

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONEIDA

Leon R. Koziol,

Claimant,

NOTICE OF CLAIM

vs

County of Oneida and
Town of New Hartford,

Respondent.

TO: THE CLERKS OF ONEIDA COUNTY AND TOWN OF NEW HARTFORD

PLEASE TAKE NOTICE that the claimant, Leon R. Koziol, hereby makes claim against the above named respondents as follows:

PARTIES

- 1) At all times relevant to this claim, the claimant was, and still is, a resident of the Town of New Hartford, New York.
- 2) The respondent, County of Oneida, is a municipal corporation duly organized under the laws of the State of New York with a principal place of business located at 800 Park Avenue in the City of Utica, New York.
- 3) The respondent, Town of New Hartford, is a municipal corporation duly organized under the laws of the State of New York with a principal place for the conduct of police business located at 32 Kellogg Road in the Town of New Hartford.

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Clerk: LG



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Sandra J. DePerno, Oneida County Clerk

NATURE OF CLAIM

4) Claimant has been an attorney, caring father, civil rights advocate and resident of Oneida County who in recent years undertook a cause to promote parenting rights in domestic relations matters. Among other things, he has brought public actions seeking relief and precedent for victims of oppressive practices in divorce and Family Court cases, particularly those which harm mainstream parent-child relations.

5) Accordingly, on or about September 21, 2009, the claimant commenced an action on behalf of one, Douglas Case, against the respondent town arising from malicious domestic incident charges selectively enforced by a respondent police officer. This officer was alleged to have abused his position of authority through a special relationship acquired with the ex-spouse of the said Douglas Case. That relationship produced criminal charges eventually dismissed by a jury in New Hartford Town Court.

6) Similarly, during the same month and year, claimant filed a test case, under seal, against the State of New York and Oneida County officials challenging the constitutionality of money collection laws and “child support” processes which harm parents and their children through needless court controversies designed to generate lawyer fees, patronage jobs and government revenues.

7) While these matters were pending, respondent town police officers applied undue favor to concocted claims by claimant’s ex-spouse residing in the same

Township. For example, in August, 2010, certain officers lodged a domestic incident report requested by claimant's ex-spouse against a privately retained process server who simply served her with legal papers on behalf of claimant as she arrived home in her automobile at 8:55 p.m. This process server was not family related to either claimant or his ex-spouse, hence no legal authority existed for the respondent's categorization of this isolated event as a domestic incident. Instead it was designed to harm claimant and his ability to access our court system by lawful process.

8) Because claimant was seeking long overdue reform to a government program which exploits children in barbaric and unethical fashion, he became the target of related persons and officials seeking to suppress his efforts as it impacted a multi-billion dollar child industry, or "child business" as one Family Court described it. He was made subject to defamatory claims orchestrated by diverse government actors that were calculated to undermine his credibility in the public and capacity for representing civil rights victims.

9) As relevant here, on October 19, 2010, only weeks following a front page news article referencing claimant and Douglas Case, two respondent police officers arrived in separate patrol cars at claimant's home in the town of New Hartford. A collection of agents from the Oneida County Support Collection Unit accompanied them in a swat-like convergence of force upon claimant for the purpose of confiscating any vehicles found on his premises, including those not owned by him.

10) The armed police summoned claimant from his home on a stated purpose of preventing any violence, whatever that meant, however, their purpose was clearly to provoke any reaction which could justify an arrest of claimant. This was part of an ongoing agenda of government retaliation for claimant's exercise of constitutional rights in the aforesaid parenting rights cause. Respondent agents justified their actions by reference to higher level officials in Albany, Oneida County and New Hartford. Papers were served upon claimant purporting to support their authority to invade claimant's homestead in the manner described.

