

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN OFFICE

Ojeda v. Mendez, 20-CV-3910(EK)(LB) (E.D.N.Y. Jan. 7, 2021)

Civil Violations:

1. **12 U.S. Code § 5531** - Prohibiting unfair, deceptive, or abusive acts or practices
2. **18 U.S. Code § 1961** - Definitions
3. **18 U.S. Code § 1964** - Civil remedies
4. **10 U.S. Code § 2737**-Property loss; personal injury or **death**: incident to use of property of the United States and not cognizable under other law.
5. **49 U.S. Code § 33115** - Civil penalties and enforcement
6. **40 U.S. Code § 123** - Civil remedies for fraud
7. **26 U.S. Code § 7434** - **Civil damages** for fraudulent filing of information returns
8. **§ 11-7-165** - Award of damages in civil action

Michael Angelo Ojeda
Carmen Rosa Torres (Ojeda)
PLAINTIFFS

-v-

Zaki Isaac Tamir, New York City Department of Consumer Affairs, Sylvia Ash, Court Administration, Felix W Ortiz, Internal Affairs Bureau, Alfonso Mendez, Bill de Blasio, New York Police Department, Bonita E Zelman, Mitu Maruf, Supreme Court of Kings County, Clark Pena, Seth A Harris, Dawn Jimenez-Salta, Police Benevolent Association, New York, State of and New York, City of

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PLAINTIFF'S MOTION TO AMEND COMPLAINT ,
MEMORANDUM OF FACTS IN SUPPORT AND
REQUEST FOR DE NOVO PROSECUTION AND TRIAL FOR
CRIMINAL ACTIONABLE CONDUCT

Comes now *pro se* Michael Angelo Ojeda & Carmen Rosa Torres (Ojeda) to address the following;

CAUSES OF ACTION

1. OPENING STATEMENT

1.1. This case is surrounding tragic events that were corrupted into a means for embezzlement, conspiracy, criminal violations that involved cover-ups of criminal activity that resulted in evasion of liability, deprivation of rights, however most importantly that caused the wrongful death of Briana Amaryllis Ojeda on August 27, 2010 at 6:55 p.m.

2. JURISDICTION

2.1. When someone dies because of the negligence or intentional act of another, surviving family members may claim monetary compensation for their loss in a wrongful death lawsuit. While claims against other private citizens or non-governmental entities are typically filed in state court, claims of wrongful death by police or other peace officers (including prison guards) may be filed in federal court if there were constitutional violations.

3. LEGAL STANDING

3.1. Rule 15 of the Federal Rules of Civil Procedure governs the filing of amended and supplemental pleadings. According to Rule 15(a)

3.1.1. ...Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of

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the amended pleading, whichever period may be longer, unless the
court otherwise orders.

4. VIOLATIONS CAUSING DAMAGES AND WRONGFUL DEATH

4.1. Racketeer Influenced and Corrupt Organizations Act ("RICO"),' is a private right of action for treble damages available to "[a]ny person injured in his business or property by reason of a violation of section 1962 "2 of the Act. Thus, to have standing to sue under civil RICO, a private plaintiff must prove injury to business or property "by reason of" a RICO violation. This requirement poses a question of causation: what nexus between the plaintiff's injury and the defendant's RICO violation must exist before one can say that the injury occurred "by reason of" the violation?

4.1.1. I. STATUTORY PROVISIONS ON STANDING: SECTION 1964(c)

Section 1964(c) 3 creates a private civil right of action in favor of anyone who has been "injured in his business or property by reason of a violation of section 1962.' Only those persons injured "by reason of a violation of section 1962" have standing to sue under civil RICO. 16 The phrase "by reason of" generally has been interpreted to impose a requirement on plaintiffs¹⁶ to prove that the criminal conduct violating section 1962 proximately caused injury to the plaintiff's business or property.

4.2. **5 18 U.S.C. § 1964(c) (1988)**. Section 1964(c) states: "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." Id. 14 Id.; see id. § 1962. Section 1962, containing RICO's criminal provisions, makes it unlawful for any person: (a) . . . who has received any income derived. . . from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal... to use or invest... any part of such income... in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce . . . (b) . . . through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain... any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. (c) . .

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. employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate • in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. (d) . . . to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

4.3. **Federal law (42 U.S.C. § 1983)** states that peace officers who subject any U.S. resident to "the deprivation of any rights, privileges, or immunities secured by the Constitution and laws" may be held liable for those injuries. For example, a federal wrongful death complaint filed in 2016 by a plaintiff after her husband was shot in the back and killed by a San Jose police officer cited several constitutional violations, including the following:

- 4.3.1. **Fourth Amendment - Excessive Force:** Plaintiff claims the shooting was "excessive and unreasonable, especially because the decedent posed no immediate threat or death or serious bodily injury" at the time.
- 4.3.2. **Fourth Amendment - Denial of Medical Care:** Plaintiff claims the officers "knew that failure to provide timely medical treatment to decedent could result in further significant injury... but disregarded that serious medical need, causing decedent great bodily harm and death."
- 4.3.3. **Municipal Liability - Inadequate Training:** Plaintiff claims the "training policies of defendant city [San Jose] were not adequate to train its officers to handle the usual and recurring situations with which they must deal."

5.

6. **Case Law in Support of Wrongful Death Rico Claim for Damages**

- 6.1. 19 See, e.g., Grider v. Texas Oil & Gas Corp., 868 F.2d 1147, 1149-50 (10th Cir. 1989) (standing under § 1962(a) requires injury by use or investment of racketeering income, not merely injury caused by predicate acts, while standing under § 1962(c) requires only proof of injury caused by predicate acts), cert. denied, 110 S. Ct. 76 (1990); Cullom, 859 F.2d at 1215 (standing exists if plaintiff injured by "racketeering activities forbidden by § 1962") (footnote omitted); Brandenburg v. Seidel, 859 F.2d 1179, 1184, 1187, 1189 n.11 (4th Cir. 1988) (standing under all subsections of § 1962 requires injury caused by predicate acts); 109 S. Ct. 1642 (1989); Environmental Tectonics v. W.S. Kirkpatrick, Inc., 847 F.2d 1052, 1067 (3d Cir. 1988) (standing under § 1962 requires injury caused by some or all of predicate acts), aff'd, 110 S. Ct. 701 (1990); Town of Kearney v. Hudson Meadows Urban Renewal Corp., 829 F.2d 1263, 1268 (3d Cir. 1987) (injury which confers standing on RICO plaintiff is injury flowing from

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predicate act, not injury flowing from pattern of such acts); City of Milwaukee, 692 F. Supp. at 997 (recovery under RICO limited to injuries caused by predicate acts); Mid-State Fertilizer Co. v. Exchange Nat'l Bank, 693 F. Supp. 666, 672 (N.D. IIM. 1988) (same), aff'd, 877 F.2d 1333 (7th Cir. 1989); P.M.F. Servs., Inc. v. Grady, 681 F. Supp. 549, 556 (N.D. IM. 1988) (specific subsection makes violation of racketeering activity alone, but use of racketeering activity in particular way subsection declares unlawful);

6.2. Damages and Settlement Amounts

- 6.2.1. Damages and settlement amounts vary quite a bit from one jurisdiction to the next. A year-long investigation of fatal police shootings in 2015 by The Washington Post found that settlements ranged from \$7,500 to \$8.5 million, with a median settlement amount of \$1.2 million. The investigation also concluded that families collected substantially more money by settling before trial; that families settling after a criminal trial received \$500,000 on average; and that suits against individual officers were exceedingly rare.

