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Attorney for Plaintiffs

STEPHEN F. VALIANTE AND DIANNE F. VALIANTE, THE PARENTS OF TIFFANY VALIANTE AND THE CO-ADMINISTRATORS OF THE ESTATE OF TIFFANY VALIANTE

Plaintiffs,

v.

NEW JERSEY TRANSIT POLICE DEPARTMENT

Defendant.

SUPERIOR COURT OF NEW JERSEY ATLANTIC COUNTY: LAW DIVISION DOCKET NUMBER:

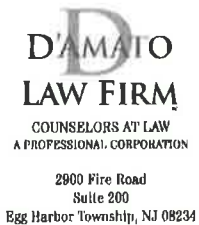
Civil Action

COMPLAINT

Plaintiffs, Stephen F. Valiante and Diane F. Valiante, the parents of Tiffany Valiante and the co-administrators of the Estate of Tiffany Valiante (hereinafter referred to as Plaintiffs), residents of Atlantic County, New Jersey by way of Complaint against the above named Defendant say:

COMPLAINT

1. Tiffany Ida Mae Valiante was born in Atlantic County, New Jersey on March 3, 1997.
2. The parents of Tiffany are Plaintiffs Stephen F. Valiante and Dianne F. Valiante who reside in Atlantic County, New Jersey. On July 12, 2015 Tiffany, who had been a resident of Atlantic County her entire life, was tragically killed.
3. Tiffany Valiante graduated from Oakcrest High School, located in Atlantic County, New Jersey in June 2015.
4. Tiffany prior to her death had received five athletic scholarships to institutions of higher learning to play college volleyball.



5. It was Tiffany's goal to obtain a degree in Criminal Justice.
6. It had always been Tiffany's dream to become a police officer in law enforcement.
7. Tiffany also shared the dream of playing volleyball in the Olympics.
8. Prior to her death Tiffany had told her parents and sisters that if college did not turn out to be the best place for her then she wanted to join the United States Air Force.
9. On July 12, 2015, Tiffany mysteriously died.
10. On July 12, 2015, Tiffany's body came in contact with a New Jersey Transit Train in Galloway Township, Atlantic County, New Jersey.
11. The New Jersey Transit Train 4693 which came in contact with Tiffany's body was an unscheduled rescue train designated to pick up passengers from another train farther down the tracks.
12. The approximate time that the southbound New Jersey Transit Train 4693 came in contact with Tiffany Valiante was 11:07 p.m.
13. The location of this event was on single track territory at mile post 45 south of the Egg Harbor City Station.
14. At the time of this event Tiffany was 18 years old.
15. The aforesaid train was traveling southbound on a single track at approximately 80 m.p.h.
16. The Police Department of New Jersey Transit conducted an investigation surrounding the circumstances of the death of Tiffany Valiante.
17. Operating the engine of the train was a New Jersey Transit Employee who was a "Student Engineer."
18. On July 13, 2015, less than 24 hours after Tiffany's death, Press of Atlantic City Staff Writer Christian Hetrick wrote an article about

Tiffany and an upcoming vigil in her honor. (See Exhibit "A", which is attached hereto and made a part hereof).

19. In said article, Hetrick states the following as said by New Jersey Transit spokeswoman Nancy Snyder:

"Tiffany Valiante, 18, of Mays Landing, was standing on the train tracks near Tilton Road in Galloway Township, but did not move when the train's engineer sounded the horn and applied emergency brakes"

20. On July 18, 2015, six days after Tiffany's body came in contact with the New Jersey Transit Train, a Death Certificate classifying her death as a SUICIDE was issued by the State Medical Examiner's Office.
21. On July 12, 2015 at 11:36 p.m. the lead engineer and the student engineer filled out a New Jersey Transit document referred to as a PRELIMINARY MAJOR INCIDENT REPORT. (See Exhibit "B", which is attached hereto and made a part hereof).
22. One of the entries on the aforesaid report reads as follows: "approximate location of train where trespasser was first observed: right on top of the trespasser."
23. Another entry on the aforesaid report reads as follows: "list/describe any other witnesses: just both engineers."
24. On July 17, 2015, an Atlantic County Sherriff's department bloodhound (Luke) located what he believed to be the scent of Tiffany Valiante.
25. The aforesaid bloodhound took its handler down Drosera Road towards Tilton Road, crossed Tilton Road, leading his handler to Wrangelboro Road.
26. The aforesaid bloodhound then took his handler towards South Genoa Avenue and further took the handler to the railroad tracks.
27. The bloodhound "... trailed down the tracks for approximately one mile to a switch in the tracks that went left."

28. The New Jersey Transit Police Department Investigators, on the night of the subject incident, were lead to believe that both the lead engineer and the student engineer were in the cab when their observations of a person were made.
29. It took the New Jersey Transit Investigators six days to learn that the student engineer was actually alone in the cab when the observation was made.
30. Accordingly, at the time the student engineer made the observation of a person coming in contact with the train, the student engineer was not receiving direction from the lead engineer.
31. The student engineer was not interviewed under oath until 10 days after Tiffany's death.
32. His sworn testimony contradicted his previous accounts of his observations.
33. The Medical Investigator of the State Medical Examiner's Office arrived at the scene at 0045 hours on July 13, 2015.
34. The Medical Investigator's Investigative Data sheet dated July 13, 2015 differs greatly from the statements later made by the New Jersey Transit personnel charged with the operation of the train on the night in question.
35. Apparently based on the observation of the only supposed eye witness, the student engineer, the Medical Investigator Data Sheet states in part:

"We were shown an area east of Cologne Avenue where the train engineer has stated that a female darted out from the trees and ran in front of the train. Decedent had been in the woods on the north side of the tracks."

36. The aforesaid account conflicts with the statements given by the two trained personnel of New Jersey Transit that were interviewed by the

New Jersey Transit Police Officer Vince Packer who prepared a Supplemental Investigative Report dated July 13, 2015.

37. The information previously referenced herein in the Medical Investigator's Data Sheet conflicts with the sworn testimony of the lead engineer and the apprentice student engineer.
38. In New Jersey Transit Police Officer Packer's Supplemental Investigation Report dated July 13, 2015 he states that the lead engineer and apprentice student engineer stated:

"They noticed a person up ahead on the tracks. The lead engineer instructed the apprentice engineer to blow the horn and ring the bell as he put the train into emergency brake application. The person was struck by the head end of the train as she dove from the railroad east to west in front of the oncoming train...."

39. When the lead engineer was put under oath and interviewed by Officer Packer, the lead engineer admitted for the first time that he had his back turned to the train cab, was engaged in a conversation with the conductor, and never saw the referenced woman (Tiffany).
40. That being the case, there was a misrepresentation made to the New Jersey Transit Investigator that the lead engineer instructed his student as to what action to take during the 4.1 seconds that it took the student engineer to blow the horn, strike the body of Tiffany Valiante, put the train in emergency braking application, and call out that he (the student engineer) spotted her.
41. In the sworn interview of the lead engineer, the lead engineer admitted that he was not at the controls with the student engineer when these alleged observations were made by the student engineer.
42. When the student engineer was interviewed by the New Jersey Transit Investigators "under oath" he said for the first time:

"...so I noticed some-something off in the distance and initially-you know, I-I-at that distance it was approximately-maybe, like, a

half mile to a quarter-quarter mile away- it was pretty far away. I couldn't discern what it was specifically."

"As I come closer, approximately a quarter of a mile away -or a little closer than that, I noticed it was, in fact, a human being in a crouched position and darker clothing."

"And as I'm getting closer, the individual in the black clothing stands up and I immediately recognize that it's a female ... as I am approaching closer, probably within, like, five second of passing her, she jumps-she dives in front of the train to the lower portion- of the cab passing her..."

43. As mentioned above, the student engineer throughout the course of the investigation has offered three conflicting versions of his observations:
1. Tiffany "darted out" from the trees and ran across the tracks when the train hit her body.
 2. The student engineer did not have a visual of Tiffany until the train was "right on top of the trespasser."
 3. The student engineer spotted Tiffany from about a half a mile away crouching alongside tracks, she stands up, then jumps in front of the train.
44. H. Louise Houseman, a retired Senior Medical Investigator from the then Atlantic County Medical Examiner's Office, offered her services pro bono to the parents of Tiffany to conduct an independent evaluation of the investigation conducted by the New Jersey Transit Police Department that the State Medical Examiner's Office used to arrive at the conclusion that Tiffany Valiante took her own life.
45. Louise Houseman worked in the Atlantic County Medical Examiner's Office as a Senior Medical Investigator from 1992 until she retired in 2013.

46. From 1994 to 2004 Louise Houseman acted as a per diem Medical Investigator for the Office of the New Jersey State Medical Examiner's Office.
47. Louise Houseman was the first Medical Investigator in the State of New Jersey to become Board Certified in 2005.
48. Louise Houseman wrote an extensive and detailed report which was submitted to the New Jersey State Medical Examiner's Office for their consideration.
49. That report is attached hereto and made a part hereof as Exhibit "C".
50. Due to the extreme graphic nature of some of the photographs that were taken by the New Jersey Transit Police Department as part of its investigation, and the photographs taken by the State Medical Examiner's Office that were attached to Ms. Houseman's report, these photographs are not attached to Exhibit C.
51. The facts upon which Louise Houseman relies are contained on pages 18 and 19 of her report dated July 18, 2017.
52. Some of the comments contained on those pages deserve repeating herein. They are as follows:
 - "It is highly unlikely that this very accomplished 18 year old female athlete walked barefoot, alone in the woods, without her cell phone, over stones and brush, in the dark along 1.5 miles of isolated railroad tracks on a hot summer night for a total of nearly four hours in order to commit suicide."
 - "Death by train is an extremely unusual method of suicide to be contemplated by anyone, especially a female teenager with no history of emotional instability. The loud sound of an approaching train is much more likely to invoke a flight response in a sober individual. Had she

wanted to commit suicide, Tiffany could have walked in front of a car on a heavily travelled four lane highway.”

- “Statements in the (RINE) Medical Investigator’s Data Sheet used by the Medical Examiner to base a determination of suicide are inaccurate, unsubstantiated, or false ...”
- “No drug/alcohol test was taken of the student engineer whose sworn statement was not taken for ten days after Tiffany’s death.”
- “Improbable that Tiffany would have been able to jump or dive a distance of 15 to 20 feet onto a built up stone railroad grade from a standing position.”
- “Head was crushed, brain obliterated and skull severely fragmented, obscuring evidence of possible ante-mortem injury such as from a gun-shot wound.”
- “No footwear found at the scene.”
- “Investigators failed to interview Tiffany’s family in a timely manner.”
- “[Tiffany was] popular with a close circuit of friends, admired by her teachers, coaches, employers and neighbors.”
- “[Tiffany was] raised as if she were a single child for the past ten years by two loving parents and indulged by two devoted sisters, two grandmothers and many relatives...”
- “Received five scholarships for sports and academics”

- "Preparing and looking forward to going away to Mercy College to play on a collegiate volleyball team and to major in Criminal Justice."

53. Louise Houseman finally states: "...it is my professional opinion that the death of Tiffany Valiante warrants further investigation and the Manner of Death should be amended by the Medical Examiner from "suicide" to "undetermined."
54. Paul R. D'Amato, Esquire, counsel for Plaintiffs, and at the request of the plaintiffs retained Dr. Donald Richard Jason of Winston-Salem, North Carolina to conduct an independent examination.
55. Dr. Jason's reports dated February 6, 2018 and February 19, 2018, as well as his Curriculum Vitae, are attached hereto as Exhibit "D".
56. Dr. Jason, relative to CAUSE OF DEATH states:

"It is my opinion, within a reasonable medical certainty that the cause of death of Tiffany Valiante was undetermined ... no complete radiography of the recovered remains was performed. Thus, the presence of a bullet which could have caused the death was not ruled out ... the completely negative toxicological analysis of the liver and purported stomach contents makes death due to poisoning almost highly improbable."

57. Under the category MANNER OF DEATH, Dr. Jason states in part:

"The victim (Tiffany) may have been ... already dead when struck by the train. I have personally investigated a death, which turned out to be a murder by strangulation, in which the victim's body was placed with her neck on the railroad track, her body below the neck outside the tracks ... police investigation resulted in an arrest and conviction."

58. Dr. Jason, in the referenced report, challenged the State Medical Examiner's conclusion that Tiffany took her own life.

59. Dr. Jason states: "with no cause of death known, no manner of death, natural or unnatural can be determined."
60. The report of Pathologist Donald Jason was submitted to State Medical Examiner Andrew L. Falzon, M.D.
61. By way of letter dated March 5, 2018 State Medical Examiner Andrew L. Falzon stated that he had reviewed Louise Houseman's report and other documents and determined that the cause and manner of death would remain "multiple traumatic injuries and suicide." (See Exhibit "E", which is attached hereto and made a part hereof).
62. Dr. Falzon never referenced the reports of Pathologist Donald Jason.
63. The only evidence that the State Medical Examiner's Office had in order to conclude that Tiffany Valiante took her own life were questionable, contradictory, and apparently false statements of an apprentice student engineer who had commenced his employment with New Jersey Transit on March 25, 2014- one year and four months prior to July 12, 2015, the date of Tiffany's death.
64. The same student engineer, in his own handwriting, in a FATALITY/MAJOR INCIDENT REPORT stated there was "... limited visibility ..." at the time the train he was operating struck a body.
65. In the same report, when the student engineer was asked whether the person that he allegedly observed looked in the direction of the approaching train prior to impact, the student engineer replied: "no."
66. When the student engineer was asked in the same report if the person made any attempts to move from the approaching train he responded: "no."
67. When the student engineer was asked in the same report the speed of the train at impact he responded: "80 m.p.h."
68. When the student was asked in the same report what the posted track speed for the particular area was he responded: "80 m.p.h."

69. Neither New Jersey Transit Investigators nor personnel of the State Medical Examiner's Office made any inquiry of Tiffany's parents, her two sisters, her grandparents, relatives, friends, teachers, medical providers or coaches as to her state of mind before and on July 12, 2015.
70. There was no DNA testing performed on Tiffany's body and clothing. When counsel for the Plaintiffs asked the Attorney General's Office by letter to have the State Medical Examiner test the DNA sample obtained by the New Jersey Transit Investigators, counsel was advised that the family would have to pay for the testing. The aforementioned letter is attached hereto and made a part hereof as Exhibit "F".
71. No rape kit was utilized on the body of Tiffany by either the State Medical Examiner's Office or New Jersey Transit Investigators.
72. Law Enforcement agencies involved in the investigation of Tiffany's death did not treat the scene of the accident as a crime scene.
73. The student engineer stated that he saw a person jump or dive a distance of 15-20 feet on to a built-up stone railroad track-into a speeding train from a standing position.
74. An examination of the area where the impact took place reveals that within 10 feet of the railroad track there are trees and bushes.
75. Four days after the impact between the body of Tiffany and the subject train, as previously noted herein, a bloodhound from the Atlantic County Sherriff's Office was utilized for the purpose of tracking Tiffany's path from the point where she left her home on the evening of July 12, 2015.
76. Between July 12 and July 16, 2015, there had been two significant rainstorms in the Mays Landing/Galloway Township area with an accumulation of about 4 inches.
77. It is known that rainstorms can mask or even erase the scent and thus the use of a bloodhound to track Tiffany's path was not reliable.

78. It was well known by Tiffany's grandparents, parents, uncles, aunts, cousins, friends, teachers, and coaches that she was petrified of the dark.
79. This fear of darkness is known as nyctophobia.
80. The majority of the area that Tiffany allegedly walked from her home to the point of impact on the train does not have artificial illumination.
81. On July 12, 2015 there was very little moonlight.
82. After July 12, 2015 members of the Valiante family searched an area of Hamilton Township and Galloway Township for the purpose of finding any evidence that would lead to a reasonable and rational explanation of how Tiffany was taken from her home to the isolated area of the railroad tracks where the impact took place.
83. The slip-on sneakers and headband belonging to Tiffany were discovered on Tilton Road.
84. The Galloway Township Police Department was immediately contacted and it in turn contacted the New Jersey Transit Police Department.
85. Tiffany Valiante was barefoot at the time that she was struck by the New Jersey Transit Train.
86. No foot apparel that belonged to Tiffany was found at the scene of the impact.
87. The sneakers that were found in the brush off of Tilton Road were the same sneakers that Tiffany was wearing the night she disappeared.
88. If Tiffany had walked from the location where her sneakers were found on Tilton Road to the point of impact with the train, her feet would have displayed noticeable signs of abrasions.
89. The photographs taken by the State Medical Examiner's Office show no damage to Tiffany's feet whatsoever.

90. Had Tiffany walked along the railroad tracks approximately one mile, as indicated by the New Jersey Transit Investigators, she would have walked over rough terrain including but not limited to rocky railroad ballast, large stones and jagged glass.
91. On July 12, 2015, shortly after it was discovered that Tiffany was missing, her father found her cell phone off the road near the Valiante property.
92. Tiffany was never without her cell phone. She had even bought a waterproof case so she could bring it in the shower.
93. After Tiffany's death, Plaintiffs through their counsel procured all available medical records relative to their daughter's treatment before her death.
94. There is no reference to a history of emotional instability.
95. Before Tiffany disappeared on July 12, 2015, she had been at her cousin's home which is across the street from the Valiante residence.
96. Tiffany's cousin was having a graduation party during the daytime that went into the night to celebrate her cousin's graduation from high school.
97. Several friends and relatives of Tiffany were talking to her about going off to college in the coming month.
98. All of the aforementioned individuals stated that Tiffany was in excellent spirits.
99. At the party Tiffany was talking about going to Great Adventure that following day.
100. At the party Tiffany was telling her friends and relatives that she planned on adopting a kitten for her mother's upcoming birthday. Tiffany was also discussing the décor of her dorm room at Mercy College.

