87 Torrance Place  
Gowanda, New York 14070

2. **The Claimant's Attorney:**

R. Anthony Rupp III, Esq., of Rupp Baase Pfalzgraf Cunningham LLC  
1600 Liberty Building, 424 Main Street  
Buffalo, New York 14202

3. **Nature of the Claim:** The claim is for Abuse of Power, Abuse of

Process, Malicious Abuse of Legal Process, Malicious Use of Process, False Arrest, False Imprisonment, Unlawful Seizure, Unlawful Detainment, Recklessness, Unlawful Restraint, Unlawful Retaliation, Battery, Assault, Excessive Force, Negligence, Negligent Screening, Hiring, Retention, Training, or Supervision, Respondeat Superior, Slander, Libel, Defamation, Failure to Carry Out Official Duties, Failure to Intervene, Negligence in the Performance of Official Duties, Official Misconduct, Breach of Fiduciary Duty, Dereliction of Official Duties, Negligent Unlawful Conduct, Acts, and Omissions of the Respondents, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Intentional Harassment, Civil Conspiracy, Violation of General Municipal Law § 51, a Violation of Mr. Clabeaux's Constitutional Rights Guaranteed Under the New York State Constitution, and a Violation of Mr. Clabeaux's Constitutional Rights pursuant to 42 U.S.C. § 1983.

**4. Description of Claim and Time, Place, and Manner:**

On January 6, 2020, Ronald Clabeaux went to the Village Office to pay his water bill. While there, Mr. Clabeaux brought to the attention of Officer-in-Charge Dennis Feldman various concerns and complaints that he had regarding the activities of the Village of Gowanda Police Department. Instead of assisting Mr. Clabeaux with making a formal complaint against Village police officers, Mr. Feldman dismissed Mr. Clabeaux's complaints and insulted/taunted Mr. Clabeaux. After Mr. Feldman insulted/taunted Mr. Clabeaux several times, Mr. Clabeaux turned around and started to walk towards the door to leave the Village Office. While facing the door out of the Village Office, and as Mr. Clabeaux was leaving, Mr. Clabeaux did say to Mr. Feldman "f\*\*\* you." Without probable cause or any legal reason to do so, Mr. Feldman did violently turn Mr. Clabeaux around, and while he was nose-to-nose with Mr. Clabeaux, Mr. Feldman started to scream and went on a tirade. Mr. Feldman repeatedly yelled "you're just like all the other criminals in this town." Mr. Feldman then told Mr. Clabeaux to "go sit on that bench where all the other criminals sit." Mr. Feldman started to ask Mr. Clabeaux for his name, address, age, and other basic information. For an extended period of time, Mr. Feldman forced Mr. Clabeaux to sit on the bench. Unable to leave the Village Office, Mr. Clabeaux asked the secretary to get his oxygen tank from his car. Only after learning Mr. Clabeaux had a respiratory issue did Mr. Feldman allow Mr. Clabeaux to leave. Upon information and belief, several officers or other personnel of the Village of Gowanda Police Department were present at the time that had the power or authority to intervene in Mr. Feldman's clear violation of Mr. Clabeaux's civil rights.

5. **Items of Damage or Injuries Sustained:** As a result of Respondents' unlawful conduct described in detail above, Respondents have caused harm to the public at large and to Mr. Clabeaux in the following respects:

- a. The Village of Gowanda either ignored or negligently performed their duty to investigate several complaints made by Mr. Clabeaux;
- b. Respondents verbally and physically abused and harassed Mr. Clabeaux for no reason other than to harm Mr. Clabeaux and intimidate him so that Mr. Clabeaux did not expose the misconduct of the officers;
- c. The Village of Gowanda police department continues to employ officers who exceed their authority and engage in unlawful acts by causing harm to members of the public in contravention of every citizen's Constitutional rights;
- d. Mr. Clabeaux was unlawfully detained and threatened causing damage to his reputation, damage to character, damage to social standing, suffering, emotional and psychological distress, and physical damages as a result of the unlawful conduct outlined in this Notice of Claim.

**WHEREFORE**, Claimant requests that the Respondents be held accountable for their unlawful conduct in connection with this claim. Respondents hereby are notified that unless this claim is addressed within the time provided by law from the date of presentation, the Claimant intends to commence a lawsuit on this claim, together with interests, costs, and disbursements.

/s/ R. Anthony Rupp III  
R. Anthony Rupp III, Esq.

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF ERIE                    )

I, R. Anthony Rupp III, being duly sworn, deposes and says that I am the attorney for the claimant in the above-entitled action. I have read the foregoing notice of claim and know the contents thereof. I certify that all information contained in this notice is true and correct to the best of my knowledge and belief.



R. Anthony Rupp III

Sworn to before me this

6<sup>th</sup> day of April, 2020.

**CHAD ALAN DAVENPORT**  
Notary Public, State of New York  
No. 02DA6401208

Qualified in Erie County

~~Commission Expires 12/09/2023~~  
Notary Public