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7. STATEMENT OF FACTS

- 7.1. August 27, 2010 started as any other beautiful day in America that Briana enjoyed for the past 11 years of her life. Her morning spent with her family thankful to God for all that was good in the world. A complete family due to an unrequested tubal ligation that was performed after Briana's birth. Air to be thankful for, a constitution to be protected by and a privileged citizen of, as well as being a citizen of a county home to one of the many highly acclaimed law enforcements belonging to the city of New York, or so we thought.
- 7.2. Around early evening my wife Carmen R. Torres decided to take both my children to the park to enjoy the rest of the day together unbeknownst to all of us Briana would be the one never coming home.
- 7.3. Due to her asthmatic ailments she began suffering an asthma attack which is an inflammation of her bronchial tubes which causes asphyxiation which ultimately causes death.
 - 7.3.1. It is known that Defendant Mendez is aware of this severity because when the press attempted to get a comment from him and located him at his residence there was an asthma machine on the floor.
- 7.4. Frantic with panic seeing the severity of the situation my wife immediately put her on her prescribed asthma machine.
 - 7.4.1. Which unfortunately was of no help this time.
- 7.5. Being a lifetime resident of New York and a long time resident of Brooklyn my wife knew that the location of Long Island College Hospital was located 11 blocks away.
- 7.6. Hoping and praying that this was not going to end tragically she sprung into action to get her deathly sick daughter to a hospital as fast as she could through any means possible as the time was ticking for her rescue to be achieved. Briana during this time was desperately trying to inhale whatever albuterol sulfate that her inflamed bronchial tubes would allow to her lungs.
- 7.7. Collectively, at this very moment my wife and daughter were praying for a miracle when they were approached by an out of assigned area N.Y.P.D. officer who was violating the code of conduct, wasting resources, all while enjoying the personal benefit of an alleged ren de vous with a mistress of his that he secured due to the closings of the bridge that day.

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- 7.7.1. Alfonso Mendez was stationed at the bridge portable. With no work to survey due to the closing he took this time to drive around the city and not serve the public but himself.
- 7.8. With all of this under his belt he attempted to redeem himself by pulling my desperate family over and making a quick benefit for the state.
 - 7.8.1. This was attempted by attempting to cite a traffic violation on my wife at which time desperate, panicked, frantic and honestly my wife requested this life-saving assistance of C.P.R. from this Public Servant Official mandated to be certified in C.P.R.
 - 7.8.1.1. For this very reason life-threatening emergency situations.
 - 7.8.2. However, not only was this request denied it was mocked when with a smirk on his face the defendant responded, "I don't know C.P.R., I don't do C.P.R."
- 7.9. With witnesses around he screamed, "What the f*** are you doing!?", immediately upon approaching the life-threatening emergency situation.
 - 7.9.1. Instead of inquiring the reason for the turn down one way street in the wrong direction his immediate action was to be disrespectful, aggressive then deliberately follow up these actions with omissions of constitutionally guaranteed, and bound service that deprived my wife and child their right to life and pursuit of happiness forever.
 - 7.9.2. This direct action frightened my daughter at which time it caused her to exacerbate the little bit of oxygen she was retaining to strain and inhale to yell for her mother in the back seat of the vehicle.
- 7.10. My wife heard this call and in addition to asking for CPR requested emergency escort service which again was neglected by impropriety and failure to adhere to protocols and procedures administered for such a task.
 - 7.10.1. Exhibits A1 & A2 will show Alfonso Mendez issued a false statement to my wife by claiming ignorance to omit a life-saving assistant technique for his own selfish discriminatory reasons he may have had to leave my beautiful Hispanic Princess dying in the back seat of my wife's vehicle and not even lift his radio for help.
 - 7.10.1.1. Exhibit A2 shows a well over passing score of 80 pts on his CPR Exam and a 90 on his First Aid Knowledge.

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- 7.10.1.1.1. Collectively these actions hold no immunity and are a direct violation of the codes for Unfair Deceptive Abusive Acts and Practices resulting in death.
- 7.11. Agreeing to escort my wife to the Long Island College Hospital, one of the aforementioned witnesses jumped in the vehicle to provide whatever vigilant civilian assistance he could.
- 7.11.1. A short drive that I can now say lasted a lifetime.
- 7.12. When Alfonso entered his vehicle for the service there was no radio transmission to the hub or headquarters of any jurisdiction informing them of the emergency situation or for the required assistance in order to expedite any form of chance my daughter may have had.
- 7.13. As if that neglect wasn't enough he made no attempt to clear the way for my wife.
- 7.13.1. Instead he misrepresented the situation by following lights and sirens ablaze depicting an ongoing chase instead of a life threatening emergency situation.
- 7.13.1.1. This created unnecessary obstacles that delayed arrival to the hospital that prior to his encounter was only 2 blocks away.
- 7.13.1.2. Civilians believing they were assisting law enforcement by stopping what looked like a chase, what they were in fact doing was depriving my daughter her right to life-saving assistance that Defendant Alfonso Mendez should have been making readily available.
- 7.13.1.2.1. Referring to A4 is a document my wife received well after this ordeal supporting the claims of wrongful death, official misconduct, and the need and demand for reprimand.
- 7.13.1.2.1.1. This memorandum was followed up with Gross Negligence with Malicious Intent by the order of Mayor Bill DeBlasio and all the defendants that I refer to as his "King's Men" who followed commands that made sure the demands for reprimand were covered up to evade liability and repayment to the aggrieved for the sole purpose of securing his financial interest embedded in the State's Treasury.

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- 7.14. The only thing evident that Mendez had reported was the traffic violation.
- 7.14.1. Reason behind this claim is because upon arriving at the hospital and meeting with my wife at 6:55 p.m. I was emotionally murdered with the news that the spirit that was my motivation, the light that guided my future plans, the dream of our legacy had slipped right through the hands of time forever leaving a never ending river of tears that have a destination I will never reach in this lifetime.
- 7.14.1.1. Following me was officers from the 76th NYPD precinct sent to finish Mendez's dirty work by attempting to still serve the initial citation that had absolutely no merit due to the emergency situation.
- 7.14.1.1.1. Once exiting the worst memory of my life, giving no assistance, helping in absolutely no way, not even in a commonly decent one after news broke that my daughter had in fact suffered to her death they walked away without even attempting to right one of the many wrongs committed by Alfonso Mendez that day.
- 7.14.1.1.1.1. That same day my wife and I filed a complaint with the Internal Affairs Bureau that generated the response submitted as exhibit A4.
- 7.14.1.1.1.1.1. How an agency acknowledges the obvious wrongdoings and demands for his badge but then acts in ways that secure his pension and benefits that were just slaps in the face every time I walked past the street that my daughter suffered her last moments that had no just cause to be.
- 7.14.1.1.1.1.1.1. As can be imagined when we were informed that Mendez's reprimand consisted of a pay raise, desk duty, and a year long paid vacation I felt like someone just punched me in the stomach realizing that my daughters death actually turned into a benefit

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for the man responsible for her death which I now saw as criminal negligent homicide if there was ever a case of one.