101. At the aforesaid party Tiffany manifested to everyone her excitement to attend college as a scholarship athlete.
102. No law enforcement agency or the State Medical Examiner's Office procured any medical records on Tiffany. Had they done so, they would have seen there was not even a hint of depression.
103. At the time that Tiffany allegedly walked toward Tilton Road from her home on Sunday evening, July 12, 2015, there were fellow students of her cousin who were going to the graduation party who would have been driving on the same road that Tiffany was allegedly walking down. No one ever came forward saying that they saw Tiffany walking.
104. The State of New Jersey Toxicology Laboratory, located in Newark, New Jersey, issued a report that there were no illicit/illegal drugs nor alcohol found in Tiffany's system.
105. No one saw Tiffany, a 6'2' young woman, walking from her home to the railroad tracks.
106. The conclusion of suicide by the New Jersey State Medical Examiner's Office was significantly flawed because of its reliance upon the highly inadequate investigation of Tiffany's death.
107. Tiffany's parents, Stephen and Dianne, sent a letter to Gov. Murphy dated May 15, 2018. (See Exhibit "G", which is attached hereto and made a part hereof).
108. To date the Valiantes have not received a response from Governor Murphy.
109. NJ.com conducted an investigation on how New Jersey's system for investigating deaths and concluded that the present system is a national disgrace. See DEATH & DYSFUNCTION/AN NJ.COM SPECIAL INVESTIGATION dated December 14, 2017.

110. An 18 month New Jersey Advanced Media investigation for NJ.com found serious failures at nearly every level of New Jersey's patchwork system for Medical Examiners' Offices.
111. The evidence obtained by the New Jersey Transit Police Department was stated in a New Jersey Transit Police Department Form entitled "Property/Evidence Report". Those reports are attached hereto and made a part hereof as Exhibit "H".
112. These pieces of evidence were documented individually as "Property/Evidence Reports" as follows:
 - a. (1) CD containing fatal accident investigation photographs.
 - b. (1) CD containing the sworn statement of the student engineer and (1) CD containing the sworn statement of the lead engineer.
 - c. (1) White I-Phone 5 with Black and White case.
 - d. (2) Memory cards from Valiante deer camera and (1) flash drive showing area on White Horse Pike in Galloway.
 - e. (1) Black Medium size T-shirt with "HUF" on pocket.
 - f. (1) "A" Iron-on symbol, (1) Pair "Sanuk" brand shoe, (1) Torn shirt/headband, and (1) Sweatshirt grey, Wilkes University.
 - g. (1) Blue, pink, and white women's ankle bracelet.
 - h. (1) DNA card.
 - i. (1) White Towel containing what appears to be bloodstains
 - j. (1) Ankle bracelet belonging to Tiffany Valiante.
 - k. (1) Folding knife with a white handle and broken blade and
 - l. (1) CD containing photos of area where knife was found.

113. As referenced in the course of the New Jersey Transit Police Department's investigation, certain "DNA swabs" were collected as a part of Tiffany's investigation.
114. The reports do not state when the DNA swabs were taken, at what location they were taken (body, clothing, etc.), or from what they were taken.
115. Plaintiff's counsel was advised that the alleged DNA swabs, as well as other pieces of evidence, have not been analyzed.
116. These pieces of evidence include, but is not limited to, articles of Tiffany's clothing, Tiffany's shoes, Tiffany's headband and Tiffany's ankle bracelet.
117. Plaintiffs are now required to test the DNA at their own expense.
118. Attached hereto and made a part hereof as Exhibit "I" are the only references to DNA of any sort by the New Jersey Transit Police Department.
119. Plaintiffs' counsel has been advised that those items mentioned in Exhibit "I" have not been analyzed for DNA.
120. Plaintiffs' counsel has requested the New Jersey Transit Police Department to keep all collected evidence through a spoliation letter, which is attached hereto and made a part hereof as Exhibit "J".
121. Additionally, Plaintiffs' counsel wrote a letter (attached hereto and made a part hereof as Exhibit "K") to New Jersey Transit Board Secretary Joyce Zuczek, pursuant to the Open Public Record Act, requesting certain documents and evidence.
122. New Jersey Transit Board Secretary Joyce Zuczek responded in a letter attached hereto and made a part hereof as Exhibit "L". In this responsive letter Ms. Zuczek states that with respect to item AA (Tiffany's shoes, headband and anklet) that there are "no records responsive to your request." The Plaintiffs do not know if the aforesaid

items of evidence are still in the possession of the New Jersey Transit Police Department or not.

123. Plaintiffs are now prepared to pay for the DNA testing and have identified "DDC Forensics" as their preferred laboratory.
124. DDC Forensics, led by Dr. Michael Baird (who was the first DNA expert to testify in U.S. Court), is the largest and most experienced private DNA testing facility in the world.
125. DDC Forensics has notified Plaintiffs' counsel that the DNA testing of evidence will cost \$995 per item.
126. In order to accurately estimate the total cost the Plaintiffs will bear for the testing, it is necessary to identify exactly how many items, DNA swabs, or other pieces of evidence have been retained by the New Jersey Transit Police Department.
127. Attached hereto and made a part hereof as Exhibit "M" is a letter dated June 6, 2019 from Plaintiffs' counsel to New Jersey Transit Police Chief Christopher Trucillo requesting what pieces of evidence have been retained by the New Jersey Transit Police Department; Chief Trucillo has not responded.
128. The Plaintiffs have not been advised as to what pieces of evidence collected by law enforcement have been retained.
129. What adds to the mystery surrounding Tiffany Valiante's death is that Plaintiffs' counsel received two reports in May, 2018 from an anonymous group named "Phoenix Research Group." The two reports are attached hereto and made a part hereof as Exhibit "N". Despite extensive efforts to determine the identity of the author(s) the Plaintiffs and their counsel have not been able to determine the identity of the person(s) that authored the aforesaid reports or participated in the investigation referenced in the reports.

WHEREFORE, Plaintiffs seek judgment against Defendant as follows:



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- a. Requiring the New Jersey Transit Police Department to identify which items of evidence have been retained by their office;
- b. Requiring the New Jersey Transit Police Department to identify which items of evidence have been destroyed by their office;
- c. Requiring the New Jersey Transit Police Department to identify from what persons or things the supposed DNA swabs were taken;
- d. An Order requiring that the New Jersey Transit Police Department transfer to DDC Forensics the items of evidence that the Plaintiffs want tested as well as any and all DNA swabs;
- e. Awarding Plaintiffs reasonable attorney's fees and costs; and
- f. For such relief as this Court may deem equitable and just.

NOTICE OF TRIAL COUNSEL

Paul R. D'Amato, Esquire is designated as Trial Counsel pursuant to Rule 4:25-4.

D'AMATO LAW FIRM, P.C.

By: 

Paul R. D'Amato, Esquire

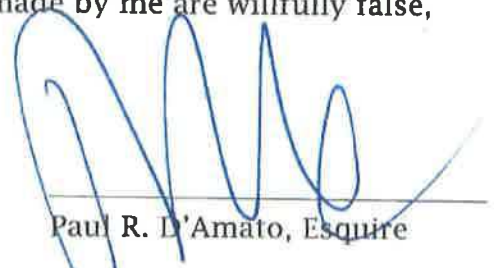
Dated: July 10, 2019

CERTIFICATION

Paul R. D'Amato, Esquire, of full age, hereby certifies:

1. I am a member of the firm of D'AMATO LAW FIRM and am entrusted with the preparation and Trial of this case.
2. This case is not subject to any other Court action or Arbitration proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Paul R. D'Amato, Esquire

Dated: July 10, 2019

CERTIFICATION OF COMPLIANCE WITH RULE 1:38-7(c)

I, Paul R. D'Amato, Esquire, certify that confidential party identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).



Paul R. D'Amato, Esquire

Dated: July 10, 2019

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EXHIBIT A

https://www.pressofatlanticcity.com/news/vigil-planned-for-mays-landing-woman-killed-by-train/article_733f92e2-2986-11e5-906b-3b699887c817.html

Vigil planned for Mays Landing woman killed by train

CHRISTIAN HETRICK, Staff Writer Jul 13, 2015

A public vigil will take place at the Oakcrest High School softball field Monday evening, after a recent graduate from the school was struck and killed by a train Sunday night.

7/8/2019

Vigil planned for Mays Landing woman killed by train | News | pressofatlanticcity.com

The vigil, organized by the high school's football team, will take place at 6:30 p.m., said Terrence Smith, a running back on the team.

Tiffany Valiante, 18, of Mays Landing, was standing on the train tracks near Tilton Road in Galloway Township, but did not move when the train's engineer sounded the horn and applied emergency brakes, said New Jersey Transit spokeswoman Nancy Snyder.

The incident happened around 11:15 p.m., Snyder said. The Atlantic City Rail Line train had left Philadelphia at 9:52 p.m. and was scheduled to arrive in Atlantic City at 11:29 p.m., Snyder said. Atlantic City rail line service in both directions was temporarily suspended for an investigation.

There were no reported injuries to the approximately 60 customers and crew members aboard the train, Snyder said.

Smith said Valiante had graduated from Oakcrest High School this year, and was on her way to West Chester University.

TOP ARTICLES 1/5

Smith said Valiante was an athlete who played volleyball and softball.

Contact: 609-272-7215

CHetrick@pressofac.com

Twitter @_Hetrick



Atlantic County family fights to overturn daughter's 'suicide' ruling

7/8/2019

Vigil planned for Mays Landing woman killed by train | News | pressofatlanticcity.com

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EXHIBIT B



Y2784 - 1/01

PRELIMINARY MAJOR INCIDENT REPORT

Date: 7.12.15 Day of Week: SUNDAY Time: 11:00PM
 Location of Incident: MP 45 ON AC LINE
 Engineer's Name: WAYNE DANIELS AND MARVIN BLIVARES Employee No.: 395900 / 537830
 Date of Birth: 03.25.76 / 11.28.81 Social Security No.: _____
 Phone No.: 609 457 9157 / 201 282 8242 Time went on Duty: 3:10PM
 Engine/Cab Car/MU No. 4004 / 16042 No. Of Cars: 4 CARS
 Train Number: 4693 Assignment Number: AC-05
 Train Schedule From: PHILADELPHIA To: ATLANTIC CITY
 Last Stop Before Incident (Passenger Station, Interlocking): ELL HARBOR STATION
 Next Scheduled Stop: ABSECON STATION Direction: SOUTH Track No.: SINGLE
 Approximate Train Speed at Time of Incident: 80 MPH
 Were the following in use? Headlight: YES Horn: YES Bell (if applicable): YES Auxiliary Lights: YES
 Weather Conditions: CLEAR Visibility: NIGHT TIME
 Conductor: BILL GINDHARDT Asst. Conductor(s): STEVE ADAMCZYK
 NJT Supervisor/Representative(s) at scene: _____

Approximate location of train when trespasser was first observed: RIGHT ON TOP OF THE TRESPASSER

Actions taken by Engineer: BLEW THE HORN, RANG THE BELL, PUT TRAIN INTO EMERGENCY BRAKE APPLICATION

Actions taken by trespasser: DOVE IN FRONT OF TRAIN, DIRECTION WAS EAST TO WEST

List/describe any other witnesses: JUST BOTH ENGINEERS

If incident occurred at grade crossing, list any observations: N/A

Signature: [Signature] Date: 7.12.15 Time: 11:36PM

White: Local Police
 Canary: NJT Police
 Pink: Transportation
 Goldenrod: Employee

D
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2900 Fire Road
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EXHIBIT C

INVESTIGATIVE REPORT

Submitted By

H. Louise Houseman, Senior Medical Investigator (Ret.)

In The Death Of TIFFANY VALIANTE July 12, 2015

Since September 21, 2016, I have had several opportunities to read reports and interviews by employees of the New Jersey Transit Police Department, the Atlantic County Prosecutor's Office, and the Regional Medical Examiner's Office. I have visited the scene where Tiffany Valiante was struck by a New Jersey Transit train, and I have reviewed all photographs that were taken by the investigators regarding Tiffany's death. Paul D'Amato, Esquire, counsel for the Valiante family, also allowed me to review a complete copy of the file of the Regional Medical Examiner's Office, which included photographs taken the morning after the accident and photographs taken during the external examination.

There are enough unanswered questions, false statements, conflicting accounts regarding this fatality, and incomplete investigative information, as well as extremely important evidence that was discovered since the night of Tiffany's death, which leads me to the conclusion that the death certificate should be amended from "Suicide" to "Undetermined."

The location where Tiffany was struck is approximately 3.5 miles from her home. She left home at 2128 hours, and was struck by a New Jersey Transit (NJT) train at 2310 hours on July 12, 2015. The Medical Examiner performed the View on Tiffany on July 14th. The Medical Examiner's determination that the Manner of Death was "Suicide" appears to be based merely upon the Medical Investigator's Data Reports and preliminary information provided verbally or in writing by NJT Detective William Sweeney, who attended the View. No consideration appears to have been given to Tiffany's psychological history or the remoteness of the area where this barefoot, 18 year old female, who feared the dark, was struck by a NJT train.

Although Tiffany's two uncles told Detective Sweeney when they met him at the scene on July 16th that Tiffany's death was not a suicide, no one from any agency involved in investigating her death sat down to discuss any aspect of the case with Tiffany's parents or siblings until three weeks after her death. The detectives sat down with them only after Tiffany's headband and sneakers were found by Tiffany's mother nearly three miles from the scene of the event.

I urge the Medical Examiner to go to the scene. I believe the Medical Examiner will find it extremely difficult to believe an 18 year old female would have willingly walked, barefoot and alone, in the dark for two hours, approximately 3.5 miles from her home until she arrived to this dark and isolated location given the fact that all of Tiffany's friends and family knew of Tiffany's deep seated fear of the dark.

The account given by the train engineer and his apprentice to NJT Police Officer Vince Packer, Sr., contained in his Supplemental Investigative Report dated July 13, 2015, and possibly relied upon by Detective Sweeney and the Medical Examiner at the View was later contradicted in their subsequent sworn statements and by the train's Major Incident Event Recorder – MIER ("Black Box"). It took six days before NJT investigators learned the engineer's student was actually alone in the cab; the only

eyewitness to this event and was not receiving direction from the engineer until after Tiffany was struck. The student engineer was not interviewed under oath until 10 days after the fatality. His sworn statement contradicts his previous accounts. The sworn statement appears to be rambling, self-serving, and inconsistent with facts observed at the scene and obtained from the MIER Black Box. Mechanical Data from the MIER indicated the train was likely no more than 235 feet away from Tiffany when she was first seen by the student engineer as the train was traveling 80 miles per hour. Additionally, it was revealed that the student engineer was never tested for drugs or alcohol under the Federal Railroad Administration policy.

At the outset of this report, I want to share with the Regional Medical Examiner's Office the conclusions of my investigation:

1. It is highly unlikely that Tiffany Valiante, a very accomplished 18-year-old female athlete, walked barefoot from her home on Tilton Road along Pomona Road to the railroad tracks, and then walked over a mile alongside the tracks to where Tiffany's body came in contact with the New Jersey Transit train. The total distance from Tiffany's home to the point of impact is nearly four miles. Weeks after the night that Tiffany was killed, her foot apparel was discovered on Tilton Road by her mother. An examination of one of Tiffany's feet, as shown in one of the photographs taken by the Medical Examiner's Office, shows no abrasions or damage to the bottom of the foot. Attached to this report is a photograph of the area where Tiffany allegedly walked that shows large sized stones. Additionally, one of the photographs shows an access road for motor vehicles. If Tiffany had walked over the stones immediately adjacent to the railroad tracks or in the dirt roadway, it is more probable than not that her feet would have shown severe damage. The one attached photograph from the Medical Examiner's Office does not show any damage, whatsoever.
2. An interview of family and friends has demonstrated that everyone knew Tiffany had a severe phobia of the dark. She would have had to walk several miles in complete darkness the night of her death. Illumination from the moon was non-existent.
3. Tiffany's cell phone was discovered by her father an hour to an hour and a half after Tiffany was last seen at the Valiante residence. Like most young women, Tiffany's cell phone was affixed to her body every minute of the day. She reportedly would even bring her cell phone into the shower when she was bathing.
4. Death by train is an extremely unusual method of suicide to be contemplated by anyone, especially a female teenager with no history of emotional instability. The loud sound of an approaching train is much more likely to invoke a flight response in a sober individual. Had Tiffany wanted to commit suicide, she could have walked in front of a car on the heavily traveled highways of Tilton Road or Route 30. The toxicology report from the Medical Examiner's Office was negative for drugs and alcohol.
5. Tiffany disappeared within minutes of walking away from her home. She had been at her cousin's party across the street from her home. Individuals in a car coming from Tilton Road to the location of the party would have had many opportunities to see Tiffany walking down the street. She was a very popular young lady, and all local teenagers knew who she was. Not one person has reported seeing Tiffany, who is six foot two inches tall, walking from her home to the railroad tracks.
6. Statements in the Report of Investigation by Medical Examiner (RIME) Medical Investigator Data Sheet used by the Medical Examiner to base a determination of suicide are inaccurate, unsubstantiated, and false:

- A. "The train engineer has stated that a female darted out from the trees and ran right in front of the train. Decedent had been in the woods on the north side of the tracks." It was later revealed under sworn statements, the train engineer had his back turned and never witnessed the event until the student engineer had already sounded the horn, activated the emergency braking system, then yelled "a girl jumped out."
- B. Statements attributed to her uncle Michael Valiante and certain "friends" are likewise inaccurate. The Medical Investigator's Data Sheet report states, in part: "She had gotten into some trouble the day before, as well as the day of the party, and her friends stated that she 'cut herself' and was extremely upset. He (Michael Valiante) also stated that Tiffany had been having a lot of disagreements with her mother recently, and was extremely distraught over some of the things that had happened."

