

JOHN McADAMS
CHANCERY CLERK

HARRISON COUNTY, MISSISSIPPI
Post Office Drawer CC
Gulfport, Mississippi 39502

Telephone: (228) 865-4164
Facsimile: (228) 214-1583

July 18, 2017

SCANNED

RECEIVED
JUL 18 2017

BOYCE HOLLEMAN & ASSOC.

Tim C. Holleman, Esq.
Boyce Holleman & Associates
1720 23rd Avenue
Gulfport, Mississippi 39501

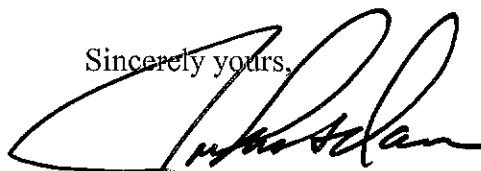
Re: Notice of Claim filed pursuant to Miss. Code Annotated 11-46-11
for claims of Cameron Mazzoli

Dear Tim:

Enclosed please find letter dated July 10, 2017 regarding the above, which was hand-delivered to me today.

Please handle.

Sincerely yours,



JOHN McADAMS, Chancery Clerk

hc

enclosure

MORRIS BART, LTD

ATTORNEYS AT LAW

1712 15th Street, Suite 300
Gulfport, Mississippi 39501-2140

Telephone 228.432.9000
Fax 228.865.7885

Writer's Direct Dial: (228) 276-0307
Writer's Direct Facsimile: (866) 354-9707
E-mail: sbishop@morrisbart.com

July 10, 2017

Sheriff Troy Peterson
Harrison County Sheriff's Department
10451 Larkin Smith Dr.
Gulfport, MS 39502

Mr. John McAdams
Chapery Clerk / Clerk of the Board
Harrison County, Mississippi
1801 23rd Avenue
Gulfport, MS 39501

RE: Notice of Claim filed pursuant to Mississippi Code Annotated
11-46-11 for claims of Cameron Mazzoli; DOA 09/30/2016

Dear Sir:

On behalf of the above named client and pursuant to Mississippi Code Annotated Sec. 11-46-11 subsection 1 (Mississippi Tort Claims Act), I hereby tender Notice of Claim. Pursuant to the above referenced statute, I set forth the following information:

On or about September 30, 2016 at approximately 6:16 p.m., my client, Cameron Mazzoli (a minor) was walking up a driveway located at 6498 Road 318 Pass Christian, MS 39571. Suddenly, and without warning, while walking up the driveway, Miss Mazzoli was attacked by a brown / white pit bull mix dog that was not on a chain, and came out from a residence. The dog bit her once, and then let her go. Then, the dog came after her again, knocking her to the ground. The dog attacked her a 3rd time, injuring Miss Mazzoli even more. Harrison County Animal Control responded to the scene. Upon investigation, it was revealed to Miss Mazzoli and/or her family, that the Harrison County Animal Control had very recently (perhaps even the day before) come to the same residence for a complaint call on a dog. However, the animal control officer failed to abide by the County Ordinance stating that the dog must be "confined in a proper enclosure for a dangerous dog pending a resolution of the investigation or must be

OF COUNSEL

Beth Cocke, MS, TN
Mark Lumpkin, MS

*not licensed to practice
in Mississippi

ADMINISTRATOR

Mark Duhon

Pascagoula
228.762.4700

New Orleans
504.525.8000

Lake Charles
337.477.4600

Hattiesburg
601.583.8000

Alexandria
318.561.7700

Baton Rouge
225.925.8000

Mobile
251.433.2210

Monroe
318.807.1000

Lafayette
337.233.4200

Birmingham
205.251.6700

Texarkana
870.772.1669

Shreveport
318.222.9000

Montgomery
334.834.1800

Huntsville
256.539.8500

www.morrisbart.com

surrendered to an animal control officer for immediate impoundment in the animal shelter. . .”

The animal control officer, both individually as well as in his/her capacity of her employment had a duty to Miss Mazzoli, as well as the community at large, and breached this duty in the following non-exclusive respects:

- a. By violating the Harrison County Animal Control Ordinance, section on “dangerous dogs”, and thus allowing a dog that should have been classified as “dangerous” the ability to roam and injure members of the community, specifically Miss Mazzoli;
- b. By negligently hiring and/or supervising an employee of the Harrison County Animal Control;
- c. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein *in extenso*; and
- d. All other acts of negligence which were the cause of the collision sued upon and will be shown at the trial of this matter.