- 7.15. Not wanting to face reality I refused to leave the only vision I had left of my youngest baby girl. I believe God was the reason I looked up when I did just as I believe he is the reason for the revelation of the nexus that uncovered the unconstitutional RICO violations happening behind State lines.
- 7.16. Talking to a Dr. I saw Felix Ortiz.
- 7.16.1. What has now been discovered about Defendant Ortiz is that integrity is not his strong suit.
- 7.16.1.1. His direct aid has been charged and incarcerated for crimes involving abuses of funds and offices.
- 7.16.1.1.1. As the old adage goes "Birds of a Feather flock together," and I am here as a victim witness to testify that a criminal is just what he is.
- 7.16.1.1.1.1. There was no actual interaction between him and I however it is my strong belief that after realizing the severity of his actions Alfonso Mendez contacted Attorney Zelman who has direct ties to Felix Ortiz and the NYPD through previous cases she has prevailed as the NYPD referred Private Attorney.
- 7.16.1.1.1.1.1. Circumstantial evidence points to these facts being related to Felix Ortiz's appearance at the hospital at which time he began investigating my daughter's tragic death as an impending lawsuit against the city.
- 7.17. This leads me to believe that once the case was confirmed this information by obligations and duty was delivered and expressed to the overseer of the City's budget and finances which together in this case would be acting Mayor Bloomberg at the time and Public Advocate Bill DeBlasio.
- 7.18. Chain of events and evidence prove that Bill DeBlasio pulled executive strings to obstruct justice, impede on a constitutionally protected process and evade the

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liability that was directly connected to both him and Mayor Bloomberg through acting Commissioner Raymond Kelly.

- 7.19. Moving on to the first day of the wake which I believe is called a wake because a death is no longer a dream you are awake to the reality of this loss.
- 7.20. Dazed, confused, an emotional example of the walking dead I had absolutely no desire except making sure the Neglectful Officer was held accountable for his crimes.
 - 7.20.1. I Had no initial financial interests behind my pursuit for Justice, I only wanted to ensure no one would ever suffer at the hands of this sworn officer again.
 - 7.20.1.1. Unbeknownst to me at the time, the man I would later be suing was named Alfonso Mendez.
- 7.21. During the days leading up to my daughters wake Alfonso Mendez was Missing In Action. It was later discovered he willfully called in sick for 5 consecutive days.
- 7.22. This action shows an acknowledgement of wrongdoing because he took this time to alter his appearance by completely shaving his head, reporting for duty but neglecting to inform his superiors that he himself was in fact the officer wanted for the negligent actions that caused my daughter's death.
- 7.23. The tedious emotionally torturous tasks associated with planning the funeral for your child is honestly something I do not think any word in the American Language could explain except to say that I was forced into a never ending nightmare that literally has no escape route except a dim light that is flickering with hope, faith, prayer, and perseverance will bring you through.
- 7.24. At a location filled with a sea of faces filled with concerned, affected neighboring citizens, family members and more I to this day could not tell you an approximate number of attendees.
 - 7.24.1. However I can tell you exactly who disclosed who the officer was with no disclaimer as to where the information came from.
 - 7.24.1.1. This person was Bonita Zelman
- 7.25. Gathered information since the date of incident from action 215 on the Danroy Henry case shows direct evidence of Bonita paying an opposing counsel \$1,000 due to her neglectful behavior that resulted in unreasonable delays and spoliation of evidence with specific lettered exhibits that she was found liable for monetary payment for.

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- 7.25.1. I can attest to the abovementioned being true as was her method when she had power of attorney over the suit against the city to avenge my daughter.
- 7.25.1.1. Bonita Zelman arrived uninvited to my daughter's wake accompanied by Felix Ortiz, Mitu Maruf, a representative for the Latin Hispanic Police, Anthony Miranda, and an African American officer.
- 7.25.1.1.1. If I am being honest all that power and authority approaching me at the most vulnerable moment of my life would be the equivalent to ravenous vultures finishing off a dying prey.
- 7.25.1.1.2. Her initial approach was to inquire on whether I wanted to sue the City for the obvious negligence that had taken place.
- 7.25.1.1.2.1. However, this was just a bait and switch technique that I had initially rightfully refused.
- 7.25.1.1.2.1.1. When I had informed Zelman that Monetary compensation was of no desire of mine she reloaded with the offer and demand of a law that would be named after my daughter.
- 7.25.1.1.2.1.2. To further weight her offer she said the motivating factor behind her even coming to the wake of my daughter was because she received an esoteric message from beyond through a dream in which she was visited by her mother informing her that she was sent by Briana to instruct Bonita to represent us about our interest in this case by securing justice and avenging the death of my daughter.
- 7.25.1.1.2.1.2.1. It became evident that was never her intent and that promise was something she had never intended on delivering.

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7.25.1.1.2.1.3. Still skeptical on what to do Assemblyman Felix Ortiz added weight to the offer by promising the passing while he salivated over the realization that he had yet another avenue to pad the pockets of the arms of the City and State.

7.25.1.1.2.1.4. Somewhere in the midst of all this talk on achieving justice it was relayed to me by Bonita that there was a phone call received by the Parlor however the requested respondent was me.

7.25.1.1.2.1.4.1. Confused unsure of who was on the phone when I received the phone to gather this information it was disclosed to me that the responsible liable officer had been located and identified however personal identification could not be disclosed.

7.25.1.1.2.1.4.2. The male on the other end only identified himself as a NYPD officer and nothing more.

7.25.1.1.2.1.4.3. Hind-sight through all of her previous connections to the NYPD it is my belief that there may have been some sort of correspondence between her and this officer to inform me of the discovery in order to fan the flames of my pursuit of justice so she could ensure that she would be the one in charge to thwart the process.

7.25.1.1.2.1.4.4. This could be accomplished through her ties to the Judicial system from her many years of experience and

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career practice that directly ties her with the interference of a pending judicial proceeding which is strictly prohibited by the constitution to the following defendants;

- 7.25.1.1.2.1.4.4.1. Judge Sylvia Ash
- 7.25.1.1.2.1.4.4.2. Judge Dawn Jiminez-Salta
- 7.25.1.1.2.1.4.4.3. Supreme Court Administrations
- 7.25.1.1.2.1.4.4.4. Clerks of the Kings County Supreme Court
- 7.25.1.1.2.1.4.4.5. Seth Harris

7.26. Prior to my arrival the press was already set up to televise my daughters event. Since I was robbed of ever holding a sweet 16 or paying for Briana's wedding I sent her to our heavenly father the best way I could intertwine the two.