During my interview of Michael Valiante, he stated that in his mind he could not get his niece, on her own, to the isolated location where she was struck. He said that the statements in the Medical Investigator's Data Sheet attributed to him are inaccurate. Additionally, there is no evidence of self-mutilation.

- 7. My review of the New Jersey Transit Police Department records lead me to conclude that there were conflicting statements made to the New Jersey Transit investigators by the lead engineer and his student apprentice. At the relevant times of the questionable observation by the apprentice engineer, he was unsupervised and, in fact, is the only so-called eyewitness to the event. However, my analysis of the MIER Black Box leads me to the conclusion that the observations by the apprentice engineer are not factually sustainable.
- 8. There is no indication that there was a drug/alcohol test of the apprentice engineer.
- 9. The sworn statement of the apprentice engineer was not taken until 10 days after the accident.
- 10. It is improbable that Tiffany would have been able to jump or dive a distance of 15-20 feet onto a built-up stone railroad grade from a standing position.
- 11. Tiffany's skull was crushed and fragmented. Her brain was obliterated. These conditions obscured evidence of a possible ante-mortem injury, such as from a gunshot wound.
- 12. No footwear was found at the scene of the impact.
- 13. Investigators from New Jersey Transit Police Department did not interview the family in a timely manner.
- 14. Tiffany was extremely popular, with a very close circle of friends, admired by her teachers, coaches, employers, and neighbors.
- 15. Tiffany was raised as if she were a single child for the past 10 years by two loving parents and indulged by two older sisters, two grandmothers, and many relatives. Tiffany had received five college scholarships for sports and academics, and was excited about going to Mercy College in four weeks to major in criminal justice.
- 16. Based upon my investigation, it cannot be ruled out that Tiffany was driven or forced to walk to the location of the impact. Moreover, it cannot be ruled out that she was assaulted at a different location and placed on the tracks to hide evidence of the crime.
- 17. It is my professional opinion that the death of Tiffany Valiante warrants further investigation and that the Manner of Death should be amended by the Medical Examiner's Office from "Suicide" to "Undetermined."

My analysis is broken down into the following categories:

- A. INCONSISTENT STATEMENTS
- B. NO PSYCHOLOGICAL AUTOPSY
- C. REGIONAL MEDICAL EXAMINER'S FAILURE TO FOLLOW ESTABLISHED PROTOCOL
- D. ANALYSIS OF THE MAJOR INCIDENT EVENT RECORDER
- E. UNANSWERED QUESTIONS AND CONCERNS
- F. CONCLUSION

A. INCONSISTENT STATEMENTS

Tiffany was struck by the train at 2310 hours on July 12th. The Medical Investigator arrived on scene at 0045 hours on July 13, according to the Medical Investigator's RIME. The Medical Investigator's Investigative Data Sheet dated July 13, 2015 differs greatly from statements later made by the New Jersey Transit personnel charged with the operation of the train that night. The Medical Investigator data sheet states:

"We were shown an area of railroad tracks east of Cologne Avenue where the train engineer has stated that a female 'darted out from the trees and ran in front of the train.' Decedent had been in the woods on the north side of the tracks."

This account conflicts greatly with the statements given by the three train personnel interviewed by the New Jersey Transit Police Officer, Vince Packer, Sr., in his supplemental investigative report dated July 13, 2015. It also conflicts with the recorded statement of the engineer by New Jersey Transit Detective Acevedo on July 18th, and of the apprentice engineer taken by Detectives Acevedo and William Sweeney on July 22, 2015.

Rather than write separate accounts of the event, as the Conductor and the Assistant Conductor did, Engineer Wayne Daniels and Apprentice Engineer Marvin Olivares jointly signed a handwritten NJT Preliminary Major Incident Report at 2336 hours on July 12, 2015, in which they stated:

Approximate location of train when trespasser was first observed: ***"Right on top of the trespasser"***

Actions taken by Engineer: ***"Blew the horn, rang the bell. Put train into emergency brake application"***

Actions taken by trespasser: ***"Dove in front of train direction was east to west"***

List/describe any other witnesses: ***"Just both engineers"***

In NJT Officer Packer's Supplemental Investigation Report of July 13, he states that Engineer Wayne Daniels and Apprentice Engineer Marvin Olivares stated:

“They noticed a person up ahead on the tracks. Daniels instructed Olivares to blow the horn and ring the bell as he put the train into emergency brake application. The person was struck by the head end of the train, as she dove from the railroad east to west in front of the oncoming train”... Conductor Bill Gindhart stated “The Engineer blew the horn, rang the bell, and put the train into emergency brake application. He stated that the only witnesses were the two engineers.”

The first glaring problem with this account in Officer Packer’s report is that Daniels, in his recorded statement taken by Detective Acevedo on July 18, 2015, admitted for the first time that he had his back to the train cab, was engaged in conversation with Conductor Bill Gindhart, and never saw Tiffany. The second problem is the sequence of events differ in both Daniels’ and student Engineer Olivares’ sworn statements, suggesting Daniels never instructed his student what action to take during the 4.1 seconds it took Olivares to blow the horn, strike Tiffany, and put the train into emergency braking application, and the called out he spotted her. Additionally, the train’s Major Incident Event Recorder (“Black Box”) indicates the bell was never activated.

Sworn Statements of Engineer and Student Engineer

1. Daniel’s sworn recorded statement to Detective Acevedo on July 18, 2015:

Det. Acevedo: Did you observe the person on the track as you approached the track?

Mr. Daniels: No.

Det. Acevedo: Wha—wh—why was the reason that you didn’t see the person?

Mr. Daniels: At the same time that this was going on, we were about to come up to another train and meet—that had broken down and we were going to have to rescue their people off of that train. So, we had just gotten in contact with that crew on that train to do the rescue. And as soon as we figured out exactly what we were doing, I was having a job briefing with my conductor. He was right behind me in the bar. He was standing just outside of where the passenger area was.

Det. Acevedo: So, he wasn’t directly in the cab? He was just—

Mr. Daniels: No.

Det. Acevedo: —outside the cab?

Mr. Daniels: Yeah. He was just outside the cab. So, I was talking to him. I had turned around to tell him, like Bill, this is—this is how we’re going to set everything up. And at the same time that was going on, I heard my eng—you know, my student engineer blow the horn, put the train into emergency, and say it was – you know, a girl had jumped out in front of us. And then we went from there. So, at the time of the—of the impact, I didn’t see anything because I was turning around to say something to Bill.

Det. Acevedo: So, the student, Marvin Olivares, was at the controls?

Mr. Daniels: That’s correct.

Det. Acevedo: Okay. You were—you had turned around to talk to—you said Bill.

Mr. Daniels: That is correct. Bill Gindhart.

Det. Acevedo: Bill Gindhart?

Mr. Daniels: Yes.

Det. Acevedo: And he’s the--

Mr. Daniels: He’s the—

Det. Acevedo: --cond—

Mr. Daniels: --conductor--

Det. Acevedo: Okay.

Mr. Daniels:--for AC5

Det. Acevedo: And what exactly did the student say when—

Mr. Daniels: The student just said to me—he was, like, oh, my God, a girl jumped out.

Det. Acevedo: Okay.

Mr. Daniels: And then as soon as he did that, he put the train – he was putting the train in emergency at that time. We hear the impact. And then he made the phone call on the – over the radio to the dispatcher to let them know what happened.

Det. Acevedo: Okay. Were you able to describe the person that was – that was

Mr. Daniels: No. I could not describe the person.

Det. Acevedo: What action did you take when you – when this strike occurred?

Mr. Daniels: The action I took was just making sure that my student was doing everything properly. Making sure he was blowing the horn, making sure that he put the train in emergency, and then making sure that he contacted the dispatcher so that we could get people out to the scene.

2. Marvin Olivares, who was in training as an engineer at the time and the only person in the cab who saw the decedent, did not give his sworn, recorded statement to Detectives Sweeney and Acevedo until July 22, 2015, 10 days after the event:

(He reported for work at 3:10 p.m. This was his second round trip from Philadelphia to Atlantic City.)

Mr. Olivares: Passing Cologne Avenue crossing, it was limited visibility. It was nighttime, approximately 11 p.m. and we were – I remember passing mile post 44. And I ended up seeing something off on the east – on the east side, in the distance.

Det. Sweeney: Now, when you say east, would that – you're facing south, so it would be on your – it would be to your right or to your left?

Mr. Olivares: The left.

Det. Sweeney: Okay.

Mr. Olivares: Yeah, I – excuse me. So, it would be—it would be on my left. Alright. So, I noticed some – something off in the distance. And initially – you know, I – I – at that distance, it was approximately – maybe, like, a half mile to a quarter – quarter mile away. It was pretty far away. I couldn't discern what it was specifically.

So as engineers, were trained to spot for movement, anything out of the ordinary. So, I – we had – I had all of my lights on. I had my headlights on bright and my auxiliary lights on – on bright as well, on manual. And I blew my horn just so – you know, to see if that thing would move or whatever it was.

As I come closer, approximately a quarter of a mile away – or a little closer than that, I noticed that it was, in fact, a human being in a crouched position in darker clothing. I get a – so I blow my horn initially. A really long horn just to get their attention – you know just to let them know, hey – you know, I'm traveling pretty fast. I was traveling approximately 80 miles an hour, maximum authorized speed. 79, perhaps.

And as I'm getting closer, the individual in the black clothing stands up and I immediately recognize that it's a female. Keep going—and I keep blowing my horn. As I'm – as I'm approaching closer, the individual stands up, faces toward the gauge of the track – or towards the track. And as I'm approaching closer, probably within, like, five seconds of passing her, she jumps – she dives in front of the train to the lower portion of – of the cab car. I was operating from the cab car. And I noticed – and I'm still blowing my horn. I shout immediately because – you know, it was a first experience for me. And we hit her. I see

matter go everywhere. And then I placed the train immediately into – into emergency break application

(Olivares goes on to describe stopping time, calling dispatch, and filling out a preliminary report at the scene with instructor Engineer Daniels and ancillary information.)

Det. Sweeney: Okay, Now, when you say you – you come through the Cologne Ave crossing, you see something, wh—you're traveling at 80 miles an hour, so can you explain – it's a matter of seconds between the time you see it. It – this isn't a long, prolonged time, correct?

Mr. Olivares: No, it's not. It's very, very quick. Yeah. The reaction time, it's – it's very minimal.

Det. Sweeney: That area, do you know what type of area? It is rural, urban? Can you describe it?

Mr. Olivares: Around mile post 44 or 45, it's – to – to both the east and west side, is – it's a heavy tree line. You know, you can't see passed the trees. As far as I know, there's no fence line. So, it- people can easily access the – the track – you know. It's obvious that this individual was trespassing, in my opinion.

Det. Sweeney: Now, you had – you had said that there was – there was somebody else with you, correct?

Mr. Olivares: Yes.

Det. Sweeney: In the – in the – now, this was cab car. You weren't in the engine, correct?

Mr. Olivares: Yes. Cab Car.

Det. Sweeney: Okay. And there was somebody with you, correct, at the time?

Mr. Olivares: Yeah. As a student engineer, we have an instructor engineer there with us, pretty much overseeing our actions to make sure that we ha—we're operating the train according to New Jersey Transit St—Standards and FRA Standards. So, he was there – you know, for – just pretty much making sure – you know, I was operating the train safely.

Det. Sweeney: Okay, Do you – do you recall his name?

Mr. Olivares: His name is Wayne Daniels.

(Ignoring Olivares' previous statement that the person was in a crouched position when he first observed her from a distance of half a mile away, Det. Acevedo asks, "Where exactly was the person *standing* when you first saw the person, Mr. Olivares says, "Probably – I want to say maybe 15 to 20 feet to the left of the track." He states she is wearing very, very light black clothing, black shorts and a black shirt, but cannot remember if she is wearing sneakers.)

Det. Acevedo: What direction was the person facing – the person and the train, what direction were they facing when you impacted?

Mr. Olivares: Where were they facing?

Det. Acevedo: Yes.

Det. Sweeney: You were – you were travelling southbound?

Mr. Olivares: Yeah.

Det. Sweeney: Was the person perpendicular to the tracks?

Mr. Olivares: Perpendicular.

Det. Sweeney: Did the – did the person turn toward you? Were they—

Mr. Olivares: She ha—the individual, she was in a crouched position facing away. And then as I was approaching, she turned per—perpendicular towards the track and then dove right in front.

Det. Acevedo: Okay, so basically, what side of her was towards the train? Was it her right side? Was it her left side?

Mr. Olivares: Oh, it was her right side.

Det. Acevedo: Right side. It appears she was looking—

Mr. Olivares: She was —

Det. Acevedo: -- cast?

Mr. Olivares: Yeah.

Det. Acevedo: Did she look at the train at any time. Did you make eye contact with her?

Mr. Olivares: I didn't make eye contact with her. No.

Det. Acevedo: No. Did you notice if she was wearing glasses, headphones, or carrying anything?

Mr. Olivares: No.

Det. Acevedo: No. Did you observe anyone else in the area, other than the person prior to the impact?

Mr. Olivares: No.

Det. Acevedo: Did you notice if the person made any attempts to move from the approaching train?

Mr. Olivares: No.

At the end of the interview Mr. Olivares is asked:

Det. Sweeney: Now, was blood or alcohol taken from you under FRA or—

Mr. Olivares: No.

Det. Sweeney: No. And you're currently back to work at this time?

Mr. Olivares: Yes.

Many of student train Engineer Olivares' statement appears to be self-serving. On one hand, he makes observations of something near the railroad track a half a mile away, and then he states that he realized a person was on the track just as the train was on top of the trespasser, as he did in his hand written Preliminary Major Incident Report taken less than 30 minutes after the incident. It appears Olivares is asked leading questions during his sworn statement regarding Tiffany's location with respect to the train prior to being struck; i.e. "standing" and "perpendicular."

Olivares' estimations of distance are questionable. Again, he first stated he noticed Tiffany when he was approximately one half mile to a quarter mile away from her. However, this observation is not supported by the train "Black Box." Olivares states that the train was traveling 80 miles per hour with high beam lights on, and that as he approached closer, he saw someone crouching approximately 15-20 feet away from the tracks. Having personally been to the scene, this statement is not credible. If Tiffany was 15-20 feet away from the tracks, her body would have been hidden by foliage in the area. He further stated that he saw her facing away from the train, crouching, and proceeded to stand up and dive onto the tracks. Not only is this physically impossible, even for a volleyball athlete, but it completely contradicts the original statement given to the Medical Investigator at the time of the accident, "*that a female 'darted out from the trees and ran right in front of the train,'*" and that "*Decedent had been in the woods on the north side of the tracks.*" And finally, as noted previously, he says that he first observed Tiffany when the train was "right on top of the trespasser."

The sloping grade of the tracks in this location is built up with stone to a height of approximately 18-20 inches with a top width of approximately one foot to the rail, making it highly unlikely Tiffany "ran," "jumped," or "dove" in front of the train. Considering Apprentice Engineer Olivares' statement together with Engineer Daniels' statement, it's much more likely Tiffany was always in a sedentary crouched position directly next to or on the left rail and railroad tie when she was struck. It's likely her 6'2" frame gave the appearance of having "jumped" as it was being partially hurled into the air when struck, dragged, and dismembered.

The photographs taken by investigators the night of the event suggest Tiffany was struck by the lower left portion of the train cab. There is no indication her body reached the center of the tracks prior to being struck. Only the left half of the bumper of the train shows evidence of the initial impact. Human matter is observed only on the left front of the cab, with splatter on the upper left side of the cab. Material suggestive of brain tissue is observed on the inside of the left track. Especially interesting is a large, dark, stained area on one outside rail tie, suggestive of a large amount of blood having been absorbed by that one tie – possibly due to ante-mortem trauma. There is also tissue on the outside of the left rail at the initial point of impact.

There was never a reconstruction undertaken to determine if it was possible for someone to have pushed Tiffany onto the tracks considering the feature of the rail bed in this location. Even at 6'2" tall, it seems Tiffany would have had to scale the stone grade and then hurl herself in front of the train, which most likely would have taken longer than 2.5 seconds from a crouching position, and even more unbelievable if she was standing a distance of 15-20 feet from the railroad tracks. Scaling stone was never among the various accounts described by the student engineer.

Additionally, there was never a reconstruction or analysis commenced to determine if the pattern of Tiffany's injuries would be consistent with her having been in a sedentary, crouched position beside the rail, or from an outstretched moving – running, jumping, diving – position when struck.

It should also be noted there is a gravel roadbed running parallel with the train tracks in this location that can accommodate a full size vehicle such as a pickup truck or SUV. Tiffany's body could have been dumped beside the tracks. Unfortunately, any evidence of a motor vehicle having traveled on this service road prior to impact may have been compromised by emergency response vehicles if they chose to access this remote location using that very roadway. A first responder vehicle is pictured beside the track in at least one of the scene photos. Additionally, there is a clear vacant lot with tall grass and several cinder block storage buildings that border the railroad tracks in the location where Tiffany was struck. This vacant lot runs parallel with the train tracks and fronts the major four-lane state highway of Route 30. This vacant lot could have been traversed on foot or in a vehicle. The access gate to this uninhabited and abandoned property was reportedly found open the night of Tiffany's death. It is also believed that first responders used this vacant lot on the night of Tiffany's death. It is not known if this vacant lot was ever searched for evidence that may have contradicted the Medical Examiner's conclusion of suicide.

Uncle's Statement to Medical Investigator at Scene

Medical Investigator's Investigative Data Sheet contains information attributed to Tiffany's uncle, Michael Valiante:

"Sergeant Delucca related that he had received a call from NJ State Police that they were sending one of their troopers to the scene, as he had reason to believe that he decedent was his niece. Trooper Michael "Mickey" Valiante, NJSP/Berlin arrived on scene at 02:30 hours to view the decedent. Although there were no true facial features, Trooper Valiante recognized the clothing and stated that he could tell, also, from the build of the decedent. He related that the decedent had been at a family party where he was also in attendance earlier in the evening. She had gotten into some trouble the day before as well as the day of the party, and her friends stated that she 'had cut herself' and was extremely upset. He also stated that she had been having a lot of disagreements with her mother recently and was extremely distraught over some of the things that had happened. She resided with her parents a very short distance from where she had jumped in front of the train. He made a definitive identification, and went to make notification along with the officer from the Transit Police."

