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FOI #15396

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October 1, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Port Authority of New York & New Jersey
Attention: FOI Administrator
225 Park Avenue South, 17th Floor
New York, NY 10003

Re: Motor Vehicle Accident of September 14, 2014
At or about 4:00 a.m. (fatal accident)
Driver: Joginger Singh Malhi
Place: Van Wyck Expressway at JFK, near Terminal 5
Motor Vehicle Crash No. 23897
Port Authority Police CC No.: 14K23897
Our File No.: 2014MGG

Dear Sir/Madam:

Please be advised that we represent the estate of Felix Galarza, who was killed in the above-referenced motor vehicle accident on JFK grounds while he was changing his flat tire on his vehicle. The accident was investigated by the Port Authority Police.

Please let this letter constitute our Freedom of Information Act Request for the following:

1. The videotape surveillance camera footage which captured and depicts the subject accident. Said footage has been viewed by Port Authority Police and should be deemed evidence in this matter. In addition to requesting a copy of the surveillance tape, please let this letter constitute our demand **to preserve** the footage for use in the anticipated litigation.

2. Copies of the full Port Authority of NY and NJ police investigation for the subject accident, including, but not limited to:

(a) Police blotters, police supplemental reports, witness statements, and accident reconstruction documents and reports;
(b) Photographs of the accident scene, parties involved or vehicles;
(c) 911 or service calls related to the accident;
(d) A-I Investigative Report(s).

Please be so kind as to respond to this request within the time permitted by law. Please advise if there is any charge for the requested information and we will promptly remit same.

Very truly yours,

RAPPAPORT, GLASS, LEVINE & ZULLO, LLP

MICHAEL G. GLASS
MGG:pr

10-15-14A11:38 RCVD

1355 Motor Parkway, Hauppauge NY 11749
T: 631.293.2300 F: 631.293.2918 E: rappmail@rapplaw.com www.rapplaw.com
909 Third Avenue, 28th Floor, New York NY 10022
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Please send all correspondence to Hauppauge office.

THE PORT AUTHORITY OF NY & NJ

MOTOR VEHICLE CRASH REPORT

PA0621 / 08-10

1. Motor Vehicle Crash No. 23897	2. Date of Crash 9/14/14	3. Date Reported 9/14/14	4. Facility ☑ New York ☐ New Jersey JFK	5. Police Command JFK	Reference No. (Engineering Use)	Page 1 of 2

110. 1	6. Day of Week SUN	7. Time (24 Hours) 0405	8. Amended Report ☑ No ☐ Yes	9. Photos ☐ No ☑ Yes	10. Reportable ☐ No ☑ Yes	11. PA Property Damaged ☑ No ☐ Yes	12. ADA ☑ No ☐ Yes	13. Detailed Location S/B van wyke expwy opp Bldg 95	170A. 90
	14. Reporting Officer's Name (Print) P.O. S. Miller		15. Shield No. 7530	16. Reporting Officer's Signature Scott Miller					170B. 1
120. 1	17. Supervising Officer's Name (Print) Lt. TALLOP		18. Shield No. 136	19. Supervising Officer's Signature					180A. 1

