

Benjamin R. Gideon
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April 13, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Town of Rockport
101 Main Street
Rockport, Maine 04856

Rockport Police Department
P.O. Box 711
Rockport, ME 04856

Mark Kelley, Police Chief
Rockport Police Department
P.O. Box 711
Rockport, ME 04856

Officer Craig Cooley
Rockport Police Department
P.O. Box 711
Rockport, ME 04856

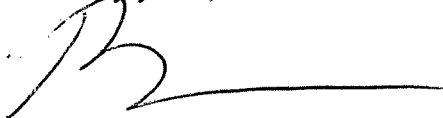
**Re: Danielle Benner, as Personal Representative of the Estate of Kara Brewer v. Estate of Caleb Byras, Town of Rockport, Rockport Police Department, Mark Kelley and Craig Cooley
Our File No.: 26646-01**

Dear Sirs:

Enclosed, on behalf of our client, Danielle Benner, is our Notice of Claim Pursuant to Maine Tort Claims Act, 14 M.R.S.A. § 8107. Please forward this to your insurance company as soon as possible.

Thank you.

Sincerely yours,



Benjamin R. Gideon

BRG/dcb

Enclosure

cc: Danielle Benner
Edward R. Benjamin, Jr., Esq.

1259095.doc

NOTICE OF CLAIM
PURSUANT TO MAINE TORT CLAIMS ACT, 14 M.R.S.A. § 8107

DATE OF NOTICE: April 4, 2016

TO: Town of Rockport
Rockport Police Department
Rockport Police Chief Mark Kelley
Rockport Police Officer Craig Cooley
P.O. Box 711
Rockport, ME 04856

PLEASE TAKE NOTICE that, as set forth below, a claim is being made against the Town of Rockport, Maine, Rockport Police Department, Rockport Police Chief Mark Kelley and Rockport Police Officer Craig Cooley, by Danielle Benner, as Personal Representative of the Estate of Kara Brewer, under the Maine Tort Claims Act.

1. Name and Address of Claimant:

Danielle Benner as Personal Representative of the Estate of Kara Brewer
5 Lovejoy Street, Apt. 8
Rockland, ME 04841

2. Name and Address of Claimant's Attorney or other Representative:

Benjamin R. Gideon, Esq.
Berman & Simmons, P.A.
129 Lisbon Street
P.O. Box 961
Lewiston, ME 04243-0961

3. Statement of the Basis of the Claim:

On or about December 5, 2015, Kara Brewer was a passenger in a vehicle driven by Caleb Byras that crashed on Wotton Mill Road in Union, Maine, causing the deaths of Mr. Byras and Ms. Brewer. Officer Cooley observed Mr. Byras violating the speed limit and attempted to pull Mr. Byras over to cite him for the speeding violation. When Mr. Byras failed to stop, Officer Cooley began a high speed pursuit of Mr. Byras with lights and sirens. A surviving passenger in the vehicle stated the speeds of the vehicles were approximately 105-115 mph.

Officer Cooley was negligent in the manner in which he operated his motor vehicle, and such negligence was a direct and proximate cause of the injuries and resulting death of Kara Brewer. Under the circumstances, it was unreasonable for Officer Cooley to have engaged in high-speed chase. In addition to being unreasonable, the high-speed chase violated numerous standard police practices and Rockland Police Department Policies, including but not limited to the following: 1) An officer shall not pursue vehicles for Class D and E crimes or traffic

violations, unless the conditions surrounding the pursuit are conducive to safe operation, management and due regard for the safety of the officer, the public, and the person or persons in the vehicle being pursued; 2) An officer shall not engage in high speed pursuit if the operator is known to the office, unless there is a serious indication of further violent actions if not immediately apprehended; 3) An officer shall discontinue pursuit if the suspect has been identified and can be apprehended later and the officer believes the suspect poses no immediate danger to the public and if the pursuing officer knows or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a traffic violation, Class D or E crime, or a nonviolent crime.

Officer Cooley was negligent in continuing his high-speed pursuit of Mr. Byras for reasons including but not limited to: 1) the stop was for a traffic violation; 2) Mr. Byras was known to Officer Cooley as he had issued a summons to Mr. Byras earlier on the same evening as the chase; and 3) Officer Cooley knew that Mr. Byras was a juvenile.

The Town of Rockport and the Rockport Police Department are legally responsible for the negligence of Officer Cooley. Moreover, the Town of Rockport and Police Chief Mark Kelley were responsible for training, supervising and enforcing Departmental policies. They were negligent in doing so, as evidenced by the numerous policies that were violated by Officer Cooley. Officer Cooley was a part-time police officer who was forbidden by Departmental policies from engaging in high-speed chases.

In addition to negligence, the conduct of Officer Cooley, Chief Kelley and the Town of Rockport constitute violations of Claimant's civil rights, pursuant to 42 U.S.C. § 1983, Federal Law and the U.S. Constitution, and the Maine Civil Rights Act and Maine Constitution.

4. Names and addresses of Governmental Employees:

Rockport Police Chief Mark Kelley
Rockport Police Officer Craig Cooley
Rockport Police Department
P.O. Box 711
Rockport, ME 04856


5. Nature and Extent of Injuries:

Kara Brewster suffered injuries and was killed at the time of the crash.

6. Monetary Damages Claimed:

\$5,000,000, or a reasonable sum to be determined by a Judge or Jury.


DATED: 4/7/16


DANIELLE BENNER as Personal
Representative of the Estate of Kara Brewer

STATE OF MAINE
KNOX, SS.

Then appeared the above-named Danielle Benner, and made oath that the facts set forth herein are true upon her own knowledge, information or belief and, so far as upon information and belief, she believes this information to be true.

Before me,


NOTARY PUBLIC (SEAL)
My Commission Expires: 10/21/22
J. Elizabeth Fowles