As a result thereto, Miss Mazzoli suffered serious bodily injuries to both arms, both legs, her head, and serious psychological issues for which damages are sought herein. Said damages include but are not limited to the following as may be shown by a preponderance of the evidence: past and future medical expenses, past and future pain and suffering and loss of enjoyment of life, past and future loss of wages and wage earning capacity, as well as past and future mental and emotional damages.

Miss Mazzoli would show that at all relevant time herein, Donald Necaise was an employee, agent or assign of Harrison County Animal Control, so as to invoke *respondet superior*. In the alternative, Mr. Necaise was an officer with the Harrison County Sheriff’s Department, and acted in reckless disregard by failing to secure a potentially dangerous dog. In this role with the Sheriff’s Department, *respondet superior* would be invoked.

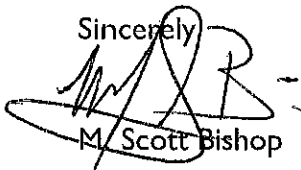
Miss Mazzoli is aware only aware of those individuals stated on the incident report (attached hereto) as having knowledge or information concerning the accident facts.

Miss Mazzoli seeks monetary damages in an amount to coincide with Miss. Code Ann. § 65:162 of \$500,000, or any amount greater or lessor to be determined by the trier of fact.

At the time of the accident and at present, the claimant resides at 57096 Allen Road in Slidell, Louisiana 70461.

All inquiries concerning this claim are to be made to my office at the above address. I expect to file suit under the provisions of Mississippi Code Annotated § 11-46-11, et seq., after the expiration of the ninety day limitation. Please contact me if you have any questions, comments or concerns.

Sincerely,



M. Scott Bishop

CC: Ms. Tiffany Mazzoli obo Miss. Cameron Mazzoli

Alexandria Hattiesburg 318.561.7700	Baton Rouge 225.925.8000	Lafayette 337.233.4200	Lake Charles 337.477.4600	Monroe 318.398.1999	Shreveport 318.222.9000	Biloxi/Gulfport 228.432.9000	601.583.8000
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Harrison County Sheriffs Department

Incident Report

10451 Larkin Smith Dr Gulfport, MS 39502

Phone: (228) 896 - 3000 Fax: (228) 896 - 0625

Sheriff Troy Peterson

ORI MS0240000	County HARRISON COUNTY	Venue Harrison County	Report # 2016004750
Report Date / Time 09/30/2016 20:35 Hrs (US/Central)	Occurrence Date / Time 09/30/2016 18:16 Hrs (US/Central)		File Class 2635

Supplements: Approved Report (1)

Summary: Animal Problem , Dog Bite .

Incident Location

Address: 6498 Road 318
City: Pass Christian **County:** HARRISON COUNTY **State:** Mississippi
ZIP: 39571 **Country:** United States of America
Township of Occurrence:

Beat: SW **Latitude:** 30.384025 **Longitude:** -89.285743
Sub-Beat: 0

Incident Offenses

Supp #	Offense	Status	Status Date
0	2635 - 2635 : Animal Bite :	Open/Pending	09/30/2016 18:16 Hrs

Officers Involved

Role	Name	Agency	Supp #
Approving	SERGEANT J. OWENSBY (#48)	Harrison County Sheriffs Department	0
Reporting	Animal Control D. NECAISE (#421)	Harrison County Sheriffs Department	0

Incident People

Suspect / Offender **Supp # 0**
Name: DEDEAUX, TERRY L (Primary Name) **Title:** **Date of Birth:** 11/09/1951
Race: Black or African American **Sex:** M **Age at Occurrence:** 64 Years Old
DL #: 800697989 (Mississippi)
Address: 6498 Road 318 Pass Christian, MS 39571 (Date of Info: 03/03/2016)
Phone: 228-254-9335 - Cellular (Date of Info: 03/03/2016)
228-452-4590 - Residence (Date of Info: 01/18/2013)
Physical Description: Hgt:600 **Wgt:** 180 **Date of Info:** 03/03/2016
Hair: Black
Eyes: Brown

Victim **Supp # 0** **JUVENILE**
Name: MAZZOLI, CAMERON ELIZABETH **Title:** **Date of Birth:** 07/14/1999
(PPrimary Name)
Race: White **Sex:** F **Age at Occurrence:** 17 Years Old
DL #: 802633453 (Mississippi)