I showed Michael this paragraph contained in the Data Sheet for the first time when I interviewed him on February 22, 2017. He stated this information is inaccurate:

1. No one from the NJSP called Sergeant Delucca on his behalf. He came upon the scene.
2. Although a State Trooper, he was not active, but was on Military Leave from NJSP on July 12th. Michael said he was careful to identify himself as being on Military Leave to assure NJT personnel he was not requesting to become involved in the investigation as a State Trooper, but rather was mentally able to proceed to the scene and make identification, having served in Iraq and Afghanistan.
3. He denies saying Tiffany had "gotten into some trouble the day before" because he only knew of the argument she had with her mother two hours prior to being struck by the train.
4. He denies saying Tiffany "had been having a lot of disagreements with her mother recently, and was extremely distraught over some of the things that had transpired." Although he lived across the street from his brother, Tiffany's father, he had very little interaction with the family on a day-to-day basis. Being Active Military, when he was home, he was very involved with his own children and not aware of any ongoing, personal problems his brother's family may or may not have been having. Although he said he thought Tiffany had been in counseling – referring to Atlanticare Behavioral Health – he didn't know any details.
5. He never heard anyone mention Tiffany "had cut herself" and had no knowledge if any of Tiffany's friends were ever at the scene and spoke to NJT or the Medical Investigator that night. His daughter is the same age as Tiffany, but they had a different group of friends.

There is no indication from phone records or interviews with friends, family, or anyone that Tiffany got "Into some trouble the day before as well as the day of the party." Who provided this information attributed to "her friends" reporting she "had cut herself" and "was extremely upset?" Tiffany's family was only told of this alleged self-mutilation the night of her death when Jaime Haye told Tiffany's sister, Jessica, that

Tiffany had cut her wrist in November 2014. However, both sisters and mother said it would not have been possible that Tiffany would have intentionally cut herself and that no one would have noticed a cut on her wrist. It should be noted that Jaime never mentioned anything about Tiffany cutting herself when she was interviewed by NJT Detective Acevedo on August 15, 2015. Jaime told Detective Acevedo that Tiffany was "always sad," was stubborn, had a temper when angry, was impulsive, but "never talked about suicide."

Additionally, the family later learned that Jill Higbee gave a statement to Detective Acevedo on August 15, 2015, in which she stated Tiffany had shown her where she had intentionally cut her leg in May. The family also disputes this allegation. Dianne, Tiffany's mother, said she would have noticed a cut on Tiffany's leg in May 2015 since it was summer, and Tiffany would have been wearing shorts all the time.

Records obtained from Atlanticare Behavioral Health show no evidence of suicidal ideation, depression, or anxiety. Self-mutilation never came up and was never discussed.

There is absolutely no evidence to support the statement that Tiffany and her mother were having "a lot of disagreements" or that Tiffany was "extremely distraught" over anything. In fact, reading text messages contained in her cell phone indicates she had a very good relationship with friends and family, especially her mother who was helping her prepare to leave for college and seemed to give her a wide latitude as it related to her personal behavior and freedom. She also had two emoji lips (kisses) next to her mother's name in her cell phone contacts. Further, Tiffany was actively searching for a kitten to give her mother as a birthday present on July 21st, reaching out to multiple friends and putting a lot of effort into the search before finally finding a kitten the day before her death.

B. NO PSYCHOLOGICAL AUTOPSY COMPLETED

No one from the Medical Examiner's Office has ever interviewed Tiffany's parents or sisters. When I worked at the Atlantic County Medical Examiner's Office it was mandatory under our Policy and Procedures to interview the decedent's family as part of the investigation. I did not read from Mr. D'Amato's file any statements from family or friends about Tiffany's mental state until I had independently and without bias had the opportunity to review all the investigative reports, photographs, and visit the scene. February 11, 2017 was the first time I sat down and spoke with Tiffany's parents and sisters. Both of Tiffany's parents are public school employees, accustomed to being surrounded by children. Though Tiffany's older stepsisters are married and have children, Tiffany spent a great deal of time visiting them. Both Jessica and Krystal were adamant that they had a very close relationship with Tiffany. I found the family to be very open and forthcoming when we spoke, despite their obvious deep and unshakeable belief that Tiffany did not commit suicide.

Tiffany's relationship with her mother in 2014 was strained. Dianne Valiante admitted she had become short tempered, but attributed this to menopausal changes. In 2014, one of Tiffany's teachers saw a bruise on Tiffany's arm and, after reportedly discussing this with Tiffany, the teacher felt she had an obligation as a mandatory reporter to contact DYFS. The case was investigated by DYFS, who visited the home three times and spoke to family members. The case worker suggested Dianne and Tiffany undergo counseling at Atlanticare Behavioral Health.

Atlanticare Behavioral Health Records

Their first and only counseling was an intake on November 17, 2014. Dianne felt [she and Tiffany] had overcome their difficulties and the case was closed on December 17, 2014. Records from Atlanticare reveal Tiffany's grandfather died on November 19, 2014, while they were in counseling. Mother is described as emotional and anxious, while Tiffany is reserved and calm. There is a maternal and paternal history of anxiety and depression. Mother had been on Zoloft in the past, and both half-sisters had been treated for anxiety. One of her half-sisters is taking medication for anxiety. (Krystal later told me neither sister has needed anxiety medication for many years.)

Atlanticare Summary

"17 y/o Caucasian female referred to OP by DCP&P. Mother admits to punching her in the arm after an argument, school contacted DCP&P when the bruise was seen. Client has been making poor decisions lately; smoking cannabis with a friend, skipping class after her grandfather's death, and taking money from mother's bank account (granted access by mother). Client is a good student, athlete, and has clear future goals. Client reports she is aware of the poor judgement and feels she has 'learned her lesson, and was just being stupid and immature.' Mother and client have difficulty communicating but are otherwise a stable family. Client denies SI/HI, denies anxiety, and denies depression. Mother acknowledged not being able to move on from the incidents due to her anxiety. Family accepted the suggestion to work on communication in the home, mother will seek independent support if needed, return to care if needed as there is no evidence of psychiatric disorder. As such, case was not accepted."

In my discussion with Tiffany's parents I found both accepting of Tiffany's sexuality. In early 2015 she had advised her parents that she was a lesbian. Dianne advised me that she had been supportive of Tiffany's relationships with other women. If there was any continuing difficulty in their relationship, it was not reflected in any of her phone messages I read that had been accessed after Tiffany's death by the Atlantic County Prosecutor's Office. However, it would not be atypical for a teenager, who recently graduated high school and is eager to be independent, to have disagreements with her parents. Tiffany was a designated driver for family and friends, last picking her parents up from a restaurant at 2200 hours on July 11th.

Tiffany's Social History

It appears Tiffany had it all. She was physically attractive and tall, which was an advantage for this 18 year old, 6'2" female athlete. According to family, friends, and information contained in her cell phone, Tiffany was popular with a close circle of both male and female friends. She was involved in apparently healthy personal relationships that explored her sexuality. She was an accomplished student athlete who excelled in academics as well as her primary sport of volleyball. She received a great deal of praise from her teachers and coaches, and earned five college scholarships. She was employed by her local Wawa. Tiffany had recently broken up with her girlfriend Rachel, however the texts in her phone reveal it was an apparently amicable breakup. Tiffany had embarked on establishing a new relationship with a girl she met online.

Tiffany reportedly expressed to friends her uneasiness with leaving home for college. However, conversations and photographs contained in her phone indicate she was eagerly shopping for dorm accessories and clothes to take away with her to Mercy College in Dobson, NY in August. On July 8th,

Tiffany had engaged in a friendly conference call with members of her new college volleyball team arranged by her college coach. She was to leave for college on August 18th on a volleyball scholarship where she planned to major in Criminal Justice. On July 12th, at 1356 hours, Tiffany texted a member of her college team asking what time the college orientation was to take place on August 21st. Just hours before her death, while at a graduation party, she told multiple adults how much she was looking forward to playing volleyball at college. These neighbors commented in their written statements she appeared happy, she was laughing, and she was even playing on the waterslide with children who attended the graduation party.

Circumstances of the Confrontation with Mother and Friend

Approximately two hours prior to Tiffany's death on July 12, 2015, one of Tiffany's best friends, Jaime Haye, came to Tiffany's home. Jaime brought her mother with her. Jaime and her mother questioned Tiffany in front of Tiffany's mother, Dianne, as to Tiffany's alleged unauthorized use of the debit card the previous day. Jaime became very excited over this issue. According to Dianne, Tiffany replied, "Jaime, why are you acting this way?" Dianne told Jaime and her mother that she would talk to Tiffany, and if there was a misunderstanding regarding the use of the debit card Dianne would make sure that Jaime was repaid approximately \$86.00. Tiffany subsequently admitted that she had used the card, but added that her friends always used each other's credit or debit cards when necessary. Tiffany added that she had spent a recent evening with Jaime when Jaime was intoxicated and that Tiffany had spent money buying Jaime meals and other items. The encounter with Jaime in my judgement does not arise to a motivating factor for Tiffany to have taken her own life. Rather than this being a motivating factor, it is much more likely that this athletic teenager, after two hours, would have "walked off" any emotion she was feeling when she walked away from her house. It was hot the night Tiffany walked away from her house. It's much more reasonable to believe an 18 year old walking for two hours, nearly four miles, would have been thirsty, turned around, and gone home. She was leaving for college in four weeks and wouldn't have had to confront Jaime again if she didn't want to. In the same respect, she would also be leaving home and living on-campus in four weeks if she were unhappy with home life.

C. REGIONAL MEDICAL EXAMINER'S FAILURE TO FOLLOW ESTABLISHED PROTOCOL

The Regional Medical Examiner's Office did not procure any of Tiffany's medical records. Mr. D'Amato's office did, in fact, procure many of Tiffany's medical records. These records do not reveal any evidence of her ever being diagnosed or treated for bipolar disorder, depression, anxiety, or any chronic mental or physical condition. The only medication Tiffany was taking on a regular basis was Nicomide, a multi-vitamin, for acne. She also took medication for acid reflux when needed. Although she admitted to smoking marijuana in the past and occasionally drinking alcohol, there is no evidence of other drug use. Her toxicology in the Medical Examiner's Report was negative.

There is no indication there was ever any timely interviews conducted with Tiffany's parents by any investigator in this case. The parents reported they spoke only briefly to NJT Detective Acevedo on August 6th, and that he asked very few questions. The only personal history for Tiffany appears to have come from Detective Acevedo's separate interviews with Tiffany's young friends Jamie Haye, Jillian Higbee, Lindsay Bacanskas, and Kira Erbelc on August 15th. Their information is anecdotal and

mostly unsubstantiated. This information cannot be deemed reliable and should not be used to base a history of depression, self-mutilation, or a diagnosis of bi-polar disorder on the decedent, none of which exist in the medical or school records, and is denied by teachers, coaches, and family.

K-9 Tracking

In the file procured by Mr. D'Amato from the Atlantic County Prosecutor's office, there is a reference to a retired Police Officer and professional K-9 trainer and handler Joseph Nick, who, at the request of Tiffany's uncle Michael Valiante, took a blood hound to track Tiffany's path from her home to the point of impact. On July 17th, the Atlantic County Sheriff's Office dispatched K-9 Unit Officer Kleinow and his dog to the Valiante home to try and track Tiffany's movements after she left her house the night of her death. It's important to note that before July 17th it had rained heavily prior to the tracking. The dog reportedly tracked her on a route from her home to just south of the point of impact by the train where the dog then lost the scent. The tracking took one hour and ten minutes, and totaled a distance of roughly 3.2 miles. The question that needs to be asked is why the dog lost the scent at this location? It would seem reasonable to believe the scent would be strongest from this point, just south of the location where she was struck and where human tissue would still have been present. Additionally, the fact that the dog came a few hundred feet from where Tiffany's sneakers and headband were later found on Old Tilton Road on August 3rd, but did not track in that direction or hit on those items, brings into question the accuracy or validity of the tracking. Further, this may suggest that Tiffany's shoes and headband were thrown or placed at the location they were found at a later date than the K-9 tracking. The route tracked by the dog would have meant Tiffany walked barefoot, several miles over asphalt, twigs, and stones through woods in complete darkness until she reached the railroad tracks where she continued to walk more than a mile on gravel, black dirt, and stones until the dog lost her scent – approximately 1584 feet from the point of impact. The possibility she was abducted at some point and driven to this location cannot be ruled out. Due to the remoteness of the scene, vehicles used by first responders to access the scene most likely destroyed any evidence of a vehicle having recently been in this location or any footprints left by anyone prior to the first responders' arrival.

Headband and Sneakers

On August 3, 2015, at 1519 hours, Tiffany's mother, who never gave up searching for evidence in her daughter's death, found Tiffany's headband and sneakers in a leafy area approximately 15 feet off the heavily traveled Old Tilton Road. Mike Valiante called Galloway Township Police, who then contacted NJT Detective Sweeney, who proceeded to photograph the area and secured the clothing. A sweatshirt was also found on the shoulder of the roadway approximately 15 feet from the sneakers. Photographs of the sweatshirt suggest it is not weathered and may have been recently discarded in the location where it was found. When I met with Dianne on February 11, 2017, she told me the sweatshirt did not belong to Tiffany. Dianne also said she found a car key tag on the ground near the sneakers, a tag that would commonly be placed on a key when a car is being serviced at a dealership. Dianne advised me that Detective Sweeney secured the key tag and all items found at this location.

Problems with Notification of Death

New Jersey Transit Police accompanied Tiffany's uncle, Michael Valiante, to the home to make notification of death at 0230 hours on July 13th. Although police from two jurisdictions were present, this difficult task was left to the distraught uncle. As stated above, Michael Valiante was on Military

Leave from the NJSP. Michael apparently could not bring himself to tell Tiffany's parents and sisters the exact circumstances of her death, and, unfortunately, no one from New Jersey Transit or Hamilton Township Police stepped forward to help him explain exactly how Tiffany died. For the next several hours Tiffany's family assumed that when Michael said Tiffany had been hit by a train he meant that she was inside a vehicle which accidentally drove onto the train tracks and was struck by a passing train. For the parents the shock of how Tiffany died was another jolt. They first learned of the exact circumstances surrounding her death from reading written accounts on social media and in the newspaper at 0800 hours; the newspaper incorrectly reporting that she had been standing in the middle of the train tracks. This is a prime example of why Death Notification Protocol was established by the New Jersey Attorney General decades ago, and should have been done by an officer from NJT and not left up to the uncle, despite his training as a NJ State Trooper.

Delay Interviewing Family

As previously noted, I was surprised to learn from the Valiante family that they have never been interviewed by anyone from the Medical Examiner's Office. Two of Tiffany's uncles, Salvatore Valiante, Jr., and Robert Valiante, Sr. were at the scene on July 16th and noticed a nearby clearing that looked suspicious and called local police, who then notified New Jersey Transit investigators. NJT Detective Sweeney went to the location, arriving at 1230 hours. He spoke with the uncles and processed the surrounding area, securing an axe. It is not known if this axe was processed for the decedent's DNA. Detective Sweeney photographed the private property surrounding the area of the nearby clearing. Photographs reveal that in the clearing there is evidence of recent drug activity – possibly a hang-out area. In addition to discarded sofas, lawn furniture, and mattresses, there were small green leafy plants, suggestive of marijuana, in potting containers which showed evidence of active and recent cultivation. There is a residential drug treatment facility fronting the railroad tracks several hundred feet through the woods from where Tiffany was struck by the train. Hansen House provides drug treatment for both men and women, many of whom are on probation and in court ordered treatment. The uncles told Detective Sweeney they did not believe Tiffany's death was a suicide. Despite this, the family was not interviewed by anyone involved in this case for three weeks.

Even after Tiffany's mother had found Tiffany's headband and sneakers on the side of the road on August 3rd, no one interviewed the family. Three days later, on August 6th, after receiving a call from Dianne asking why no one had come to the home to question the family, Detective Acevedo arrived at the home at 1300 hours and spoke to Tiffany's parents for the first time since Tiffany's death. Dianne reports that Detective Acevedo asked very few questions and left after only approximately one hour.

The family wrote the Atlantic County Prosecutor's Office on September 14th, complaining that the family believed not enough was being done to investigate the death of their daughter.

At the request of the family, Detective Acevedo, accompanied by Atlantic County Prosecutor's Office Detective Ryan Hutton, went to the Valiante home on October 28th at 1000 hours. The Detectives photographed Tiffany's room. According to Tiffany's parents, the detectives did not interview any family members at that time.

Multiple Vehicle Break-Ins at the Valiante Home

On September 8th at 0642 hours, Dianne caught a person in the process of burglarizing Dianne's vehicle that was parked outside the family home. Police were called and Michael kept the suspect, Benny Ward, on-scene until Hamilton Township Police arrived to make the arrest.

On December 31st, Tiffany's parent were sleeping when Tiffany's car alarm suddenly went off close to midnight. Stephen went outside to investigate. The family has been unable to locate the spare key to Tiffany's vehicle since her death, and could not understand why her car alarm would go off. Stephen searched trails close to the home, but did not see anyone in the area. After Tiffany's death Stephen had installed a security surveillance system at their home. Surveillance footage seemed to capture someone in the rear seat of the vehicle, reaching forward over the front seats and moving the sun visor up and down. Atlantic County Police Department Detective Hutton secured the surveillance footage from the home and Hamilton Township Police fingerprinted the vehicle.