	20A. Driver / Pedestrian Name (circle one) from Driver's License: Galarza, Felix	21A. Veh. No.	20B. Driver / Pedestrian Name (circle one) from Driver's License: Malhi, Joginder, Singh	21B. Veh. No. 02	180B. 1
130. 4	22A. No., Street		22B. No., Street		
	23A. City, State, Zip	24A. Date of Birth	23B. City, State, Zip	24B. Date of Birth 2/16/52	190A. 90
140. 5	25A. Lic. State	26A. Driver's License No.	27A. Exp. Date	28A. CDL ☑ No ☐ Yes	25B. Lic. State	26B. Driver's License No.	27B. Exp. Date 2/16/21	28B. CDL ☑ No ☐ Yes	190B. 90
	29A. Owner's Name (from Registration) Galarza, Felix ☑ Same as Driver				29B. Owner's Name (from Registration) Malhi, Joginder, Singh ☑ Same as Driver				190C. 90
	30A. No., Street				30B. No. Street				190D. 90
	31A. City, State, Zip				31B. City, State, Zip				
150. 2	32A. Passengers 02	33A. VIN			32B. Passengers 03	33B. VIN			
	34A. Veh. Year 2001	35A. Veh. Make Chevy	36A. Veh. Model Malibu	37A. State N.Y.	38A. Plate No.	34B. Veh. Year 2010	35B. Veh. Make Chrysler	36B. Veh. Model Town/Country	37B. State NY	38B. Plate No.
	39A. Insurance Carrier Name All State Fire and Cas Ins.		40A. Ins. Code 783		39B. Insurance Carrier Name Hereford Ins. Co.			40B. Ins. Code 376	200A. 90
	41A. Insurance Policy No. H37-228-115668404		42A. Ins. Exp. Date		41B. Insurance Policy No.			42B. Ins. Exp. Date	200B. 90
	43A. Summons and/or Arrest No ☑ None Issued ☐ Issued		44A. Violation Code(s) ☐ N/A		43B. Summons and/or Arrest No ☑ None Issued ☐ Issued			44B. Violation Code(s) ☐ N/A	
160. 88	45A. Towed Authorized By ☐ Owner ☐ Driver ☑ Police ☐ N/A	46A. Towed By Mikes Towing ☐ N/A	47A. Towed To rear of Bldg 269 ☐ N/A		45B. Towed Authorized By ☐ Owner ☐ Driver ☑ Police ☐ N/A	46B. Towed By Mike's Towing ☐ N/A	47B. Towed To Rear of 269 ☐ N/A		210A. 90

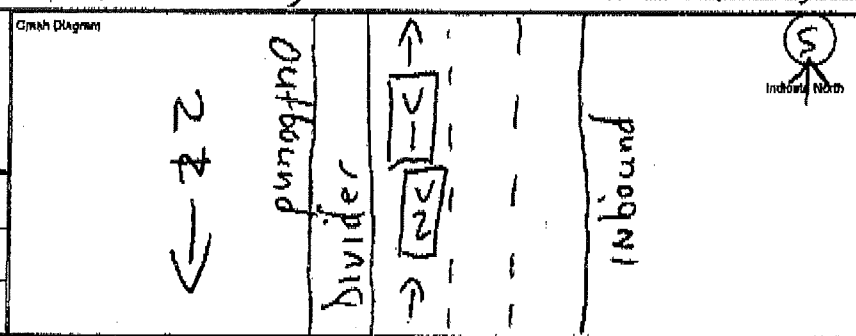
48A. Alcohol / Drug Test Given: ☐ No ☐ Yes ☑ Refused ☐ N/A
Test Type: ☐ Breath ☑ Blood ☐ Urine
Test Results: ☐ Pending 0._____%

49A. Vehicle 1 Initial Travel Direction: ☐ North ☑ South ☐ East ☐ West

50. Grid Map No. 119-145

53. No. of Vehicles 02 | 54. No. of Injured 0

Crash Diagram



48B. Alcohol / Drug Test Given: ☐ No ☐ Yes ☐ Refused ☐ N/A
Test Type: ☐ Breath ☐ Blood ☐ Urine
Test Results: ☐ Pending 0._____%

49B. Vehicle 2 Initial Travel Direction: ☐ North ☑ South ☐ East ☐ West

51. ☑ On Facility ☐ Off Facility | 52. Tenant Area ☑ No ☐ Yes

55. Work Zone Related ☑ No ☐ Yes

Head On | Rear End | Side Swipe | Side Swipe | Right Angle | Left / U Turn | Backing | Fixed Obj. | Non-Fix Obj | Over Turn

56. Crash Description
See follow-up A.I. investigative report.

	57. Veh No.	58. Age	59. Pos.	60. Safety Device	61. Eject	62. Injury Severity	63. M / F	64. Injury Area	65. Taken By	66. Taken To	67. Name and Address of All Vehicle Occupants or Pedestrians - If Deceased, Include Date & Time of Death	
A	1	43	—	90	90	01	M	1	3	DOA	Felix Galarza	68A. ☐ Refused Medical
B												68B. ☐ Refused Medical
C	1	46	3	1	1	3	F	9	2	1629	Yolanda Galarza	68C. ☐ Refused Medical

