

NOTICE OF CLAIM

In the Matter of the Claim of
KAVEON WILSON, an infant by his Mother and Natural Guardian
CHANTEL PHINAZEE and CHANTEL PHINAZEE, individually,
against

THE CITY OF NEW YORK, THE DEPARTMENT OF EDUCATION OF
THE CITY OF NEW YORK, MR. OSMAN COUEY a Teacher at P.S. 194M, MS. JOSEPHINE
BAZAN Principal of P.S. 194M and MR. JOSEPH DICRESCENO Assistant Principal of P.S.
194M

EDUCATION
2016 FEB 22 PM 4:30
CITY OF N.Y. LAW DEPT.
OFFICE OF COUNSEL
300 NASSAU ST. 10TH FL.

TO: COMPTROLLER OF THE CITY OF NEW YORK and THE DEPARTMENT OF
EDUCATION OF THE CITY OF NEW YORK

PLEASE TAKE NOTICE that the undersigned claimants hereby make claim and demand
against the City of New York and the Department of Education of the City of New York, as follows:

1. The name and post office address of each claimant and claimant's attorney is:

Rubenstein & Rynecki, Esqs.	KAVEON WILSON AND CHANTEL PHINAZEE
16 Court Street, Suite 1717	125 West 144 th Street, Apartment 4A
Brooklyn, New York 11241	New York, New York 10030

2. The nature of the claim: Action to recover for personal and permanent injuries, pain and suffering, future pain and suffering, medical expenses, future medical expenses, emotional and physical trauma, loss of future earnings capacity and capability, medical expenses, future medical expenses, loss of services society and affection, assault and battery, intentional infliction of emotional distress, negligent infliction of emotional distress, prima facie tort, negligent hiring and retention, negligent training, outrageous conduct.

3. The time when, the place where and the manner in which the claim arose: On or about December 23, 2015, a Wednesday, during the school day, inside the premises known as P.S. 194M Countee Cullen, and the 3rd floor hallway thereat, located at 244 West 144th Street, County, City and State of New York, respondent MR. OSMAN COUEY -a Teacher at P.S. 194M, who, upon information and belief is an employee of the respondents THE CITY OF NEW YORK and THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, negligently, violently and maliciously assaulted and battered the infant claimant, a 7 year student at said school. Respondent MR. OSMAN COUEY negligently, violently and viciously grabbed the infant claimant and thereafter violently threw him across a hallway into a wall, thereafter slamming a door on him causing injury to the infant claimant. The injuries sustained by the infant claimant occurred as a direct result of the active and passive negligence, carelessness and recklessness of the respondents THE CITY OF NEW YORK, THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, MS. JOSEPHINE BAZAN Principal of P.S. 194M and MR. JOSEPH DICRESCENO Assistant Principal of P.S. 194M, in the supervision and control of the respondent MR. OSMAN COUEY. The respondents, THE CITY OF NEW YORK and THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK had notice and knowledge of the propensity of the respondent MR. OSMAN COUEY to engage in improper behavior that caused injuries to the infant claimant KAVEON WILSON and allowed respondent MR. OSMAN COUEY to come in contact



with persons, more particularly, the infant claimant KAVEON WILSON herein. The respondents were aware of several incidents of similar behavior involving MR. OSMAN COUEY, both involving the infant claimant herein as well as other students. The respondents were negligent in the ownership, operation, supervision, and control of the premises; negligent in the supervision, control and protection of the children attending said school, including the infant claimant herein.

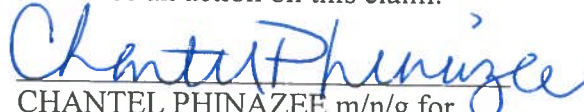
The above respondents were further negligent in the hiring, training, and retention of MR. OSMAN COUEY. The respondents THE CITY OF NEW YORK and THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, their agents, servants and employees, including but not limited to MR. OSMAN COUEY failed to protect and supervise the infant claimant in light of their knowledge of the dangers existing in said premises. The respondents THE CITY OF NEW YORK, THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK were negligent, reckless and careless in failing to maintain said premises; in improperly maintaining said premises; in failing to prevent the aforesaid incident; in failing to have proper security; in failing to monitor the activities on said premises; in failing to monitor the activities of children on said premises; in failing to have properly trained personnel; in negligently hiring personnel; in failing to properly screen personnel; in retaining improper personnel; in failing to properly supervise the students; in MS. JOSEPHINE BAZAN Principal of P.S. 194M and MR. JOSEPH DICRESCENO Assistant Principal of P.S. 194M failing to timely advise the infant's mother of the true facts and circumstances of the incident, respondents were further negligent by their outrageous conduct both during and after the incident, and in generally being negligent, reckless and careless in the ownership, operation, management, maintenance and control of the school premises, and personnel.

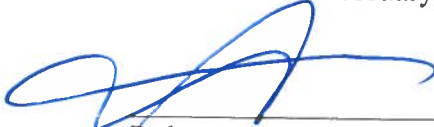
4. The items of damage or injuries claimed are: (include dollar amounts): Infant claimant KAVEON WILSON sustained serious and permanent injuries the full extent of which are currently unknown, including injuries to the neck, back and other permanent injuries, pain and suffering, future pain and suffering, loss of future earnings capacity, medical expenses, future medical expenses including extensive physical therapy, emotional & psychological trauma, violation of his civil rights, false imprisonment and other damages in the sum of FIVE MILLION DOLLARS (\$5,000,000.00). Claimant CHANTEL PHINAZEE suffered the loss of services, society & affection of the infant claimant and loss of earnings and earnings capacity all to her damage in the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00). Claimants allege compliance where applicable with all actual notice of the statutes of the City of New York.

**TOTAL AMOUNT CLAIMED FIVE MILLION
FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000.00)**

The undersigned claimant(s) therefore present(s) this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimants intend to commence an action on this claim.

Dated: February 19, 2016


CHANTEL PHINAZEE m/n/g for
KAVEON WILSON


Rubenstein & Rynecki, Esqs.
16 Court St., Ste. 1717
Brooklyn, New York 11241
(718) 522-1020

INDIVIDUAL VERIFICATION

State of New York, County of Kings ss.:
CHANTEL PHINAZEE

being duly sworn, deposes and says that deponent is the claimants in the within action; that (s)he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponents own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.


CHANTEL PHINAZEE

Sworn to before me this
19th day of February, 2016


Notary Public

SHARON S. KHAN
Notary Public, State of New York
No. 01KH6159683
Qualified in Kings County
Commission Expires January 26, 2019

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