D. ANALYSIS OF THE MAJOR INCIDENT EVENT RECORDER

The MIER Black Box reveals that the apprentice engineer sounded the train's horn four separate times as the train traveled 1,134 feet as it approached and went through the Cologne Avenue crossing, traveling at 67 miles per hour. After passing the Cologne crossing and ending the horn, the train continued to accelerate until it reached a speed of 80 miles per hour. Apprentice Olivares did not activate the horn again for 27 seconds. After the train traveled an additional 3,061 feet, the horn was activated for a single, sustained 2.5 second blast. The horn stopped and 1.6 seconds later, the emergency brake was activated. The apprentice engineer never activated the bell, as stated by the engineer and conductors.

From the time the apprentice engineer sounded the horn, struck Tiffany, and applied the emergency brake, it took a total of 4.1 seconds as the train traveled 460 feet before it began to decelerate. **It appears from Olivares' sworn statement that the train struck Tiffany during the single, sustained 2.5 horn blast – making it likely that Tiffany was no more than 230 feet away from the cab of the train when the apprentice engineer first saw her.**

E. UNANSWERED QUESTIONS AND CONCERNS

No Witnesses Saw Tiffany Walking

The night of Tiffany's death was clear and hot. The family lived in a heavily wooded area. There are no street lights for much of the route that Tiffany allegedly traveled. According to several family members Tiffany was very afraid of the dark. Unless she was picked up by another person(s) in a vehicle, Tiffany would have had to walk in the dark, tree lined, and isolated roadways and railways, without her cell phone, before coming to the point of impact approximately 4 miles away from her home. Despite a great deal of publicity in this case, no one has come forward to report they noticed this very tall female dressed in shorts and a tee shirt walking alone along the only portion of well lit, heavily traveled roadways she may have traversed: Old Tilton road, Wrangleboro road, Pomona road, or Route 30 between the 2130 hours and 2300 hours on July 12th. Although several family members and friends started their search for Tiffany within minutes of her disappearance, no one came upon her on the road, even while searching on four-wheel terrain vehicles. Additionally, security surveillance

cameras in the area at CNS Storage Facility, Wawa, and the Vaikunth Hindu Temple, checked by the NJT at the request of the family on July 18th, did not capture Tiffany in any video or photographs.

Cell Phone

If there is one thing a teenager tends to cling to, it's their cell phone. Anyone with a teenager knows their cell phone becomes an appendage. It is highly suspicious Tiffany did not retain her cell phone after she left her residence. It is much more likely she would have blocked her mother's texts or silenced the phone rather than willingly dispose of the cell phone in the brush by the end of her driveway. Many people were searching for Tiffany on foot and in open vehicles. Phone records reveal many tried calling her cell phone continually, to the point where her phone received a call almost every minute or two from various friends and family. Yet, no one heard her cell phone ring, despite the fact it was found by her father only a few yards from the family driveway. Was it purposely placed in that location by someone later in the night? Or was this where Tiffany dropped it as she walked away at 2128 hours? The phone was turned over to the Atlantic County Prosecutor's Office Major Crimes Unit on July 29th by NJT Detective Acevedo for extraction of data. ACPO Detective Hutton downloaded its contents.

The following is a statement provided to me by Krystal, Tiffany's sister, regarding her examination of the downloaded data from Tiffany's cell phone. It is Krystal's belief that the data shows the cell phone was in use after Tiffany walked away from the home and before the cell phone was found by her father:

"There is some evidence that I have found in Tiffany's phone that raises a question of how and who? There was a call from Jaime Hays to Tiffany at 10:39p.m on July 12, 2015 that was answered for 24 seconds. I know this as well as anyone familiar to the iPhone. When a call is answered it turns the name of the caller "black" and states "Incoming or Outgoing" below the name. When a call is missed it will turn "red" whether the caller missed the call or went to voicemail. It will not state incoming or outgoing. It will say only, 'Missed Call.' My sister's phone shows Jaime called her and her name was black with it saying Incoming call for 24 seconds. Now that to me raises questions. Who had my sister Tiffany's phone and answered it at that time, if my sister did not have her phone with her and was found by my father quite a few feet from driveway of Tiffany's home?"

There was also data usage in Tiffany's phone that shows someone was on her phone in an app that uses a large amount of data at 10:42p.m on July 12, 2015. There is another time before that at 10:23p.m that shows data usage as well, but not as much. This indicated to me that Tiffany would not have had her phone being she was miles away and it being close to the time of her death. How does she use an app around that time and her phone had been found so very close to home is she "walked" four miles to the train tracks? This information is in Tiffany's phone records under data detail aka data transfer. This tells you how much data is used at that time period that Tiffany disappeared from home."

Headband, Sneakers, and Deer Camera

A deer camera on the Valiante property captured photos of activity around the outside of the home. This was important evidence that could have been secured and proved helpful had investigators interviewed the family in a timely manner. NJT Detective Acevedo did not secure the deer camera

from the home until August 15th. It clearly shows Tiffany walking away from the home with her cell phone in hand. It captured a photo of the clothes she was wearing, including sneakers and a headband. The fact that sneakers were never photographed or recovered from the scene was apparently never considered an important piece of evidence by the Medical Examiner or any investigator involved in this case. Although there is hair present at the scene, the headband later found with the sneakers was never observed in photographs taken of the scene on the night of fatality. There has never been an explanation why her sneakers and headband were never found at the scene, but rather showed up three weeks after her death, miles away. Detective Acevedo's Complaint Follow-Up Informational dated July 16th states, "*The deceased was not wearing shoes and after a search of the area, none were found.*"

I have not personally inspected the headband or sneakers found on August 3rd. However, photographs show no evidence of blood or tissue, which if present, would have suggested they had been worn by Tiffany at the time of the impact with the train. I do not know the condition of the soles of the sneakers, which were brand new and worn for the first time at the party. The area where the sneakers and headband were found is approximately one mile from her home, and three miles from where Tiffany was struck by the train. The sole of her right foot, viewed from photos taken in the autopsy room, shows no sign of abrasions or cuts, which would have been expected had she walked barefoot over roadways and rough terrain for over three miles.

Scene photographs reveal the presence of dark colored pieces of clothing on the tracks as well as a dark blue sleeveless shirt on the decedent. No underwear is listed in the Medical Examiner's Evidence/Property Records. There is no reference to clothing mentioned in the Medical Examiner's View Report of Examination to indicate clothing was ever examined to rule out ante-mortem injuries, such as rape or gunshot residue or other particulate matter. Had a description of clothing been in the View Report, it may have alerted officials that footwear was missing.

Ante-mortem or Post-mortem Trauma

In photographs observed, the decedent's head was crushed. The skull cap is fragmented into several pieces and scattered. It is not known if there was any evidence of ante-mortem trauma such as from the axe found near the scene, a motor vehicle, or a gunshot wound such as from a .22 caliber weapon. There appears to be bruising on the knuckles of the right hand, and nailbeds on the same hand are cyanotic. The thumb appears to be bruised in one photo observed, however the photo is rather dark.

A rape kit was never performed on this teenager.

F. CONCLUSION

It is highly unlikely this very accomplished 18 year old female athlete walked barefoot, alone in the woods, without her cell phone, over stones and brush, in the dark along 1.5 miles of isolated railroad tracks on a hot summer night for a total of nearly four miles in order to commit suicide.

Using a best friend's credit or debit card one time without her knowledge to purchase \$86.00 worth of items does not rise to the level of suicide in someone with no other personal conflicts, history of suicidal ideation, or mental illness.

Death by train is an extremely unusual method of suicide to be contemplated by anyone, especially a

female teenager with no history of emotional instability. The loud sound of an approaching train is much more likely to invoke a flight response in a sober individual. Had she wanted to commit suicide, Tiffany could have walked in front of a car on the heavily traveled four lane highway.

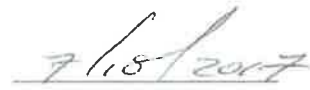
Facts

1. Tiffany disappeared within minutes of walking away from her home.
2. Statements in the (RIME) Medical Investigators Data Sheet used by the Medical Examiner to base a determination of "suicide" are inaccurate, unsubstantiated, or false:
 - a. Attributed to NJT personnel is completely false – "...the train engineer had stated that a female 'darted out from the trees and ran right in front of the train.' Decedent had been in the woods on the North side of the tracks."
 - b. Attributed to Uncle and friends is inaccurate, unsubstantiated, or false: "...She had gotten into some trouble the day before as well as the day of the party, and her friends stated that she 'had cut herself' and was extremely upset. He also stated that she had been having a lot of disagreements with her mother recently and was extremely distraught over some of the things that had happened."
3. Multiple inaccurate, apparently self-serving, conflicting statements made to NJT investigators by the engineer and his student – who it turns out was unsupervised at the time and the only eyewitness to the event – accounts factually contradicted by MIER Black Box.
4. No drug/alcohol test of student engineer, whose sworn statement was not taken for 10 days.
5. Improbable that Tiffany would have been able to "jump" or "dive" a distance of 15 feet to 20 feet onto a built up stone railroad grade from a standing position.
6. Head was crushed, brain obliterated, and skull severely fragmented, obscuring evidence of possible ante-mortem injury such as from a gunshot wound.
7. No footwear found at the scene.
8. There is no indication Tiffany suffered from Chronic Traumatic Encephalopathy (CTE).
9. Investigators' failed to interview family in a timely manner.
10. Popular with a close circle of friends, admired by her teachers, coaches, employers, and neighbors.
11. Raised as if she were a single child for the past 10 years by two loving parents and indulged by two devoted sisters, two grandmothers, and many relatives.
12. Received five scholarships for sports and academics.
13. Preparing and looking forward to going away to Mercy College in four weeks to play on a collegiate volleyball team and to major in Criminal Justice.

There are many unanswered questions, conflicting accounts, and false information in this case. Based upon my investigation, it cannot be ruled out that Tiffany was driven or forced to walk to this location, assaulted, and placed on the tracks to hide evidence of a crime. Therefore, it is my professional opinion the death of Tiffany Valiante warrants further investigation and the Manner of Death should be amended by the Medical Examiner from "Suicide" to "Undetermined".



H. Louise Houseman, Senior Medical Investigator (Ret.)



Date

D
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EXHIBIT D

Donald Jason, MD, JD
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February 6, 2018

Paul R. D'Amato, Esq.
D'Amato Law Firm
2900 Fire Road, Suite 200
Egg Harbor Township, New Jersey 08234

Re: Death of Tiffany Valiante

Dear Mr. D'Amato:

At your request, I have reviewed the following material pertaining to the death of: Tiffany Valiante (Valiante):

- 1) Investigative Report by H. Louise Houseman, including, but not limited to:
 - a) Medical Examiner's file
 - b) Sworn Statements of Engineer and Student Engineer
 - c) Valiante's uncle, Michael Valiante's Statement to Medical Investigator at Scene
- 2) Photographs at scene of death and at the morgue

History

On July 12, 2015 at 11:07 p.m., New Jersey Transit train ran over and mangled a human body lying on the train tracks between Cologne Avenue and Genoa Avenue, Galloway Township, Atlantic County, NJ. The Medical Investigator arrived on scene July 13 at 12:45 a.m., according to the official Report of Investigation by Medical Examiner. An external examination of collected remains was performed by Daksha Shah, M. D., designated medical examiner on July 14, 2015, at the Shore Medical Center in Somers Point, New Jersey. Numerous photographs were taken at the scene of death and at the morgue.

The body was received in a body bag sealed with lock #0002700 with an attached tan identification tag with the number 01 -15-0410 and the name Valiante, Tiffany. Identification was reportedly visually established by the decedent's uncle, Michael Valiante. The examination started at 12:00 p.m. and was completed at 12:50 p.m.

Death Scene Investigation

This apparently unnatural death was treated with the assumption that the death was not due to a crime. This bias negatively affected the way in which the scene was processed by all members of the team, both responding police and medical examiner's staff. A basic tenet of death scene

Paul R. D'Amato, Esq.

Death of Tiffany Valiante

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investigation was violated, "Treat the location as a crime scene until assessed and determined to be otherwise."¹

Duties of the Medical Examiner

It is the primary job of the medical examiner to establish the identity of any human remains whose cause of death appears to be unnatural or suspicious of being unnatural. Additional deaths coming under medical examiner jurisdiction generally also include unidentifiable persons, death while in police or other official custody and due to disease, that may constitute a threat to public health.

In the case of the remains described above, it is my opinion, within reasonable medical certainty the following facts have not been scientifically established:

1. Identity of the deceased
2. Cause of death
3. Manner of death

Identity of the Deceased

No scientific identification of the remains was made or attempted. Identity was assumed based upon a purported visual recognition by Valiante's uncle, Michael Valiante. Given the extreme mangling of the clearly human remains, no recognition of visible features was possible, no attempt to reconstitute the face was made. No scientific estimate of the stature of the victim was attempted, which could have been done by recovery and piecing together of the femurs, or spinal column length² whose lengths have been scientifically correlated with stature. Since Valiante was reported to have been 6'3" on the Oakcrest High School website, quite tall for a girl, a scientifically estimated height consistent with 6'3" could have made the identification more probable. The examination report lists the weight of the remains as approximately 180 to 200 pounds." It is not stated that they were weighed. No historical weight of Valiante is noted in the medical examiner's report for comparison. No unique physical features were looked for such as metal prostheses, surgical procedures, healed fractures or unique tattoo was known or ruled in or out. No dental or fingerprint comparison was attempted. Although DNA specimen was recovered, no attempt to make positive identification by comparison with her known natural parents was attempted. All the above methods of positive identification are routinely used in aircraft crashes where mangled and visually unidentifiable remains are recovered. Since the recovered remains except for the specimen taken for DNA comparison were cremated, only DNA identification is now possible. The scene examination apparently did not include creating a grid system to allow mapping of the position of human remains that were recovered. A scene photograph of only a single, injured, kidney was produced.

Cause of death

It is my opinion, within reasonable medical certainty, that the cause of death of Tiffany Valiante was undetermined. No identification or examination of the victim's heart was recorded by the

¹ *Crime Scene Investigation-Guide for Law Enforcement*. Washington, D.C.: U. S. Department of Justice, 2000:11

² Jason DR, Taylor K. Estimation of stature from the length of the cervical, thoracic and lumbar segments of the spine in American whites and blacks. *J Forensic Sci* 1995;40(1):59-62.

Paul R. D'Amato, Esq.

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medical examiner. No microscopic examination of any of the victim's organs was done to look for possible serious natural disease. No complete radiography of the recovered remains was performed. Thus, the presence of a bullet which could have caused the death was not ruled out. All other unnatural and natural causes have not been ruled out. The completely negative toxicological analysis of the liver and purported stomach contents makes death due to poisoning almost highly improbable. It is curious that the stomach was sufficiently identifiable to allow submission of stomach contents, yet the heart was not described to rule out heart disease or pre-mortem

Manner of Death

With no cause of death known, no manner of death, natural or unnatural can be determined. The story that the victim jumped onto the tracks is suspect. The victim may have been sleeping or already dead when struck by the train. I have personally investigated a death, which turned out to be a murder by strangulation in which that victim's body was placed with her neck on a railroad track, her body below the neck outside the tracks. Petechial hemorrhages were apparent in the conjunctivae, suspicious for strangulation. Police investigation resulted in arrest and conviction.

I reserve the right to amend or supplement this report upon receipt of additional information.

Sincerely,



Donald Jason, MD, JD

Diplomate in Anatomic and Forensic Pathology

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Donald Richard Jason

Practice limited to **Forensic Medicine and Pathology**
 Special Interests: **Cause and Manner of Death**
Pain & Suffering in Survivorship Litigation

Education	1962-1966	M. I. T.	Cambridge, MA
	■	S.B., Chemistry	
	1966-1970	NYU College of Medicine	New York, NY
	■	M.D.	
	1974-1978	St. John's U. School Of Law	Jamaica, NY
	■	J.D.	
Postdoctoral Training	1970-1971	U. Hosp. Of San Diego County	San Diego, CA
	■	Straight Pathology Internship	
	1971-1972	Columbia-Presbyterian Med. Cntr.	New York, NY
	■	Anatomic Pathology Residency	
Employment Academic	1974-1977	NYU College of Medicine Dept. of Forensic Medicine	New York, NY
	■	Instructor	
	1992-2000	WFU School Of Medicine Dept. of Pathology, Autopsy Service	Winston Salem, NC
	■	Assistant Professor	
	2000-6/2015	WFU School Of Medicine Dept. of Pathology, Autopsy Service	Winston Salem, NC
	■	Associate Professor	
	6/2015-7/8/2017	WFU School Of Medicine Dept. of Pathology, Autopsy Service	Winston-Salem, NC
	■	Professor	
	7/8/2017-present	WFU School Of Medicine Dept. of Pathology, Autopsy Service	Winston-Salem, NC
	■	Professor Emeritus	
Military Service	1972-1973	US Naval Medical Center, Portsmouth, NH	
		Lieutenant, Medical Corps, Chief of Pathology	

(Revised 01/22/18)

DONALD R. JASON, M.D., J.D.
 CURRICULUM VITAE
 PAGE 2

1973-1974 US Naval Medical Center, New London, CT
 Lieutenant Commander, Medical Corps, Chief of Pathology

Professional

1974-1977 Office of Chief Medical Examiner New York, NY
 * Junior Medical Examiner

1977 Office of Chief Medical Examiner New York, NY
 * Associate Medical Examiner

1977-1982 Office of Chief Medical Examiner Suffolk County, NY
 * Deputy Medical Examiner—Pathologist

1982-1992 Medical Examiner's Office Atlantic County, NJ
 * County Medical Examiner
 * Designated Forensic Pathologist

1992-present Office of Chief Medical Examiner North Carolina
 * Forsyth County Medical Examiner
 * Designated Forensic Pathologist

**Professional
 Licensure**

1992 North Carolina #35669

**Specialty
 Certification**

1976 American Board of Pathology
 * Anatomic Pathology
 * Forensic Pathology

Bar Admission

1979 New York

**Professional
 Memberships**

National Association of Medical Examiners
 * Fellow

American Academy of Forensic Sciences
 * Fellow, Pathology Biology Section

American College of Legal Medicine
 * Fellow

**Lectures and
 Speeches**

"Analysis of medical examiner's cases by manner of death, jurisdiction of the medical examiner, and autopsy justification." 30th Annual Meeting, American Academy of Forensic Sciences, St. Louis, Missouri, February 23, 1978.