THE PORT AUTHORITY OF NY & NJ

MOTOR VEHICLE CRASH REPORT

PA0621 / 08-10

1. Motor Vehicle Crash No.	2. Date of Crash	3. Date Reported	4. Facility	5. Police Command	Reference No. (Engineering Use)	Page
23897	9/14/14	9/14/14	JFK	JFK		2 of 2

66. Crash Description (cont.)

	57. Veh No.	58. Age	59. Pos	60. Safety Device	61. Eject	62. Injury Severity	63. M / F	64. Injury Area	65. Taken By	66. Taken To	67. Name and Address of All Vehicle Occupants or Pedestrians - If Deceased, Include Date & Time of Death	
D	2	64	1	1	1	3	M	4	2	1629	Malhi, Jogjinder-Singh	68D. ☐ Refused Medical
E												68E ☐ Refused Medical
F	2	31	5	1	1	3	M	4	2	1629	Azcunaga, Melendez,	68F. ☐ Refused Medical
G												68G. ☐ Refused Medical
H	2	63	6	1	1	2	F	9	2	1629	Azcunaga, Malagra	68H. ☐ Refused Medical
I												68I. ☐ Refused Medical
J												68J ☐ Refused Medical
K												68K. ☐ Refused Medical

69. Name, Address, and Phone Number of All Witnesses

Witness Name — Address (Number, Street, City, State, Zip) — Phone No.

Witness Name — Address (Number, Street, City, State, Zip) — Phone No.

Witness Name — Address (Number, Street, City, State, Zip) — Phone No.

Witness Name — Address (Number, Street, City, State, Zip) — Phone No.

USE FOR COMMERCIAL VEHICLES

21A. Vehicle No.	70A. HazMat Placard Displayed ☐ No ☐ Yes	71A. HazMat Released ☐ No ☐ Yes	72A. HazMat 4-digit ID No.	21B. Vehicle No.	70B. HazMat Placard Displayed ☐ No ☐ Yes	71B. HazMat Released ☐ No ☐ Yes	72B. HazMat 4-digit ID No.
73A. HazMat 1-digit Class No.	74A. Permits (check all that apply) ☐ Over dimension ☐ Overweight	75A. Gross Vehicle Weight (check only one) ☐ ≤ 10,000 lbs ☐ 10,001-26,000 lbs ☐ ≥ 26,001 lbs		73B. HazMat 1-digit Class No.	74B. Permits (check all that apply) ☐ Over dimension ☐ Overweight	75B. Gross Vehicle Weight (check only one) ☐ ≤ 10,000 lbs ☐ 10,001-26,000 lbs ☐ ≥ 26,001 lbs	
76A. Commercial Carrier Name ☐ N/A		77A. Carrier No. ☐ USDOT ☐ Other		76B. Commercial Carrier Name ☐ N/A		77B. Carrier No. ☐ USDOT ☐ Other	

USE FOR PORT AUTHORITY VEHICLES ONLY

21A. Vehicle No.	78A. PA Vehicle No.	79A. PONYA Plate No.	21B. Vehicle No.	78B. PA Vehicle No.	79B. PONYA Plate No.
80A. PA Employee No.		81A. Driver Unit No.	80B. PA Employee No.		81B. Driver Unit No.

THE PORT AUTHORITY OF NY & NJ

FOI Administrator

October 17, 2014

Mr. Michael G. Glass
RappaportGlassLevine&ZulloLLP
1355 Motor Parkway
Hauppauge, NY 11749

Re: Freedom of Information Reference No. 15396

Dear Mr. Glass:

This is a response to your 10/1/2014 request, which has been processed under the Port Authority's Freedom of Information Code, copy enclosed, for copies of a videotape surveillance camera footage and copies of the full Port Authority police investigation related to Felix Galarza's accident on September 14, 2014 at the Van Wyck Expressway at JFK, near Terminal 5, including but not limited to police blotters, police supplemental reports, witness statements, and accident reconstruction documents and reports; photographs of the accident scene, parties involved or vehicles, 911 or service calls related to the accident; A-1 Investigative report(s).

At this time, the material responsive to your request is exempt from disclosure pursuant to exemption (3) of the Code. You may wish to resubmit your request at a later date.

Very truly yours,

Daniel D. Duffy
FOI Administrator

Enclosure

225 Park Avenue South, 17th FL
New York, NY 10003
T: 212 435 3642 F: 212 435 7555