Address: 57096 Allen Road Slidell, LA 70461 (Date of Info: 10/01/2016)**Phone:** 228-342-5388 - Residence (Date of Info: 10/01/2016)

228-342-7892 - Cellular (Date of Info: 10/01/2016)

Physical Description: Hgt: 507

Wgt: 140

Date of Info: 10/01/2016

Hair: Brown

Eyes: Blue

Complainant,Victim**Supp # 0****Name:** MAZZOLIA, TIFFANY ANNE (Primary Name)**Title:****Date of Birth:** 09/20/1978**Race:** White**Sex:** F**Age at Occurrence:** 38 Years Old**DL #:** 006700848 (Louisiana)**Address:** 57096 Allen Road Slidell, LA 70461 (Date of Info: 10/01/2016)**Phone:** 228-342-5388 - Residence (Date of Info: 10/01/2016)

228-342-7892 - Cellular (Date of Info: 10/01/2016)

Physical Description: Hgt: 507

Wgt: 135

Date of Info: 10/01/2016

Hair: Brown

Eyes: Hazel

Incident Property**Property Index ID:** 26982**Property:** Pets**Supp #:** 0**Loss Type:****Status:** Seized**Value:** \$ 0.00**Damage:****Serial #:** A33624985**Misc/OAN:****Make:** Dog**Primary Color:** Brown**Model:** Pit Bull Mix**Secondary Color:** White**Quantity:** 1**Incident Property Description:** Fawn / White Male Terrier, Pit Bull Mix Dog Named King**Owner:** DEDEAUX, TERRY (DOB) 11/09/1951 - Supp #: 0**Property Status Type****Aggregate Value****Grand Total of Property Loss:** \$ 0.00

\$ 0.00

Incident Narratives**Title:** Original Narrative**Author:** Donald Necaise**Date / Time:** 10/01/2016 22:09 Hrs**Supp #:** 0

On Friday September 30, 2016 at approximately 1834 hours, Deputy Donald Necaise responded to the above listed address in reference to an animal problem a dog bite . Deputy Necaise spoke to a Cameron Mazzoli who stated she had came to visit with her friend . Cameron Mazzoli stated her friends driveway is rough to drive up and she was in her mother's car , so instead of driving her mother's car up the drive she parked it at the end of her friends driveway and got out to walk to her friends house . Cameron Mazzoli stated when she went walking up the driveway a brown / white pit bull mix dog came out from the residence in front of

her friends house . Cameron Mazzoli stated she felt when the dog bit her and let go , so she thought OK then If I can just get into her friends house . Cameron Mazzoli stated that is when the dog came after her again knocking her to the ground and all she could think to do is to kick the dog . Cameron Mazzoli stated that and old black male came out in a wheel chair . Cameron Mazzoli stated the black male started yelling the dogs name and it was only upon the third time the man called the dogs name did he stop its attack on her . Cameron Mazzoli stated that when she took her chance to get up and to get in side her friends house . Cameron Mazzoli stated it is the only dog not on a chain . American Medical Respond arrived on scene and transported Cameron Mazzoli to Memorial Hospital at Guilfport Emergency Room . Cameron Amazons had laceration on her right / left arms , on her right/ left legs and to the top of her head . Deputy Necaïse located the dog a fawn / white male terrier, pit bull mix dog . Deputy Necaïse had the owners family to get in touch with him by phone and tell him to come to the location . Deputy Necaïse made contact with the owner a Terry Dedeaux . Deputy Necaïse explained the complaint to Terry Dedeaux . Deputy Necaïse explained that Animal Control will be taking custody of his dog for ten day quarantine . Deputy Necaïse took custody of a fawn / white male terrier pit bull mix dog named King . Deputy Necaïse transported the pit bull mix dog to the Humane Society for ten day quarantine .

On Sunday October 01, 2016 at approximately 1050 hours , Deputy Donald Necaïse received a text from Tiffany Mazzoli the mother of Cameron Mazzoli . Tiffany Mazzoli advised Deputy Necaïse that Cameron Mazzoli had to get 55 total body stitches and 10 scalp staples . Tiffany Mazzoli stated that Cameron Mazzoli is in a lot of pain . Tiffany Mazzoli email photo's of her daughter's injuries . (see attached photo's)

Signed: Animal Control D. NECAISE (#421)

Reviewed By: SERGEANT J. OWENSBY (#48)