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"An unusual suicide by natural gas asphyxia." 30th Annual Meeting, American Academy of Forensic Sciences, St. Louis, Missouri, February 24, 1978.

"Medical examiner's cremation approval jurisdiction." 32nd Annual Meeting, American Academy of Forensic Sciences, New Orleans, Louisiana, February 22, 1980.

"Cardiac arrest following preoperative intravenous administration of undetermined drug." 35th Annual Meeting, American Academy of Forensic Sciences, Cincinnati, Ohio, February 19, 1983.

"Casino-related deaths in Atlantic City, New Jersey: 1982-86." 40th Annual Meeting, American Academy of Forensic Sciences, Philadelphia, Pennsylvania, February 19, 1988.

"A survey of medical examiner/coroner HIV testing." Annual Meeting, National Association of Medical Examiners, Charleston, South Carolina, September 26, 1994.

"Handedness and lateralizing self-inflicted handgun wounds — determination and correlation." 47th Annual Meeting, American Academy of Forensic Sciences, Seattle, Washington, February 18, 1995.

"A national survey of autopsy cost versus forensic pathology board qualifications." 48th Annual Meeting, American Academy of Forensic Sciences, Nashville, Tennessee, February 23, 1996.

"Answering transplanter queries during medical examiner/coroner investigations." 49th Annual Meeting, American Academy of Forensic Sciences, New York, New York, February 22, 1997.

"Euthanasia and physician-aided deaths in Michigan and beyond." 37th Annual Conference on Legal Medicine, American College of Legal Medicine, Fort Lauderdale, Florida, March 6, 1997.

"The Forensic Pathology of Pain and Suffering." Proving and Improving Damages in a Death Case, Association of Trial Lawyers of America — New Jersey, Edison, NJ, December 6, 1997.

"Elder abuse: an emerging fatal circumstance." 50th Annual Meeting, American Academy of Forensic Sciences, Orlando, Florida, February 14, 1998.

"Non-abusive posterior rib fractures in infants — a post mortem radiologic-pathologic study." 51st Annual Meeting, American Academy of Forensic Sciences, Orlando, Florida, February 18, 1999.

"Medical Examiner's Jurisdiction." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 28, 1999.

"Electricity." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 28, 1999.

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"Web-Based Pathology Instruction in Integrated Curriculum." GRIPE Summer Meeting 2000, Indianapolis, Indiana, June 24, 2000.

"Smallpox and the Medical Examiner/Coroner System." 56th Annual Meeting, American Academy of Forensic Sciences, Chicago, Illinois, February 20, 2003.

"Smallpox and the Medical Examiner." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 27, 2003.

"The Forensic Pathology of Pain, Suffering and Death." Doubling Down on Damages, Association of Trial Lawyers of America — New Jersey, Atlantic City, NJ, April 25, 2003.

"Fire Deaths and Drowning." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 16, 2004.

"Organ Donation After Cardiac Death and the Medical Examiner." Annual Meeting, National Association of Medical Examiners, Los Angeles, California, October 19, 2005.

"Retinal Hemorrhages in Infants and Young Children Associated with Infections." Annual Meeting, National Association of Medical Examiners, San Francisco, California, September 16, 2009.

"History of the NAME Ethics Committee." Annual Meeting, National Association of Medical Examiners, Holland America Lines MS Westerdam. August 12, 2011.

"Homicide by Unspecified Means Revisited." Annual Meeting, National Association of Medical Examiners, Holland America Lines MS Westerdam. August 12, 2011.

"Postmortem Changes." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 31, 2012.

"Death Certification" Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 22, 2014.

"Finding Overlooked Facts That Prove Conscious Pain & Suffering" Boardwalk Seminar 2015, New Jersey Association for Justice, Atlantic City, New Jersey, April 29, 2015.

"Proving the Quantity and Quality of Pain and Suffering for Seconds, Minutes and Hours" Boardwalk Seminar 2015, New Jersey Association for Justice, Atlantic City, New Jersey, April 30, 2015.

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Chapter in Book

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PAGE 5

Jason D. Chapter 35: The Autopsy in Malpractice Litigation. In: Collins KA and Hutchins GM, eds. Autopsy Performance & Reporting 2nd Edition. Northfield, IL: College of American Pathologists, 2003:335-342.

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Jason DR. The role of the medical examiner/coroner in procurement of organs and tissue for transplantation. Am J Forensic Med Pathol 1994; 15(3):192-202.

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Dorthe NJ, Blumenthal TD, Jason DR, Lantz PE. The use of next-of-kin in assessing handedness. Percept Mot Skills 1995;81:203-208.

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Tobin JR, Jason DR, Challa VR, Nelson TE, Sambughin N. Malignant hyperthermia and apparent heat stroke. JAMA. 2001 Jul 11;286(2):168-9.

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Tharp AM, Jason DR. Anomalous parietal suture mimicking skull fracture. Am J Forensic Med Pathol. 2009 Mar;30(1):49-51.

McCrary MC, Moore BA, Nakagawa TA, Givner LB, Jason DR, Palavecino EL, Ajizian SJ. Disseminated Mucormycosis in an Adolescent with Newly Diagnosed Diabetes Mellitus. Pediatr Infect Dis J. 2014 May 14. [Epub ahead of print]

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PAGE 6

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Am J Forensic Med Pathol 1995;16(3):257-259. (Letter)

Jason DR, Davis GJ. What rights do patients have regarding return of
an abortus? CAP Today 1995;9:67

Donald Jason, MD, JD
Practice Limited to Forensic Medicine & Pathology

825 Ellington Drive
Winston-Salem, NC 27104

(336) 414-8226

February 19, 2018

Paul R. D'Amato, Esq.
D'Amato Law Firm
2900 Fire Road, Suite 200
Egg Harbor Township, New Jersey 08234

Re: Death of Tiffany Vallante

Dear Mr. D'Amato:

At your request, I have reviewed the following material pertaining to the death of: Tiffany Valiante (Valiante):

- 1) Investigative Report by H. Louise Houseman, including, but not limited to:
 - a) Medical Examiner's file
 - b) Sworn Statements of Engineer and Student Engineer
 - c) Valiante's uncle, Michael Valiante 's Statement to Medical Investigator at scene
- 2) Photographs at scene of body recovery and at the morgue

History

On July 12, 2015 at 11:07 p.m., New Jersey Transit train ran over and mangled a female human body on the train tracks between Cologne Avenue and Genoa Avenue, Galloway Township, Atlantic County, NJ. The Medical Investigator arrived on scene July 13 at 12:45 a.m., according to the official Report of Investigation by Medical Examiner. An external examination of collected remains was performed by Daksha Shah, M. D., designated medical examiner on July 14, 2015, at the Shore Medical Center in Somers Point, New Jersey. Numerous photographs were taken at the scene of death and at the morgue.

Recovered remains were received in a body bag sealed with lock #0002700 with an attached tan identification tag(s) with the number 01-15-0410 and the name Valiante, Tiffany. Identification was reportedly visually established by the decedent's uncle, Michael Valiante. The medical examiner's external examination started at about 12:00 p.m. and was completed at about 12:50 p.m.

Death Scene Investigation

This apparently unnatural death was treated with the assumption that the death was a suicide. This bias negatively affected the way in which the scene was processed by all members of the team, both responding police and medical examiner's staff. A basic tenet of death scene

Paul R. D'Amato, Esq.

Death of Tiffany Valiante

February 19, 2018

investigation was violated, "Treat the location as a crime scene until assessed and determined to be otherwise."¹

Duties of the Medical Examiner

It is the primary job of the medical examiner to establish the identity of any human remains whose cause of death is suspicious of being unnatural. Additional deaths coming under medical examiner jurisdiction generally also include unidentified apparently human remains, death while in police or other official custody or due to disease, that may constitute a threat to public health.

In the case of the remains described above, it is my opinion, within reasonable medical certainty the following duties were not performed:

1. Take charge of the remains at the scene of discovery²
2. Scientifically determine the identity of the female deceased
3. Determine the cause of death
4. Make a defensible determination of the manner of death

Scene Procedures

The processing and recovery of the remains was left to New Jersey Transit Police. This resulted in an incompletely documented and disorganized investigation and recovery. My analysis of the scene and morgue photographs showed the random way in which the scene was processed. The recovered fragments, including those photographed with and without numbered cards were packaged together without indication of site of recovery for examination by the medical examiner. The lack of detailed description of the collected remains further complicated the determination of the cause and manner of death. The incomplete investigation began with the lack of the medical examiner taking charge of the remains and ensuring proper documentation and recovery.

Identity of the Deceased

No scientific identification of the remains was made or attempted. Identity was assumed based upon a purported visual recognition by Valiante's uncle, Michael Valiante. Given the extreme mangling of the clearly human remains, no recognition of visible features was possible, no attempt to reconstitute the face was made. No scientific estimate of the stature of the victim was attempted, which could have been done by recovery and piecing together of the femurs, or spinal column length³ whose lengths have been scientifically correlated with stature. Since Valiante was reported to have been 6'3" on the Oakcrest High School website, quite tall for a girl, a scientifically estimated height consistent with 6'3" could have made the identification more probable. The examination report lists the weight of the remains as approximately 180 to 200 pounds." It is not stated that they were weighed. No historical weight of Valiante is noted in the medical examiner's report for comparison. No unique physical features were looked for such as metal prostheses, surgical procedures, healed fractures or unique tattoo was known or ruled in or out. A scene photograph of only a single, injured, kidney was produced; it is undetermined if the victim had two kidneys. No dental or fingerprint comparison was attempted. Although DNA specimen was preserved consisting only of some blood on the bracelet on the victim's wrist, not

¹ *Crime Scene Investigation-Guide for Law Enforcement*. Washington, D.C.: U. S. Department of Justice, 2000:11

² New Jersey Statutes annotated. N.J.S.A. § 52:17B-87.

³ Jason DR, Taylor K. Estimation of stature from the length of the cervical, thoracic and lumbar segments of the spine in American whites and blacks. *J Forensic Sci* 1995;40(1):59-62.

Paul R. D'Amato, Esq.

Death of Tiffany Valiante

February 19, 2018

blood or tissue from the remains, no attempt to make positive identification by comparison with her known natural parents was attempted. All the above methods of positive identification are routinely used in aircraft crashes where mangled and visually unidentifiable remains are recovered. Since the recovered remains except for the specimen taken for DNA comparison were cremated, only DNA identification is now possible.

Cause of death

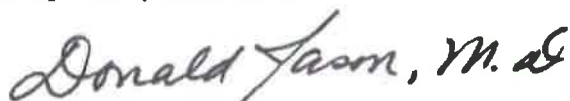
It is my opinion, within reasonable medical certainty, that the cause of death of Tiffany Valiante was undetermined. No identification or examination of the victim's heart was recorded by the medical examiner. No microscopic examination of any of the victim's organs was done to look for possible serious natural disease. No complete radiography of the recovered remains was performed. Thus, the presence of a bullet which could have caused the death was not ruled out. All other unnatural and natural causes have not been ruled out. The completely negative toxicological analysis of the liver and purported stomach contents makes death due to poisoning highly improbable. It is curious that the stomach was sufficiently identifiable to allow submission of stomach contents, yet the heart was not described to rule out heart disease or pre-mortem injury.

Manner of Death

With no cause of death known, no manner of death, natural or unnatural can be determined. The story that the victim jumped onto the tracks is suspect. The victim may have been sleeping or already dead when struck by the train. I have personally investigated a death, which turned out to be a murder by strangulation in which that victim's body was placed with her neck on a railroad track, her body below the neck outside the tracks. Petechial hemorrhages were apparent in the conjunctivae, suspicious for strangulation. Police investigation resulted in arrest and conviction.

I reserve the right to amend or supplement this report upon receipt of additional information.

Respectfully submitted,



Donald Jason, MD, JD

Diplomate in Anatomic and Forensic Pathology

D
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LAW FIRM
COUNSELORS AT LAW
A PROFESSIONAL CORPORATION

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Suite 200
Egg Harbor Township, NJ 08234

EXHIBIT E



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
OFFICE OF THE STATE MEDICAL EXAMINER
PO Box 085
TRENTON, NJ 08625
TELEPHONE (609) 376-2343 FAX (609) 984-4466

GURBIR S GREWAL
Attorney General

JENNIFER E. FRADEL
Administrator

ANDREW L. FALZON, M.D.
State Medical Examiner

March 5, 2018

Mr. Paul R. D'Amato
D'Amato Law Firm
2900 Fire Road, Suite 200
Egg Harbor Township, NJ 08234

Re: Death of Tiffany Valiante
Case # 01-15-0410

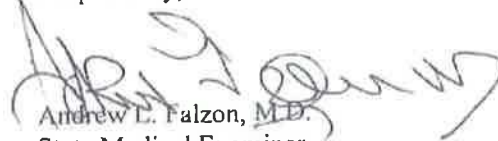
Dear Mr. D'Amato:

Following my letter dated October 2, 2017, I write to inform you that I have completed my review of the manner of death determination for Tiffany Valiante. It is my opinion that the cause and manner of death listed on Ms. Valiante's death certificate be unchanged.

My review included documents created as part of the original investigation into Ms. Valiante's death, including the Report of Investigation of the Medical Examiner, Toxicology report, and case-related photographs. I also considered information that was not available at the time of the death investigation, including Louise Houseman's July 11, 2015 report, witness interviews, a report from the Atlantic County Prosecutor's Office, a transcript of Jamie Haye's August 17, 2017 deposition and Ms. Valiante's relationships with friends, family and significant others. My examination supports the investigation's original conclusion that the manner of death be deemed a suicide.

Therefore, I have determined that the cause and manner of death remain as listed on the death certificate as Multiple Traumatic Injuries and Suicide, respectively. As the State Medical Examiner and a parent, please extend my condolences to the Valiante family for their tragic loss.

Respectfully,


Andrew L. Falzon, M.D.
State Medical Examiner

ALF/kr



D'AMATO
LAW FIRM
COUNSELORS AT LAW
A PROFESSIONAL CORPORATION

2000 Fire Road
Suite 200
Egg Harbor Township, NJ 08224

EXHIBIT F

D'AMATO LAW FIRM^{PC}

Paul R. D'Amato
MEMBER NJ BAR
paul@damatolawfirm.com

Kasi M. Gifford
MEMBER NJ & PA BAR
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Stephen M. Van Natten
MEMBER NJ & PA BAR
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Susan Eisenlohr
PARALEGAL

August 10, 2017

VIA EMAIL ONLY

Joseph C Fanaroff, Esquire, Assistant Attorney General
Attorney General's Office of New Jersey
Hughes Justice Complex
P.O. Box 080
Trenton, New Jersey 08625

RE: ESTATE OF TIFFANY VALIANTE
DOCKET NUMBER : ATL-L-1411-17

Dear Joe:

I want to confirm my understanding of what you were advised by the State Medical Examiner's Office:

- (A) That the family has to obtain a Court Order which would require the DNA Card to be tested;
- (B) That the family bears the cost of the testing;
- (C) That the family has to select the lab where the testing will be done;
- (D) That the results of the testing will be sent to the family and not to the State Medical Examiner's Office or the New Jersey Transit Police Department.

If this is correct please advise

Very truly yours,

Paul R. D'Amato

Paul R. D'Amato

PRD/lrp

cc: Mr. & Mrs. Stephen Valiante-via email
Jessica Valiante- Vallauri - via email
Krystal Valiante-Summerville - via email

EXHIBIT G

May 15, 2018

Dear Governor Murphy,

Please help us in our fight for justice in the name of our late daughter Tiffany Valiante.

Perhaps you are already aware of the controversy, the subject of countless media reports and a recent state Senate hearing surrounding Tiffany's death on July 12, 2015.

We are enclosing four documents - 1. Expert Opinion of Dr. Donald Jason, veteran forensic pathologist and former N.J. Regional Medical Examiner contesting the N.J. Medical Examiner's Office finding of suicide as the manner of Tiffany's death, 2. Independent Report of a former Atlantic County Senior Medical Investigator also contradicting the report of the NJSME, 3. 'Death & Dysfunction', an investigation by NJ.com into the office of the NJ Medical Examiner (it includes a video report of the mishandling of the Tiffany Valiante matter), and 4. The recent letter by the current N.J. SME refusing to amend Tiffany's death certificate - by way of background and in support of our request for the intervention of your Office and the opportunity to meet with you personally to discuss this miscarriage of justice.

We were shocked to learn that the state Medical Examiner refused to change the manner of death on the death certificate from suicide to 'undetermined' despite the overwhelming evidence that the State's investigation of Tiffany's suspicious death was significantly flawed and constituted a gross rush to judgement. In fact, Dr. Falzon in his opinion letter did not even acknowledge that he read Dr. Jason's report. We urge you and the appropriate members of your staff to read the submitted documents - along with Dr. Falzon's letter of denial, and then explain how the Medical Examiner's office can so callously pronounce Tiffany's death a closed case of suicide.


Besides being New Jersey residents, we have long been employed in public service. Both our surviving daughters also work in N.J. public service, as do several members of our extended family. Tiffany, in fact, dreamed of a career with the N.J. State Police, emulating the career of one of her uncles.