7.26.1. I had doves set free

7.26.2. A horse drawn carriage,

7.26.3. A dress fit for a queen

7.26.4. Amenities for mass amounts of attendees.

7.26.4.1. Once there Zelman issued a public statement highlighting the negligence on the part of the Commissioner for not disclosing the personal identification of the Negligent Officer on the grounds that all Law Enforcement vehicles were and are equipped with GPS and there should have been record of an unaccounted for vehicle and officer combined.

7.26.4.2. After her initial statement Bonita took to the press again to disclose that the name of the Officer was Alfonso Mendez.

7.26.4.2.1. To this day I still do not know how she was the one who obtained the information for this discovery.

7.26.4.3. This discovery also unveiled the official misconduct because it was discovered that the precinct to which he was sworn and assigned to was not in the jurisdiction in which he came in contact with my wife and did not have permission to be out of his assigned area at the time of the tragedy.

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7.26.4.3.1. After learning these relevant facts of liability of my daughters tragedy my wife and I consented to moving forward and their scheme to defraud was secured.

7.26.4.3.1.1. Looking back it is evident that Bonita Zelman was actually a consigliere masquerading as an attorney. This word was adopted into the english language in 1969 by the novel "The Godfather"

7.26.4.3.1.1.1. It is defined as an advisor or counselor to the boss with the additional responsibility of representing the boss in important meetings both within the boss's crime family and with other crime families or in this case would be other corrupt state agencies.

7.27. All of my gathered information, pain and suffering, sleepless nights, justice guided quests have led me to this following discovery.

7.27.1. As the traffic and criminal courts offer diversion programs to eligible constitutionally granted diversion program attendees, they developed an unconstitutional criminal ring that doubles as a liability diversion program in which the lack of knowledge on law and due process is violated in its entirety by pushing victims to find peace and recovery in murals and street names, or laws, things that do not balance the weight of the losses and injuries that the State and City has inflicted on these aggrieved victims. They put an unreasonable burden on the victims to fix their broken systems and offer absolutely no fair compensation for pain suffering or damages that they themselves are directly liable for.

7.27.1.1. This is accomplished through an exploitation, misinformation, restricted access to information, and abuses of power and offices while neglecting the rights of Victims by evading liability that would result in compensations that would contradict officials personal interests payments to victims of the State.

7.27.1.1.1. Bonita personally came to my house to retain my wife and I to secure through a legal document the authority to manage and misrepresent our interest in order to secure her own personal financial benefits, racketeer kickbacks off

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of out-of-pocket expenses poured out of our hearts into the community in order to ensure public safety which is literally the textbook definition of their duties and obligations.

- 7.27.1.1.2. Immediately after retention she neglected her Attorney obligations and partnered up with Felix Ortiz to start doubling as a Public Representative managing press conferences and public appearances needed to push Briana's Law that was being personally funded by me and my wife.
- 7.27.1.1.3. Bonita neglected this case for 364 days with no talk on legal litigation but telling us not to worry anything about that and to focus only on the passing of the law.
 - 7.27.1.1.3.1. A recap of the timeline of events show that when she decided to take action on this suit it was conveniently when Mayor Bloomberg was set to exit office as was Commissioner Raymond Kelly and Mayor Bill DeBlasio was coming into office.
 - 7.27.1.1.3.1.1. These actions lead me to believe Bonita took this time to conspire with the Judicial Administration Defendants of this case to prep and groom them on what illegal judicial action would destroy the liability of my case. In doing so she severely negatively impacted the little quality of my life I had left.
 - 7.27.1.1.3.1.2. **Exploiting our pain and suffering for a personal gain of positive public feedback that would result in reelection is a gross violation of the laws governing Ethics, conduct, qualification, impeachment, prosecution, imprisonment, and any other applicable reprimand suitable for the actions resulting in this wrongful death.**

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- 7.28. One of my many accomplishments as an adult is being self-sufficient. I am a man who reaps the income of labor provided for a business that I had owned at the time of my daughters tragedy. The name of my business was Brooklyn's Auto Body and Towing. This business was established in 2006. From 2006-2014 my business was very successful. Due to this success I was able to accomplish some of the aspirations that developed after this tragedy.
- 7.28.1. A year after establishment as a member in the Direct Accident Response Program also known as D.A.R.P. I was finally able to conduct business through them after passing the 10 month probation period of monitoring to ensure I would not be a liability with no accidents or citations occurring during that time in which I complied and was granted eligibility to serve New York City with the assistance of the Law Enforcement. The services included the following transactions;
- 7.28.1.1. D.A.R.P. would request assistance via telephone on my mobile or business line.
- 7.28.1.2. I would intake the location and accident information in order to dispatch the appropriate number of assistant vehicles needed for the assignment
- 7.28.1.3. An invoice is generated with accident number and costs as well as fees and is delivered upon arrival
- 7.28.1.4. Upon arrival we approach the sector car exchange D.A.R.P. credentials, tow I.D., medallion number, and business card for my business.
- 7.28.1.5. If the civilian in need of assistance is taken to the hospital from the scene the information is left with the responding officer.
- 7.28.1.6. Payment is made by the civilian in need of assistance once they return for their vehicle.
- 7.28.1.6.1. Absolutely nothing is put in by the D.A.R.P. on this invoice for our services to respond to their call.
- 7.28.1.6.1.1. My membership with the D.A.R.P. program was not free. Requirements were the following;
- 7.28.1.6.1.1.1. I had to own and operate 1 flatbed and 1 tow truck
- 7.28.1.6.1.1.1.1. This alone totaled to \$100,000

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- 7.28.1.6.1.1.2. I had to have an insurance coverage policy in the amount of \$1,000,000 and \$500,000
 - 7.28.1.6.1.1.2.1. This policy for the 2 trucks was \$1500/month totaling to \$18,000 annually.
 - 7.28.1.6.1.1.3. There is also a required tow I.D. that is \$175
 - 7.28.1.6.1.1.4. There was a required \$800 fee for each medallion which was 1 per truck.
 - 7.28.1.6.1.1.4.1. This totaled \$1600 to service the city with my own resources and material
 - 7.28.1.6.1.1.5. This requirement had to be renewed bi-annually for \$1600
 - 7.28.1.6.1.1.6. My business had to have a garage with 2400 square feet and have met service requirements requested by the program.
 - 7.28.1.6.1.1.6.1. However this program provided no assistance, business supplies, discounts, kickbacks, or any countervailing benefits for all demanded fees and costs.
- 7.29. Taking a closer look at my investment into the D.A.R.P. there was no benefit of reciprocated investment from D.A.R.P. into the owners of any of the associated businesses registered with this program. To paint a clearer picture of the benefit they received in comparison to the damage inflicted the relevant facts are as follows;
 - 7.29.1. My initial investment once I cleared their 10 month probation assessment after purchasing medallions and meeting all requirements for each truck
 - 7.29.1.1. \$149,775 just to have an established membership with the program
 - 7.29.1.1.1. This investment only ensured that I was now at the City's beck and call and I better make sure I don't miss one or the opportunity I invested in would be missed.
 - 7.29.1.2. My additional renewals after the 2 years of medallions purchased which was only equivalent to 1 year of active labor allowed meant

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that immediately after that year I was renewing again growing my investment to \$152,975

7.29.1.2.1. I was an active member of the D.A.R.P. for 5 years at the time of my first realization that corruption was in fact happening with them all because their negligent officer caused my daughter's wrongful death.