11) Contrary to respondents' claimed authority, the papers later reviewed by claimant demonstrated that these government agents possessed no right whatsoever to be on claimant's property for any purpose. A warrant for "child support" arrears was being enforced by the "New York State Department of Taxation and Finance" (thus corroborating claimant's longstanding public positions concerning the exploitation of children by the state for money generating purposes). The one paragraph "Tax Compliance Agent's Levy" directed those arriving at the scene to secure property found upon a premises located in Utica, New York, specifically "1518 Genesee Street".

12) Claimant's vehicles were neither located in the city of Utica nor were they subject to seizure by any other lawful authority. Further support for this existed in an

August, 2010 stipulation and order consummated on the “child support” issue before a state Supreme Court judge. The parties had resolved years of dispute over alleged child support arrears by consolidating prior orders relied upon by these agents into a single remedy for noncompliance.

13) This order provided an exclusive remedy for any arrearage in child support through a seizure of specified real estate, and then only after two months of delinquency which was not the case on October 19, 2010. It was a complex and sensitive resolution in a highly emotional environment fueled by needless state interventions into family affairs. Personal property, including the corvette stolen by respondents, was explicitly crossed out of the draft order prepared by the attorney for claimant’s ex-spouse. In short, respondents were trespassing upon claimant’s private homestead for the purpose of removing property which did not belong to them.

14) The corvette was damaged in the seizure process by a flatbed operator due to respondents’ refusal to await the arrival of car keys from a nearby location. Claimant had been intending to gift this vehicle, having little monetary value at the time, to his eldest daughter on her 16th birthday. The second vehicle had been listed for sale over a period of weeks due to the state’s retaliatory suspensions of assorted licenses needed to support claimant and his children. A purchase was being consummated later the same day which would prevent any delinquency and condition outlined by the newly arranged court order.

15) Respondents' actions will now cause a support delinquency leading to the loss of claimant's home where he has raised his children since their birth. Ongoing government provocations and the courts' failure to provide claimant with any remedy will compel relocation to a distant place. Child contact and local reform efforts will thereby cease simply because of claimant's exercise of free speech and petitions for a meaningful relationship with his daughters. These petitions have passed before some 20 trial level judges over a costly five year period, all to no avail.

CAUSES OF ACTION

16) Claimant seeks redress for a violation of fundamental rights guaranteed to him under both the New York and United States Constitutions. For purposes of the federal rights claimed here, state law notices are not required. To the extent claims are asserted under the New York Bill of Rights, these are addressed by contemporaneous filing in the state Court of Claims.

17) Regarding the additional claims preserved here, this filing seeks recovery for state law torts of trespass, unlawful conversion, tortious interference with contract, negligent training and supervision, intentional infliction of emotional distress, defamation of character, abuse of process and prima facie tort.

DAMAGES

18) Respondents have seriously perverted a civil process and agreement between two parents and their children designed, in part, to prevent more injurious consequences which will now flow as a direct result of their reckless, malicious and dysfunctional actions. Claimant seeks a recovery before a jury which will adequately compensate him for the loss of his home, the effective taking of his children and forced relocation from his community of 50 years, among other things.

19) Claimant seeks additional damages for emotional distress, physical pain and suffering, and reputation injuries naturally arising from respondents' culminating abuses of power which ended all hope for future productive parent-child relationships and benefits. Claimant also seeks an award of punitive damages, attorneys fees and litigation costs incurred in the prosecution of this action.

PLEASE TAKE FURTHER NOTICE that this claim and demand are hereby presented for adjustment and payment, and that claimant intends to commence an action against respondents, their agents and related persons in a court of law in the event they remain unsatisfied.

DATE: October 28, 2010

YOURS, ETC.

Leon R. Koziol
1518 Genesee Street
Utica, New York 13502
(315) 796-4000

VERIFICATION:

Leon R. Koziol, being duly sworn, states that I am the claimant herein, I have read the contents of this claim, and the same are true to my knowledge, except those which are stated on information and belief which I believe to be true.

LS/ Leon Koziol

Sworn to before me this
_____ day of October, 2010

Leon R. Koziol

LS/ Notary
Notary Public