We believe in our government. But the belief has been shaken to its core by the handling of Tiffany's investigation by the Medical Examiner. We are not a family of means, and have been blessed to have had so many experts find it in their hearts to donate their professional services to our fight for justice for Tiffany. These include Paul R. D'Amato, the attorney and former N.J. Assemblyman.

Once again, we appeal to you as the state's Governor, and also as the parent of four children, to review our plight and kindly meet with us.

Thank you,


Stephen Valiante


Dianne Valiante

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2800 Fire Road
Suite 200
Egg Harbor Township, NJ 08224

EXHIBIT H



PROPERTY/EVIDENCE REPORT

<input checked="" type="checkbox"/> EVIDENCE REPORT		<input type="checkbox"/> PROPERTY REPORT	
1. Municipal Police Dept. GALLOWAY TOWNSHIP PD		3. Date of Complaint 7/12/15	4. Complaint No. 15-05939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) NJ TRANSIT POLICE			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) 100 SOUTH BROADWAY CAMDEN NEW JERSEY			
11. Owner's Phone No. (Home) (Business) N/A 856-756-2448		12. Was Owner Notified? 12a. By Who 12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Yes <input type="checkbox"/> No. N/A <input type="checkbox"/> In Person	
13. Person in Possession Of (First Name) (Middle) (Last) DET WILLIAM SWEENEY			
14. Address of # 13 (Number & Street) Municipality (State) 100 S BROADWAY CAMDEN NJ			15. Phone No. (Home) (Business) 856-756-2448
16. Defendant's Name (First) (MI) (Last) N/A N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A N/A	
18. Incident: ACCIDENT INVESTIGATION		19. CRIME/CHARGES N/A	
20. Date Recovered MULTIPLE		21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) SEE ATTACHED PHOTO LOG	
22. Date, Time, Exact Location Where Stored: 08/05/15 CAMDEN EVIDENCE ROOM			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> N/A			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	---	(1) CD CONTAINING FATAL ACCIDENT INVESTIGATION PHOTOGRAPHS
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
24. All Above Evidence was Marked as Follows: N/A			
25. Release Date		27. Proof of Ownership	
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Detective William Sweeney		34. Reporting Officer's Signature <i>William Sweeney</i>	
35. Control Number. #0122		36. Date of Report 8/5/15	
37. Supervisor's Signature & Date		38. Commanding Officer's Signature & Date <i>DC 2, VA 11/13</i>	
39. Page 1 of 1		40. Status <input type="checkbox"/> Pending <input type="checkbox"/> Complete	
41. Narcotics Identification System Complete Test		41. Test <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Positive <input type="checkbox"/> Negative <input type="checkbox"/>	

Attach a Copy to Evidence



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept., Municipal Code & Municipal Phone Number Galloway P.D. 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) NJTPD			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) 1 Penn Plaza 7th Flr. Newark, NJ 07105			
11. Owner's Phone No. (Home) (Business) N/A 856-756-2449		12. Was Owner Notified? 12a. By Who <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Person
13. Person In Possession Of (First Name) (Middle) (Last) N/A			
14. Address of # 13 (Number & Street) Municipality (State) N/A			15. Phone No. (Home) (Business) N/A
16. Defendant's Name (First) (MI) (Last) N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A	
18. Incident Investigation		19. CRIME/CHARGES N/A	
20. Date Recovered 7/22/15		21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) WRTC Interview Room 100 S. Broadway Camden, NJ 08103	
22. Date, Time, Exact Location Where Stored: 7/22/15 2000 Hrs. Evidence Safe WRTC Camden			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> Hold For Evidence			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each Item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	N/A	CD Containing Statement of Wayne Daniels
2)	1	N/A	CD Containing Statement of Marvin Olivares
24. All Above Evidence was Marked as Follows:			
25. Release Date		27. Proof of Ownership	
28. Released To		Owner <input type="checkbox"/> Agent <input type="checkbox"/> Official <input type="checkbox"/>	
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Det. Osvaldo Acevedo		35. Control Number. 0290	34. Reporting Officer's Signature Det Osvaldo Acevedo 0290
36. Date of Report 7/22/15		37. Supervisor's Signature & Date	
38. Commanding Officer's Signature & Date		39. Page 1 of	
40. Status <input type="checkbox"/> Pending <input type="checkbox"/> Complete		41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input type="checkbox"/> No Test Color or Colors Positive <input type="checkbox"/> Negative <input type="checkbox"/>	

Attach a Copy to Evidence



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept., Municipal Code & Municipal Phone Number Galloway P.D. 0111 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) Tiffany N.M.I. Valiante			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) 3160 Manheim Ave Mays Landing NJ			
11. Owner's Phone No. (Home) (Business) N/A N/A		12. Was Owner Notified? 12a. By Who <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A	12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Person
13. Person In Possession Of (First Name) (Middle) (Last) Det. Jason N/A Klamos			
14. Address of # 13 (Number & Street) Municipality (State) 300 E. Jimmie Leeds Rd. Galloway, NJ 08205			15. Phone No. (Home) (Business) 609-652-0916
16. Defendant's Name (First) (MI) (Last) N/A N/A		17. Defendants (Age) (D.O.B.) (Sex) (Race) N/A N/A - NA	
18. Incident Investigation	19. CRIME/CHARGES N/A		
20. Date Recovered 7/17/15	21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) Galloway PD 300 E. Jimmie Leeds Rd. Galloway, NJ 08205		
22. Date, Time, Exact Location Where Stored: 7/17/15 1605 hrs. Evidence Safe WRTC Camden			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> Hold For Evidence			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	N/A	White I-Phone 5 with Black and White case
24. All Above Evidence was Marked as Follows:			
25. Release Date 7/30/15	27. Proof of Ownership NJ DL V0278 544 6403625	28. Released To <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Uncle <input type="checkbox"/> Official	
29. Address of Owner/Agent/Official 3183 Manheim Ave. Mays Landing NJ 08330		30. Signature of Owner/Agent/Official <i>[Signature]</i>	
31. Signature of Officer Authorizing Release Det. O. Acevedo 0290		32. Signature of Officer Releasing Det. O. Acevedo 0290	
33. Rank/Name (Print) Det. Osvaldo Acevedo	35. Control Number. 0290	34. Reporting Officer's Signature <i>[Signature]</i>	36. Date of Report 7/17/15
37. Supervisor's Signature & Date <i>[Signature]</i> 7/17/15		38. Commanding Officer's Signature & Date <i>[Signature]</i> 7/17/15	
39. Page 1 of 1		40. Status <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Complete	
41. Narcotics Identification System Completed Test		42. Testers Initials <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/>	

Attach a Copy to Evidence



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept. , Municipal Code & Municipal Phone Number Galloway P.D. 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) Stephen Vallante			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) 3160 Manheim Ave Mays Landing NJ			
11. Owner's Phone No.(Home)(Business) N/A N/A		12. Was Owner Notified? 12a. By Who 12b.How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In Person	
13. Person In Possession Of (First Name) (Middle) (Last) N/A N/A			
14. Address of # 13 (Number & Street) Municipality (State) (Zip Code) N/A N/A		15. Phone No. (Home) (Business) N/A	
16. Defendant's Name (First) (MI) (Last) N/A N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A N/A - -	
18. Incident: Investigation	19.CRIME/CHARGES N/A		
20. Date Recovered 7/22/15	21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) WRTC Interview Room 100 S. Broadway Camden, NJ 08103		
22. Date, Time, Exact Location Where Stored: 8/7/15 2000 Hrs. Evidence Safe WRTC Camden			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> Hold For Evidence			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	2	N/A	Memory cards for deer cameras
2)	1	N/A	Scandisk 32G Flash Drive showing area on WHP Galloway
24. All Above Evidence was Marked as Follows:			
25. Release Date	27. Proof of Ownership	28. Released To <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Official	
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Det. O. Acevedo	35. Control Number. 0290	34. Reporting Officer's Signature <i>Det. O. Acevedo</i>	36. Date of Report 8/7/15
37. Supervisor's Signature & Date <i>[Signature]</i>		38. Commanding Officer's Signature & Date <i>[Signature]</i>	
39. Page 1 of 1			
40. Status <input type="checkbox"/> Pending <input type="checkbox"/> Complete		41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input type="checkbox"/> No Testers Initials <input type="checkbox"/> Positive <input type="checkbox"/> Negative	



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept. , Municipal Code & Municipal Phone Number Galloway P.D. 0111 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) Tiffany N.M.I. Valiante			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) 3160 Manheim Ave Mays Landing NJ			
11. Owner's Phone No. (Home) (Business) N/A N/A		12. Was Owner Notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.	12a. By Who N/A
13. Person In Possession Of (First Name) (Middle) (Last) N/A N/A N/A		12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Person	
14. Address of # 13 (Number & Street) Municipality (State) N/A N/A		15. Phone No. (Home) (Business) N/A	
16. Defendant's Name (First) (MI) (Last) N/A N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A N/A - NA	
18. Incident Investigation		19. CRIME/CHARGES N/A	
20. Date Recovered 7/12/15		21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) A.C. Rail Line Mile Marker 45 Galloway, NJ 08205	
22. Date, Time, Exact Location Where Stored: 7/16/15 1605 hrs. Property Locker WRTC Camden			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input type="checkbox"/>			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	N/A	Black Medium Sized T-Shirt size with "HUF" on pocket.
24. All Above Evidence was Marked as Follows:			
25. Release Date		27. Proof of Ownership	28. Released To <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Official
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Det. Osvaldo Acevedo		35. Control Number. 0290	34. Reporting Officer's Signature <i>Det. Osvaldo Acevedo</i>
37. Supervisor's Signature & Date <i>[Signature]</i>		38. Commanding Officer's Signature & Date <i>[Signature]</i>	36. Date of Report 7/16/15
40. Status <input type="checkbox"/> Pending <input type="checkbox"/> Complete		39. Page 1 of 1	
41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input type="checkbox"/> No		Testers Initials <input type="checkbox"/> Positive <input type="checkbox"/> Negative	



PROPERTY/EVIDENCE REPORT

<input checked="" type="checkbox"/> EVIDENCE REPORT		<input type="checkbox"/> PROPERTY REPORT	
#1 Municipal Police Dept. , Municipal Code & Municipal Phone Number GALLOWAY TOWNSHIP PD		3. Date of Complaint 8/3/15	4. Complaint No. 15-05939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No.
9. Owner's Name (First) (Middle) (Last) UNIDENTIFIED N/A N/A			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) N/A			
11. Owner's Phone No. (Home) (Business) N/A N/A		12. Was Owner Notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.	12a. By Who N/A 12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Person
13. Person In Possession Of (First Name) (Middle) (Last) DET WILLIAM SWEENEY			
14. Address of # 13 (Number & Street) Municipality (State) 100 S BROADWAY CAMDEN NJ		15. Phone No. (Home) (Business) 856-756-2448	
16. Defendant's Name (First) (M1) (Last) N/A - N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A N/A - -	
18. Incident: ACCIDENT INVESTIGATION		19. CRIME/CHARGES N/A	
20. Date Recovered 8/3/15	21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) TILTON ROAD GALLOWAY TOWNSHIP NJ		
22. Date, Time, Exact Location Where Stored: 08/03/15 CAMDEN EVIDENCE ROOM			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> N/A			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	---	(1) "A" IRON-ON SYMBOL
2)	2	---	(1) PAIR "SANUK" BRAND SHOE WHITE IN COLOR SIZE 10
3)	1	---	(1) TORN SHIRT/HEADBAND
4)	1	---	(1) SWEATSHIRT GREY, WILKS UNIVERSITY SIZE XL
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
---	---	---	----- N/A -----
24. All Above Evidence was Marked as Follows: N/A			
25. Release Date	27. Proof of Ownership	28. Released To <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Official	
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Detective William Sweeney		35. Control Number. #0122	34. Reporting Officer's Signature <i>[Signature]</i>
36. Date of Report 8/3/15		37. Supervisor's Signature & Date <i>[Signature]</i> 1/1/15	
38. Commanding Officer's Signature & Date <i>[Signature]</i>		39. Page 1 of 1	
40. Status <input type="checkbox"/> Pending <input type="checkbox"/> Complete		41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Test Color or Colors Positive <input type="checkbox"/> Negative <input type="checkbox"/>	

Attach a Copy to Evidence



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept. , Municipal Code & Municipal Phone Number Galloway Twp. P.D. 0111 609-652-3705			3. Date of Complaint 7/12/15		4. Complaint No. 15-5939		
5. Pros. Case No. N/A		6. Mun. Case No. N/A		7. Department Arrest No. N/A		8. Department Property No. N/A	
9. Owner's Name (First) N/A		(Middle) N/A		(Last) N/A			
10. Owner's Address (Number & Street) 3160 Manheim Ave. Mays Landing NJ		(Municipality)		(State)		(Zip Code)	
11. Owner's Phone No. (Home) (Business) N/A		12. Was Owner Notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.		12a. By Who N/A		12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Person	
13. Person In Possession Of (First Name) Stacey		(Middle) N.M.I.		(Last) Toto			
14. Address of # 13 (Number & Street) 3160 Manheim Ave. Mays Landing NJ		Municipality		(State)		15. Phone No. (Home) (Business) N/A	
16. Defendant's Name (First) (MI) N/A		(Last) N/A		17. Defendant's (Age) (D.O.B.) N/A		(Sex) (Race) NA	
18. Incident: Investigation		19. CRIME/CHARGES N/A				N/A	
20. Date Recovered 10/7/15		21. Place Recovered (Number & Street) Southern Regional ME's Office 1175 DeBirsh Ave Woodbine, NJ 08270		(Municipality) (State)		(Zip Code)	
22. Date, Time, Exact Location Where Stored: 8/15/15 1330 hrs. Evidence Room WRTC Camden							
23. Technical Services Requested: Lab. Analysis <input checked="" type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input type="checkbox"/>							
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each Item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking							
Item #	Quantity	Serial or OAN #	Description				
1)	1	N/A	DNA Card				
24. All Above Evidence was Marked as Follows:							
25. Release Date		27. Proof of Ownership		28. Released To Owner <input type="checkbox"/> Agent <input type="checkbox"/> Official <input type="checkbox"/>			
29. Address of Owner/Agent/Official				30. Signature of Owner/Agent/Official			
31. Signature of Officer Authorizing Release				32. Signature of Officer Releasing			
33. Rank/Name (Print) Det. Osvaldo Acevedo		35. Control Number. 0290		34. Reporting Officer's Signature <i>Det. Osvaldo Acevedo 0290</i>		36. Date of Report 8/15/15	
37. Supervisor's Signature & Date		38. Commanding Officer's Signature & Date <i>Det. L. ... 8/11/15</i>				39. Page 1 of 1	
40. Status Pending <input type="checkbox"/> Complete <input type="checkbox"/>		41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input type="checkbox"/> No		Test Color or Colors		Testers Initials <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/>	

Attach a Copy to Evidence



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept., Municipal Code & Municipal Phone Number Galloway P.D. 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) Unk			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) Unk			
11. Owner's Phone No. (Home) (Business) Unk		12. Was Owner Notified? 12a. By Who 12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. <input type="checkbox"/> In Person	
13. Person In Possession Of (First Name) (Middle) (Last) N/A			
14. Address of # 13 (Number & Street) Municipality (State) N/A		15. Phone No. (Home) (Business) N/A	
16. Defendant's Name (First) (MI) (Last) N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A	
18. Incident Investigation		19. CRIME/CHARGES N/A	
20. Date Recovered 8/7/15		21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) Aloe St. & Tilton Road found by Robert Valiante	
22. Date, Time, Exact Location Where Stored: 8/8/15 1500 Hrs. Evidence Locker WRTC Camden			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> Hold For Evidence			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each Item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	N/A	White Towel containing what appear to be blood stains
24. All Above Evidence was Marked as Follows:			
25. Release Date		27. Proof of Ownership	
28. Released To <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Official		29. Address of Owner/Agent/Official	
30. Signature of Owner/Agent/Official		31. Signature of Officer Authorizing Release	
32. Signature of Officer Releasing		33. Rank/Name (Print) Det. Osvaldo Acevedo	
34. Reporting Officer's Signature <i>Det. Osvaldo Acevedo</i>		35. Control Number. 0290	
36. Date of Report 8/8/15		37. Supervisor's Signature & Date <i>[Signature]</i>	
38. Commanding Officer's Signature & Date <i>[Signature]</i>		39. Page 1 of 1	
40. Status <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Complete		41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Positive <input type="checkbox"/> Negative	



PROPERTY/EVIDENCE REPORT

EVIDENCE REPORT PROPERTY REPORT

#1 Municipal Police Dept., Municipal Code & Municipal Phone Number Galloway P.D. 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) Unk			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) Unk			
11. Owner's Phone No. (Home) (Business) Unk		12. Was Owner Notified? 12a. By Who 12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In Person	
13. Person In Possession Of (First Name) (Middle) (Last) N/A			
14. Address of # 13 (Number & Street) Municipality (State) N/A		15. Phone No. (Home) (Business) N/A	
16. Defendant's Name (First) (MI) (Last) N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A	
18. Incident Investigation		19. CRIME/CHARGES N/A	
20. Date Recovered 8/8/15		21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) AC Rail Line M.M. 45 west of tracks off of 6 foot found by Dianne Valiante	
22. Date, Time, Exact Location Where Stored: 8/8/15 1500 Hrs. Evidence Safe WRTC Camden			
23. Technical Services Requested: <input type="checkbox"/> Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input checked="" type="checkbox"/> Other - (Specify): Hold For Evidence			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each Item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	N/A	Folding knife with a white handle and broken blade
2)	1	N/A	CD containing photos of area where knife was found.
24. All Above Evidence was Marked as Follows:			
25. Release Date		27. Proof of Ownership	
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Det. Osvaldo Acevedo		35. Control Number. 0290	
37. Supervisor's Signature & Date <i>[Signature]</i>		38. Commanding Officer's Signature & Date <i>[Signature]</i>	
40. Status <input type="checkbox"/> Pending <input type="checkbox"/> Complete		36. Date of Report 8/8/15	
41. Narcotics Identification System Completed Test <input type="checkbox"/> Yes <input type="checkbox"/> No		39. Page 1 of 1	
		Testers Initials Positive <input type="checkbox"/> Negative <input type="checkbox"/>	

D
D'AMATO
LAW FIRM
COUNSELORS AT LAW
A PROFESSIONAL CORPORATION

2900 Fire Road
Suite 200
Egg Harbor Township, NJ 08234

EXHIBIT I



Southern Regional Medical Examiner Office
1175 DeHirsch Ave.
Woodbine, NJ 08270
Attn: Stacey Toto

Stacey, I am currently in possession of an ankle bracelet belonging to Tiffany Valiante which she was wearing at the time she was struck by a New Jersey Transit Train in Galloway Twp. The bracelet appears to have blood on it and the State Police Lab is requesting a DNA card in order to have it tested. Thank You for your assistance in this matter.