7.29.1.2.1.1. Collecting the time of 5 years to uphold the required insurance policy for the trucks for the amount they requested and demanded was an additional expense of \$90,000 totaling my investment at this time to \$242,975 again I would like to highlight that they provide absolutely no countervailing benefits for this investment.

7.29.1.2.2. Finally due to their square footage requirements for the garage at the end of my membership expense and investment to and for the program totaled to \$392,975

7.30. Moving on to my end to the Business relationship established in 2007 that was brought to an end through R.I.C.O. violations and utterly Unfair Deceptive Abusive Acts and Practices. Checking the mail like I did everyday being a law abiding hispanic business owner finding a notice of hearing in my mail caught me by surprise.

7.30.1. Confused while reading the notice it alleged that I was in violation of Consumer Affairs for not displaying a business sign. I would like to give some background in reference to the year this took place which was in 2012.

7.30.1.1. Around this time SuperStorm Sandy had hit New York City causing natural disasters all over the city, my business being one of them.

7.30.1.2. For an estimated 3 ½ months my business's location was technically inoperable due to the lack of utilities available, however I purchased a generator and still worked to the best of my business's capability.

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- 7.30.1.2.1. The severity of the flooding was so bad that there were actual boats being used when officials were serving the public and assessing damages to the city.
 - 7.30.1.2.2. Although it was a failed attempt the landlord attempted to fix the electricity himself.
 - 7.30.1.2.2.1. Ultimately Con Edison had to be the one to fix the electricity issue.
 - 7.30.1.2.3. If the SuperStorm wasn't enough there was a conflict rising in my shop without my knowledge between an employee of mine and the landlord's wife. Her intent was to damage the employee by damaging the business in its entirety eliminating my employees ability to retain employment at that location with me.
 - 7.30.1.2.3.1. Her retaliation to my employee was to damage my sign remove it and then entrap me with unjust fines and court costs by contacting consumer affairs about the situation who then neglected to actually investigate the relevant facts to the allegation and instead used the false statement to fabricate legal documents used to extort and embezzle \$10,000 out of me for absolutely no just cause inflicting blemishes and damages that were of no liability to me.
- 7.31. The notice requested my appearance at Consumer Affairs. As requested I appeared to contest the violation. I met with the acting attorney at the time whos name to my recollection was Mr. Cohen.
- 7.31.1. Arriving at the Consumer Affairs I checked in and relayed that I was there for a notice of appearance and was instructed to wait by the elevators for Mr. Cohen. When Mr. Cohen approached after an initial inquiry on my legal standing regarding the death of my daughter and obtaining my response, he responded with a cure of violation proposal requiring me to pay a fine of \$10,000 to the Department of Consumer Affairs for the violation that had now elevated to me not doing business at my business's addressed location and everything would just go away.

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- 7.31.1.1. As I stated before since this allegation and violation was based on a false statement and can be considered fabricated documents on its face I rightfully declined the proposal that was a direct abuse of a simulated legal process to Racketeer unjust cost and fines through unfair, deceptive, abusive, acts and practices to stifle my ability to retain legal counsel to pursue my case against the city.
- 7.31.1.2. When Attorney Cohen responded to my decline by saying I could schedule a hearing with a partisan agency being tried by an agency prosecutor with the case being heard by an agency administrator.
- 7.31.1.2.1. On the day of the hearing I appeared with many exhibits that proved beyond a shadow of a doubt that I was in fact innocent of the allegations made against me. Included in my exhibits were the following;
- 7.31.1.2.1.1. My lease showing I was the only tenant occupying that location for my business
- 7.31.1.2.1.2. Utility bills showing activity and business being conducted at that location.
- 7.31.1.2.1.3. An affidavit from the landlord testifying that I was in fact his only tenant.
- 7.31.1.2.1.4. Physical testimony from witness appearance from the landlord supporting my claims and defenses.
- 7.31.1.2.2. Although I had more than enough proof to be cleared of the alleged violation due to malicious intent and personal interests in the name of criminal activity I was still found guilty and fined \$5000 for the alleged violation.
- 7.31.1.2.2.1. Upon finalizing payment and hearing I was advised that if I felt like anything that may have violated my rights, or illegal activity had been committed I could file an appeal on the judgment.
- 7.31.1.2.2.1.1. Realizing that is exactly what had taken place I stated that I did in fact want an appeal because I had recalled the initial inquiry about whether I had an interest in

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suing the city prior to his offer to cure the violation. My answer to this inquiry was yes.

7.31.1.2.2.1.1.1. The request was granted but as expected it was at an unfair, unjust, abusive cost of \$5,000.

7.31.1.2.2.1.1.1.1. This payment I made to commence the appeal solidified the R.I.C.O. when the Department of Consumer Affairs extorted their initial offer out of me despite my innocence.

7.32. Circling back to my court case that was unreasonably repeatedly adjourned and ultimately dismissed by such a disgraceful action committed by one of the High Courts Supreme Justice who herself was bound and sworn to administer impartial equal , fair, integrity filled justice while presiding in a chamber located in a Supreme Court.

7.32.1. Research will show that from the years of 2011-2016 Judge Sylvia Ash tainted the entire Court Administration with her illegal criminal ties to the head of the Municipal Credit Union for which she had accepted bribes, assisted with racketeering money through unfair payroll practices, benefiting from many amenities paid in full for not only her but a guest of her choice through her position of chair holder for a Union of Financial Services.

7.32.1.1. These actions caused her arrest, disbarment and house incarceration where she is tracked through a GPS ankle monitor. Sylvia Ash is being tried for charges involving a multimillion dollar embezzlement scheme in which she assisted in covering up the scheme for the Head of the Municipal Credit Union.

7.32.1.1.1. Defendant Sylvia Ash is now officially known for her abilities to clean up liabilities that could ultimately end high profile party's careers and that is exactly what she did here for the City and it's Government in its entirety.

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- 7.33. Sylvia Ash was the first Justice assigned to avenge my daughter's death once a physical hearing commenced. As previously noted, consigliere Zelman neglected her attorney obligations, however she still did retain Attorney Powers and privileges.
- 7.33.1. It is my belief that during the 364 days of diversion to political rallying, pain exploitation, benefit racketeering, circus act these defendants called a pursuit to justice this conspiracy was birthed to fruition when Zelman advised Sylvia Ash exactly who was liable, and how to destroy all present and future liability.
- 7.33.1.1. While acting as an attorney constant communication, timely communication, and honesty are mandated between an attorney and a client.
- 7.33.1.1.1. Defendant Zelman twisted the nature of this obligation for her own personal gain, and personal interests.
- 7.33.1.1.1.1. She pursued these things by pushing us with the help of Felix Ortiz without any compassion or empathy for the loss and suffering we were going through.
- 7.33.1.1.1.2. We had no time to grieve, no time to process, no time to get a grip, with tears in our eyes, daggers in our hearts, our daughter in our view with Justice being the only frame to the one thing we will never be able to physically hold again.
- 7.33.1.1.1.2.1. Through all of this we held just a sliver of peace in knowing this tragedy wasn't in vain.
- 7.33.1.1.1.2.2. Every call from Bonita was answered with hope only to be replaced with drunken blabber about successes that had no correlation to my case.
- 7.33.1.1.1.2.3. Hanging up many times hurt, angry, and confused I pushed on devoted to bring justice for my daughter from dream to reality.

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7.33.1.1.1.2.4. This dream was teased, prodded, abused, violated, obstructed, tarnished, and delayed for no other reason than pure Unfair Deceptive Abusive Acts and Practices in the name of securing benefits undeserving of each defendant who collected any compensation that belonged to my family and I during the pursuit for justice for the wrongful death of my princess Briana Amaryllis Ojeda.

7.33.1.2. Mourning can be described as wishing everyday that today would be that day. The day God would bring me home so I could see her, touch her, hold her, be “made whole” again like all these defendants kept promising while doing the exact opposite with every move they made.

7.33.1.2.1. Sylvia Ash and Bonita Zelman both took unfair advantage of the lack of knowledge that we had for this Justice System, the ins and outs, the purposes resolutions and remedies so they could commit one of the most heinous crimes of conspiracy to cover up a criminal negligent homicide in order to evade the liability that the city had to my family and I in order to secure each one of their own personal interests they had in this web of deceit they secured with the string binding them together supplied by the pain and suffering, blood and tears, depression and mental anguish flowing freely from the wrongful death Briana Amaryllis Ojeda suffered due to the Gross Negligence Alfonso Mendez displayed during his handling of a life threatening emergency situation.

7.33.1.3. Referencing back to the statement Bonita Zelman made at my daughters wake she explicitly called out Commissioner Raymond Kelly for being neglectful of his responsibilities by withholding information that was pertinent to locating the responsible officer.

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7.33.1.3.1. Somehow this must have slipped her seasoned litigated mental process when she stood by after the many adjournments that, mind you, we were never made aware of, she let Justice Sylvia Ash dismiss the only liable party that tied the Government to the Public.

7.33.1.3.1.1. The commissioner holds no immunity; he is not even an elected or sworn official; he is a Civilian Administrator bound to his title with the responsibility of overseeing ALL of the Law Enforcement Departments in New York City. He was appointed by the elected acting Mayor at the time, Mayor Bloomberg.

7.33.1.3.1.2. Bill DeBlasio was the Public Advocate at the time as noted previously. The New York City Public Advocate is described on Wikipedia as the following;

7.33.1.3.1.2.1. “The office of New York City Public Advocate is a citywide elected position in New York City which is first in line to succeed the mayor. The office serves as a direct link between the electorate and city government effectively acting as an ombudsman, or watchdog for New Yorkers.”

7.33.1.3.1.2.2. With this being said it is safe to say that Bill DeBlasio was one of the first people to know about the negligent events surrounding my daughter's tragic wrongful death and made every move he could to make sure he secured the money pot for himself and all accomplices and co-conspirators.

7.33.1.3.1.2.2.1. By Bonita Zelman omitting any verbal objection, motion, or misrepresenting an action while

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abusing a simulated legal process to deceive me into believing she was acting in our best interest all the while she was only securing the interest of the city and its officials instead, is a direct violation of codes of ethics and can also constitute criminal actions that prove conspiracy.

7.33.1.3.1.2.2.2. Defendant Zelman submitted paperwork for an appeal but never followed through. Sylvia Ash solidified this conspiracy by dismissing an open-shut case against the city that was well deserving of Justice constituting violations involving obstructions of justice, false statements, and more.

7.33.1.3.1.2.2.2.1. This act on its face is an Unfair Deceptive Abusive Act that violated the Federal, State, and Municipal codes and statutory laws in the most egregious way I can't even wrap my head around this conspiracy and I am the aggrieved, suffering victim of it all.

7.34. Immediately upon the dismissal of my case we fired Bonita Zelman. Who again on my stoop in front of my house went public to the press with no consultation on this playing again on our pain for her own personal gain. Leaving us again feeling empty and like she just pushed this waved dagger a notch deeper.

7.34.1. Through a friend of ours we were introduced to Wahnetta Young who was known for wrangling potential clients for Seth Harris. He was supposedly

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supposed to be a highly acclaimed attorney that could see the wrong
doing and wanted to help correct it.

- 7.34.1.1. Current research on Yelp will show he has a significant low rating due to his many bad reviews in reference to his Attorney conduct, Duties, and Obligations.
- 7.34.2. To cover her tracks Sylvia Ash left instructions that the complaint needed to be amended which should have been easily done by Bonita considering how close she had been to the case since the beginning and also because since the beginning she possessed knowledge that no one else did and never disclosed where it came from.
 - 7.34.2.1. When Seth Harris offered to represent us on this case his obligations mirrored Bonita's as an acting Attorney, however instead his criminal actions were identical to hers with one extra step.
 - 7.34.2.1.1. While Seth Harris was presiding as attorney on this case I had personally overheard him reviewing the case in his office stating that he didn't understand the dismissal that she had put all relevant facts in there.
 - 7.34.2.1.1.1. He proved this statement true when he re-submitted with no alterations or amendments and even her name still on the work he filed this complaint again as a note of issue which was scheduled to be heard in front of Judge Dawn Jimenez-Salta.
- 7.35. All of these facts have led me to believe that Sylvia Ash informed Judge Dawn Jimenez-Salta of the conspiracy, just as Bonita Zelman informed Seth Harris.
 - 7.35.1. There was literally a duplicated judicial process that was abused to generate yet another unlawful unjust dismissal of the Justice pursued to avenge my daughter.
 - 7.35.2. This suspicion became clear as daylight on a neverending span of darkness and confusion when I was reviewing paperwork for my case and discovered the following;

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7.35.2.1. Defendant Seth Harris is representing Defendant Bonita Zelman and Defendant Dawn Jiminez-Salta was representing Defendant Sylvia Ash. As previously noted birds of a feather flock together.

7.35.2.1.1. Reviewing ethics codes, rules, and regulations this action puzzled me because Bonita had yet to be served and was looking at a dismissal so why had Seth Harris rushed to defend her?

7.35.2.1.1.1. The only 2 conclusions I could come to were the following;

7.35.2.1.1.1.1. Once Notice of lawsuit was served they immediately teamed up to secure the conspiracy to the very end; or

7.35.2.1.1.1.2. No Attorney in their right integrity filled mind and career would be able to honestly defend their actions so rightfully declined only leaving themselves to fight for each other.

7.35.2.1.1.1.2.1. With the added benefit of keeping their guilt privileged attorney client information which creates a definite conflict of interest at which time they should be mandated to find different counsel.

7.36. If the injustice served cold to my family wasn't enough we had to keep moving and keep pushing. Clark Pena, Zacki Tamir, Maruf Mitu, Felix Ortiz, Bonita Zelman, Mayor Bill DeBlasio, the Police Benevolent Association and all its affiliates purposely diverted our attention from deserving justice to just focusing on the loss and pain so the public would help pass this law.

7.36.1. Everyday begging, pleading, hoping, trusting, following, leading, grieving, moving in one direction being pushed pulled and deceived in another our purpose stood strong; Justice, Reform, Respect, Peace, Equality but most of all love back to the human race we kept going. Every beck and call, every invitation, every interruption of peace when Justice called, we came

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running only to be robbed of the very things we were pushing for in our community.

7.37. Backtracking to give background in the first week of September of 2011 we got bill number S397A this was submitted over the following years as follows;

7.37.1. 2011-2012: S3974, A1554

7.37.2. 2013-2014: S2820, S6392, A49474

7.37.2.1. With a final amended number of S8482A.

7.37.2.2. This was signed into effect by Governor Andrew Cuomo.

7.37.2.2.1. After everything that was invested that totaled to about \$750,000 in the journey to get this far the fact that absolutely no public recognition was made televised or even attempted was a huge pain inflicting experience

7.37.2.2.1.1. I was very offended at the way the execution of the signing of my daughter's law. I felt silenced, robbed, swept under some political blanket of unjust false claims of immunity barring any other form of recovery and that this piece of legislation was the only hope I had for avenging my daughter's unjust wrongful death.

7.37.2.2.1.1.1. My monetary investments included the following for over 7 years of fighting for this passing on my expense and totaled to about \$750,000;

7.37.2.2.1.1.1.1. Busloads of attendees with dining included for them

7.37.2.2.1.1.1.2. Bus advertisements

7.37.2.2.1.1.1.3. Billboards

7.37.2.2.1.1.1.4. Signs

7.37.2.2.1.1.1.5. Flyers

7.37.2.2.1.1.1.6. Online credentials

7.37.2.2.1.1.1.7. For foundation

7.37.2.2.1.1.1.8. Hotels

7.37.2.2.1.1.1.9. Travelling

7.37.2.2.1.1.1.10. Food for my wife and I

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7.37.2.2.1.1.1.10.1. All government affiliates and agencies were well aware of the deserving kickbacks that were associated with failed attempts on passing a law. I am positive those kick backs were collected and dispersed among all conspirators and co-conspirators that assisted with this severance of liability and cover-up of crimes that are associated with my case.

7.38. All government defendants associated with duties, obligations, and responsibilities when handling and remedying a liability knew exactly what they were prohibited from doing.

7.38.1. Bonita Zelman and Felix Ortiz kept pushing the need for a medical professional to attend a rally and public meeting. The only consenting person available was the brother of Bonita Zelman who appeared to testify to the benefit that could arise from the application of CPR to a civilian in need. He arrived on his own personal jet.

7.38.1.1. After this event Bonita informed me that the repayment for the benefit of his appearance was expected to be \$5,000 that she would be deducted from the finalization of my case.

7.39. After the passing of the law we decided to start the Briana lives Foundation as a 501c3. We located a firm via the internet and deposited \$5,000 to get the ball rolling. When Clark Pena had approached us with Zacki Tamir his bait and switch matched all of the other defendants in reference to him being an experienced attorney interested in taking a look into my case just to poke and prod and try to discern what my future plans were. Once disclosed that we were now going in the foundation direction he lost interest in the legalities and wanted to head the formation of the organization.

7.39.1. We had independently researched what options we had to start this project and located a firm via the internet and to this day have yet to find any information leading to negative reviews.

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7.39.1.1. However, Clark Pena and Zacki Tamir begged to differ. Together they conspired to convince me that the firm was going to take advantage of me and describe to me in detail what their plans were for me in the form of a warning that an innocent honest man was the culprit and not them. With trust in the government representative and worry of my finances I dismantled my business relationship with the firm and followed Clark Pena's advice to allow Zacki Tamir team up with us for the creation of not to be the creator of this project as it was mine and my wife's conquest and he was only meant to be an assistant.

7.39.1.1.1. To fund this venture Zacki Tamir drafted the legal documents needed to open the bank account for the Briana Lives Foundation. This account was meant to only be accessed by myself and whoever I designated to be associated with the operations and materials needed for this foundation.

7.39.1.1.2. During one of these consultations about this foundation Defendant Tamir made some very offensive comments in reference to how he was viewing this venture and the future of it. He kept giving me this feeling like he was looking at this foundation as a jackpot that he couldn't wait to cash in.

7.39.1.1.2.1. I clearly remember the statement that made me dismantle my business relationship and ties with Zacki Tamir. His words to me in reference to a foundation representing the beautiful life ripped from me by the very entity that this man was representing were, " Don't get mad when I walk away a millionaire in six months after all of this."

7.39.1.1.2.2. I immediately questioned his intent and decided to dismantle my business relationship unfortunately too little too late.

7.39.1.1.2.2.1. Defendant Tamir had fabricated the founding documents and made himself the

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C.E.O. of the foundation. Once submitting these documents and misrepresenting my role and placing me as the President instead of the founder with these documents he obtained access to the Bank account created for the Foundation. He embezzled a total of \$7500 out of this Foundation and was gone with the wind as quick as he could to Panama.

- 7.40. I stand here before you after my research has led me to my conclusions. Referencing the murdered butchered, 15 year old who was slain in the Bronx my investigation led me to a scam executed by direct affiliates of Clark Pena using his office as intimidation to criminally coerce Lesandra the mother of the slain teenager into signing the same type of legal documents that not only granted them the benefit of barring the family from collecting funds they successfully embezzled \$220,000 from the city in the name of the deceased and those directly associated with the conspiracy of a scheme to defraud Lesandra with the fabrication of a legal document in order to obtain a credit or property were charged with these actions.

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8. **Survival Claim**

8.1. As a result of the previous mentioned events the damage has been as catastrophic as 9-11-01 was to Lady Liberty. Highlighting the immeasurable damage of the loss of our sunshine, no matter how many times my wife sang to her for the universe not to take our sunshine away. We've lost the color from the wind. The feeling of anything anymore. The loss of a sense of sanity.

8.1.1. Yet the most damaging of all wasn't losing what we had; it was losing what was yet to come.

8.1.1.1. No one will understand except maybe a mother who suffers a miscarriage. Just as a mourning soon to be mother mourns as she stares at a crib that will never be made for a newborn. The bottles that will never feel the grips of tiny little fingers holding on to the warmth happy with the world for the simple little things that love provides;

8.1.1.1.1. I stand before you, a robbed father deserving of my princess to take her and her mother shopping for the sweet 16 planned for the princess she was.

8.1.1.1.2. Robbed of the chance to stress, cry, and enjoy the blessing of walking her down the aisle to give her away to a man that if he himself was Zeus, I would still not find him worthy of my princess, but would complete the task just to make sure that smile never left her face.

8.1.1.1.3. Our son stands here robbed of whole hearted parents as with half of our hearts gone forever it's impossible to have a whole heart for anything no matter how bad we want to.

8.1.1.1.3.1. We were all robbed of her dream of us retiring to Florida living together happily ever after. We get up everyday with the intention of being stronger for him than the day before, however tragically this mission fails 365 days a year.

8.1.1.1.3.2. Our son was robbed of his baby sister to pick on and look out for through high school.

8.1.1.1.3.3. He was robbed of possibly a future love of his possibly being a friend of hers creating life long

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cherished legacy tales to pass on from one generation to another.

8.1.1.1.3.4. His future children were robbed of a fun, loving, beautiful, butt-saving aunt who would make everything better if dad says no because she will remind him of the times she and him did the same things.

8.1.1.1.3.4.1. Due to this tragedy we are robbed of ever having children as his desire to do so has vanished and does not ever want to experience anything like this again in the future.

8.1.1.1.3.5. My wife stands here before you feeling robbed of her very future existence. Morning after morning as my wife gets dressed and looks at her c-section scar knowing 2 children came from that very scar and there will forever only be 1 to plan for.

8.1.1.1.3.5.1. She was robbed of a future salon being co-owned with Briana.

8.1.1.1.4. The community lost a potential dually talented beautician freedom fighter who aspired to make us proud by following Justice Sonia Sotomator who was the first hispanic Judge to be sworn into the Justice System.

8.1.1.1.4.1. She had dreams of making the hearts of stone light with love again. Her goal was to make sure people valued character not skin. She just wanted humanity to remember the purpose of humanity is to spread peace, love, and joy and restore faith in the human race again.

8.1.1.1.4.2. The image of our daughter in a bright teal colored curtain the color of Lady Liberty posing with her homemade torch is burned in my soul and is the very reason we will never give up

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8.1.1.1.4.3. Our city, state and country were robbed of the future Game Changer she was going to be.

However there isn't a total in the world that could replace these things.

8.2. In reference to her sending home arrangements there wasn't an amount in the world I wouldn't have paid. However what I did invest in were the following things;

8.2.1. The wedding dress to send her home in to double as the sweet 16 dress she would never have

8.2.2. Doves to represent her flight home

8.2.3. Attire for my wife and I and all pallbearers

8.2.4. All costs for the viewing

8.2.5. Limousines for the trip to the burial (5)

8.2.6. A wall mount for her resting place.

8.2.7. Amenities for mass amounts of Attendees

8.2.7.1. Due to the emotional attachment and the limit on time an estimate of these damages were about \$65,000 due to the emotional anguish associated with this paper work I have them to provide but am not able to review actual totals at this time.

8.2.7.1.1. For this claim I am asking for all applicable damages, civil penalties, and denovo actions that may be taken in this case.

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9. RICO DAMAGES

9.1. Highlighting these damages inflicted by the Racketeering of New York City and the rest of the Defendants associated with this case. The significant evidence provided and the factual evidence will show not only the substantial injury done to me but will paint a clear picture of the Racketeering Ring Mayor Bill DeBlasio was the ringleader of.

9.1.1. Referencing previous scams associated with the DeBlasio family. His wife was just revealed as a fraud when her scam that embezzled over 2 million dollars from the state budget claiming that it was going to be used toward funding reform to include more assistance for mentally and emotionally challenged individuals was found to be a front for the actual destination for the funds.

9.1.1.1. The intent of these funds were discovered to be criminally deposited to 14 staff members who were nothing more than individuals being unreasonably overpaid for their silence and cooperation with crimes being committed by and covered up by all affiliated government agencies during a pandemic.

9.1.2. As a breakdown will show the state is given a budget that disburses funds to the Police Benevolent Association which through the association is appropriated accordingly with the members associated and registered with the Association along with the governing federal codes protecting and prohibiting actions and conducts that should terminate payment if necessary.

9.1.2.1. This would mean willful or not they continued to pay Alfonso Mendez during suspension, applied the overtime, Set aside for his pensions and interests, managed his benefits and because of all of this should have a very close eye on conducts and disciplines.

9.1.2.1.1. This association should have a human resource department that should closely adhere to all rights privileges and immunities to all parties involved in any police officer complaint.

9.1.2.1.1.1. This neglect makes them wilfully incompetent of avoiding liability. Every individual is equal under the law.

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- 9.2. Immunity does not double as a concentration of power that has the ability to rob deserving citizens of justice as they have been doing for almost a century. Through taking advantage of and restricting access to information that guarantees citizen immunity from corruption, they have obliterated the founding purpose of our Justice System. The burden of acknowledgement, resolution, correction, and remedy directly falls on the arms of the state when an individual hand of the state is the cause of a wrongful death.
- 9.3. When D.A.R.P. wrongfully terminated my membership and continued Racketeering their funds out of me I had to close my business which I am asking for lost wages for.
- 9.3.1. In order to function as a Tow Truck Driver in New York City it is not an option to operate without a medallion if you do your business gets fined \$10,000 just as if you don't respond to a call in 30 minutes you are unjustly fined \$10,000. To paint a monetary picture of the amount the city raked in through these unlawful, unfair, competition business trade and commerce requirements will show the following;
- 9.3.1.1. An unidentified friend and I between the 2 of us owned 4 Tow Truck Businesses
- 9.3.1.1.1. An estimated cost and expense for the program was around \$392,000 for one individual business multiplied by 4 gives a total of \$1,568,000 this total is raked in by this company in one year off of 4 separate businesses in one borough.
- 9.3.1.1.1.1. This totals to \$12,544,000 raked into the city between 4 individual businesses in the span of 8 years.
- 9.3.1.1.1.1.1. Yet there is not one return on investment provided to any of the businesses.
10. This concludes my amended complaint in which I am asking for any and all applicable damages, civil penalties, fines, prosecutions, forfeitures of pensions, incarcerations and any other remedy applicable but not mentioned here.

IN THE UNITED STATES DISTRICT COURT
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With All Our Hope and Gratitude

Respectfully Submitted,

Michael A. Ojeda

(electronically signed) Michael A. Ojeda &

Carmen R. Torres Ojeda

(electronically signed) Carmen R. Torres Ojeda

04/02/2021

Date