Det. Ozzie Acevedo
NJ Transit Police Dept.
100 South Broadway
Camden, NJ 08103
oacevedo@njtransit.com

01-15-0410



STATE OF NEW JERSEY
SOUTHERN REGIONAL MEDICAL EXAMINER OFFICE
WOODBINE DEVELOPMENTAL CENTER
1175 DeHirsch Avenue
Woodbine, NJ 08270-2401

Phone - (609) 861-3355
Fax - (609) 861-5814

Counties of:
Cape May and
Cumberland

EVIDENCE/PROPERTY RECORD

NAME OF DECEASED: TIFFANY VILIANTE CASE NO: 01-15-0210

SEAL # _____

PLACE CASE LABEL HERE

ITEM AND DESCRIPTION:

- 1. DNA CARD SAMPLE
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____

RELEASED BY: _____ (signature)

WITNESSED BY: _____ (signature)

RELEASED ON DATE: _____ TIME: _____

<u>CHAIN OF CUSTODY:</u>	FROM	TO	DATE/TIME
<u>[Signature]</u>		<u>Det. [Signature] 0290</u>	<u>10.7.15 1140</u>

Stacey Toto

From: OAcevedo@njtransit.com
Sent: Friday, October 02, 2015 6:59 PM
To: Stacey Toto
Subject: RE: Tiffany Valiante ME case 01-15-0410

No problem. I'm out of the office at the moment. As soon as I get back, I'll send you the request.

----- Original message -----

From: Stacey Toto
Date: 10/02/2015 6:52 PM (GMT-05:00)
To: "Acevedo, Osvaldo A. (CPOLOAA)"
Subject: RE: Tiffany Valiante ME case 01-15-0410

Hi Ozzie,

I spoke to my morgue supervisor about your request and she asked that you send the request on your Division letterhead and then once we receive it, we will contact you to have someone from your Division pick up the DNA card and transport it to the State lab. Please let me know if you have any questions. Thanks.

From: OAcevedo@njtransit.com [<mailto:OAcevedo@njtransit.com>]
Sent: Friday, October 02, 2015 4:52 PM
To: Stacey Toto
Subject: RE: Tiffany Valiante ME case 01-15-0410

Hi, Stacey I have an ankle bracelet belonging to Tiffany Valiante which she was wearing when she was struck by the train. The bracelet appears to have blood on it and as per the State Police Lab, they need a card with her DNA profile in order to have it tested. If you need to reach me, I can be reached at 973-223-9526.

Thank You for your assistance in this matter. Det. O. Acevedo 0290

From: Stacey Toto [<mailto:totost@njdc.org>]
Sent: Thursday, September 10, 2015 6:50 PM
To: Acevedo, Osvaldo A. (CPOLOAA)
Subject: Tiffany Vallante ME case 01-15-0410

Det. Acevedo,

I received your request for the View and Tox for Tiffany Valiante . Due to the extent of injury, the View Form has been transcribed. It may take a week or so for final signature. Tox was negative. Upon final signature I will forward the report to you. Please let me know if I can be of further assistance.

Stacey Toto MLDI, D-ABMDI
Southern Regional Medical Examiner Office
1175 DeHirsch Ave
Woodbine, NJ 08270



PROPERTY/EVIDENCE REPORT

<input checked="" type="checkbox"/> EVIDENCE REPORT		<input type="checkbox"/> PROPERTY REPORT	
#1 Municipal Police Dept., Municipal Code & Municipal Phone Number Galloway P.D. 609-652-3705		3. Date of Complaint 7/12/15	4. Complaint No. 15-5939
5. Pros. Case No. N/A	6. Mun. Case No. N/A	7. Department Arrest No. N/A	8. Department Property No. N/A
9. Owner's Name (First) (Middle) (Last) Unk			
10. Owner's Address (Number & Street) (Municipality) (State) (Zip Code) Unk			
11. Owner's Phone No. (Home) (Business) Unk		12. Was Owner Notified? 12a. By Who 12b. How? <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In Person	
13. Person In Possession Of (First Name) (Middle) (Last) Robert Valiante Jr.			
14. Address of # 13 (Number & Street) N/A		Municipality (State)	15. Phone No. (Home) (Business) N/A
16. Defendant's Name (First) (MI) (Last) N/A		17. Defendant's (Age) (D.O.B.) (Sex) (Race) N/A N/A --	
18. Incident Investigation		19. CRIME/CHARGES N/A	
20. Date Recovered 7/13/15		21. Place Recovered (Number & Street) (Municipality) (State) (Zip Code) A.C. Rail Line area of 6 foot just south of Mile Marker 45	
22. Date, Time, Exact Location Where Stored: 8/15/15 1500 Hrs. Evidence Locker WRTC Camden			
23. Technical Services Requested: Lab. Analysis <input type="checkbox"/> Fingerprint <input type="checkbox"/> Photo <input type="checkbox"/> Other - (Specify): <input checked="" type="checkbox"/> Hold For Evidence			
24. EVIDENCE/PROPERTY IDENTIFICATION SECTION- List Each Item By Physical Description, Make, Model, Serial Number, Owner Applied Number, Label or Other Inscription and Marking			
Item #	Quantity	Serial or OAN #	Description
1)	1	N/A	Ankle Bracelet belonging to Tiffany Valiante
24. All Above Evidence was Marked as Follows:			
25. Release Date		27. Proof of Ownership	
29. Address of Owner/Agent/Official		30. Signature of Owner/Agent/Official	
31. Signature of Officer Authorizing Release		32. Signature of Officer Releasing	
33. Rank/Name (Print) Det. Osvaldo Acevedo		35. Control Number. 0290	
37. Supervisor's Signature & Date		38. Commanding Officer's Signature & Date	
40. Status Pending <input type="checkbox"/> Complete <input type="checkbox"/>		41. Narcotics Identification System Completed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Testers Initials Test Color or Colors Positive <input type="checkbox"/> Negative <input type="checkbox"/>	
34. Reporting Officer's Signature Det. Osvaldo Acevedo		36. Date of Report 8/8/15	
39. Page 1 of 1			

Attach a Copy to Evidence

D
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LAW FIRM
COUNSELORS AT LAW
A PROFESSIONAL CORPORATION
2800 Fire Road
Suite 200
Egg Harbor Township, NJ 08224

EXHIBIT J

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Susan Eisenlohr
PARALEGAL

July 11, 2017

Chief Christopher Trucillo
Chief of Police
NJ Transit Police Department
1 Penn Plaza
Newark, NJ 07105

RE: **OUR CLIENT** : **ESTATE OF TIFFANY VALIENTE**
 DATE OF ACCIDENT : **July 12, 2015**
 LOCATION : **GALLOWAY TOWNSHIP, NEW JERSEY**
 OUR FILE NUMBER : **3408-P**
 CASE # : **1-15-0410**

Dear Chief Trucillo:

Please be advised our office represents Dianne and Stephen Valiante as co-administrators of their daughter, Tiffany Valiante's Estate. A train in Galloway Township struck Ms. Valiante's body on July 12, 2015. As a result, your office conducted an investigation and certain items were retained in your office's evidence locker.

I would ask that you please retain all items entered into evidence by your office in the above referenced case. Please do not discard these items, as they may be relevant for the purposes of civil litigation.

Additionally, I would ask that when you deem it appropriate the items be turned over to my office for the purposes of the pending civil litigation.

Thank you for your attention to this matter.

Very truly yours,

Paul R. D'Amato

Paul R. D'Amato
PRD/kmg
Cc: Diane and Stephen Valiente-via email

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EXHIBIT K

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Susan Eisenlohr
PARALEGAL

February 23, 2017

Joyce Zuczek, Board Secretary
New Jersey Transit
One Penn Plaza East
Newark, New Jersey 07105

RE: ESTATE OF TIFFANY VALIANTE

Dear Ms. Zuczek:

Please be advised that I represent Stephen and Dianne Valiante in their capacity as Administrators of the Estate of their late daughter Tiffany Valiante. An investigation was conducted by the New Jersey Transit Police Department.

Pursuant to the New Jersey OPEN PUBLIC RECORDS ACT and the common law RIGHT TO KNOW I am requesting the following documents:

(A) A complete copy of the entire file of the New Jersey Transit Police Department relative to its investigation regarding the death of Tiffany Valiante which occurred on July 12, 2015;

(B) Any and all documents relative to the examination of the clothes of Tiffany Valiante that were found on or around the New Jersey Transit Railroad Tracks as a result of the investigation conducted by the New Jersey Transit Police Department;

(C) Transcripts of any and all recorded statements of any New Jersey Transit Employees that were on the subject train at the time of Tiffany's death. Included but not limited to Conductor Wayne Gindart and Stephen V. Adamczyk;

(D) A complete copy of any and all photographs contained in the file of the New Jersey Transit Police Department relative to its investigation of the death of Tiffany Valiante;

(E) A copy of any and all DVDs, CDs, and/or videos that are contained in the file of the New Jersey Transit Police Department relative to its investigation of the death of Tiffany Valiante;

(F) A copy of any and all computer printouts contained in the file of the New Jersey Police Department as a result of its investigation of the death of Tiffany Valiante;

(G) A complete copy of any and all New Jersey Transit Police Department investigative reports (Department Complaint Number: 15-5939) relative to its investigation of the death of Tiffany Valiante;

(H) Any and all DVDs, CDs, and/or videos relative to any cameras in the interior of the engine of the subject train or any exterior cameras affixed to the engine of the subject train;

(I) A printout of any and all communications received by or generated by CCC of the New Jersey Transit Police Department relative to the death of Tiffany Valiante;

(J) A copy of any and all reports relative to any interviews of any witnesses relative to the death of Tiffany Valiante;

(K) A copy of any and all papers, documents, photographs, etc. received by the New Jersey Transit Police Department from the State Medical Examiner's Office relative to the death of Tiffany Valiante;

(L) A copy of any and all reports, documents or papers generated by Nurse Practitioner Michelle Anendolia relative to the pronouncement of the death of Tiffany Valiante at 2400 hours;

(M) A copy of any and all reports relative to the interviews of any relatives of Tiffany Valiante including her parents and sisters as well as a copy of any DVDs, CDs or audio tape recordings of the aforesaid;

(N) A copy of any and all written communications to and from the Atlantic County Prosecutors Office relative to the death of Tiffany Valiante;

(O) A copy of any and all telephone/cell phone records in the possession of the New Jersey Transit Police Department relative to its investigation of the death of Tiffany Valiante including calls made, calls received, text messages and e-mails;

(P) A copy of any and all laboratory reports and requests for laboratory reports relative to the death of Tiffany Valiante;

(Q) A copy of any and all written communications, reports, etc. from any law enforcement agency including the Atlantic County Prosecutor's Office, the Galloway Township Police Department, and the Hamilton Township Police Department relative to the death of Tiffany Valiante;

(R) A copy of any and all reports authored or generated by Sergeant Keith DeLuca, Sergeant Valez, Officer Dan Carroll, Detective Ozzie Acevedo, Lieutenant Castellano, Police Officer Vince Parker, Police Officer Martin, Engineer Wayne Daniels, Trainee Marvin Olivares, Conductor Stephen V. Adamczyk, Sergeant Capriglione, Office Len Kowski, Atlantic County Sherriff's Officer K-9 Joseph Kleinow, Detective Sweeney, Chief Trucillo, Police Officer Packer;

(S) A copy of any and all narrative reports, supplemental reports, the report of the investigation of the Medical Examiner referred to as RIME, scene narratives, a psychological autopsy of the decedent Tiffany Valiante, and general inventory forms;

(T) A copy of any and all photographs taken of the subject train at the scene of the accident by any and all employees of New Jersey Transit;

(U) A copy of any and all external examination photographs taken by employees of New Jersey Transit, New Jersey Transit Police Department and the New Jersey State Medical Examiner's Office;

(V) A copy of any and all e-mails that are a part of the investigation of the New Jersey Transit Police Department regarding the death of Tiffany Valiante;

(W) A copy of any and all communications from New Jersey Transit, its Police Department and its Department of Public Affairs and Media Relations to the members of the news media as well as any news releases prepared and distributed by the aforesaid. Please note that within 24 hours of the incident involving Tiffany Valiante a press release was issued by New Jersey Transit, its Police Department or its Public Affairs and Media Relations Department. We are requesting the identity of the employee that wrote the news release and what person or persons which authorized its issuance;

(X) A copy of the written Preliminary Incident Report given to the New Jersey Transit Police Department by Apprentice Engineer Marvin Olivares;

(Y) A copy of any and all surveillance videos procured from the Hindu Temple and adjacent storage facility as part of the investigation conducted by the New Jersey Transit Police Department;

(Z) The 2 SD cards given by the Valiante family to the Prosecutor along with 1 USB drive;

(AA) The decedent's shoes, headband and anklet that were found subsequent to the death of Tiffany Valiante;

(BB) A copy of the telephone records relative to Tiffany Valiante's cell phone.

Very truly yours,

Paul R. D'Amato

Paul R. D'Amato

PRD/lrp

cc: Mr. & Mrs. Stephen Valiante-via email
Jessica Valiante-Vallauri- via email
Krystal Valiante-Summerville- via email

D
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LAW FIRM
COUNSELORS AT LAW
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EXHIBIT L

Chris Christie, Governor
Kim Guadagno, Lieutenant Governor
Richard T. Hammer, Commissioner
Steven H. Santoro, Executive Director



One Penn Plaza East
Newark, NJ 07105-2246
973-491-7000

VIA U.S. FIRST CLASS MAIL

March 9, 2017

Paul D'Amato
D'Amato Law Firm
2900 Fire Road, Suite 200
Egg Harbor Township, NJ 08234

RE: OPRA #170228-98866

Dear Mr. D'Amato:

Enclosed are all releasable records responsive to your Open Public Records Act ("OPRA") request, received February 28, 2017, namely records responsive to items G, K, P, R, S, and X of your request. Certain home addresses, personal phone numbers, and dates of birth have been redacted in accordance with the expectation of privacy recognized under OPRA. See N.J.S.A. 47:1A-1.

With regards to items A, B, C, D, E, H, I, J, M, N, Q, T, U, W, and Y of your request, please be advised that NJ TRANSIT is in possession of responsive records that are considered criminal investigatory records or are considered advisory, consultative, or deliberative. Pursuant to N.J.S.A. § 47:1A-1.1, these documents are not government records subject to disclosure.

With regards to items F, O, and V, please be advised that this portion of your request must be denied as it is invalid under OPRA. OPRA only requires a response to a request for specific records, not for information. Pursuant to case law, a request is invalid where it requires a custodian to conduct research and correlate data from various records. See, e.g. MAG Entertainment v. Div. of ABC, 375 N.J. Super. 534 (App. Div. 2005).

With regards to items L, Z, AA, and BB of your request, please be advised that NJ TRANSIT has no records responsive to your request.

At this time your request shall be deemed closed. If you have any further concerns, please contact me at (973) 491-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Whitman J. Portillo", with a large, sweeping flourish extending to the right.

Whitman J. Portillo
Assistant OPRA Specialist
Board Office
NJ Transit

Enclosure(s)

EXHIBIT M

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COUNSELORS AT LAW
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Erika Lezama
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ROSE L. SCOGNO
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ALEXA D'AMATO BARRERA
member NJ & PA bar

STEPHEN M. VAN NATTEN
member NJ & PA bar

SUSAN L. EISENLOHR
paralegal

June 6, 2019

CERTIFIED MAIL, R.R.R. & REGULAR MAIL
7016 1970 0000 1635 7102

Chief Christopher Trucillo
NJ Transit Police Department
1 Penn Plaza
Newark, New Jersey 07105

RE: OUR CLIENT : ESTATE OF TIFFANY VALIENTE
DATE OF ACCIDENT : JULY 12, 2015
LOCATION : GALLOWAY TOWNSHIP, NEW JERSEY
OUR FILE NUMBER : 3408-P
CASE # : 1-15-0410

Dear Chief Trucillo:

Attached hereto is my letter dated July 11, 2017 to you and my letter dated August 10, 2017 to Mr. Fanaroff.

I write to you for the following reasons:

- (A) The family wishes to have the DNA swabs tested at their expense. As noted in my letter dated August 10, 2017 to Mr. Fanaroff, I will have to obtain a Court Order. So accordingly I will be filing suit along with a Motion seeking the relief necessary in order for the DNA swabs to be tested. In order that the Order is precise I need to know what pieces of evidence were swabbed for DNA and whether the items in question have been retained by your office. The family has selected DDC Forensics.
- (B) We are also requesting an itemization of what pieces of evidence your office has retained relative to the investigation of the death of Tiffany Valiante.

I await your response.

Very truly yours,

Paul R. D'Amato

Paul R. D'Amato

PRD/lrp

Enclosures

cc w/encs: Joseph C. Fanaroff, DAG - via email
Mr. & Mrs. Stephen Valiante-via email

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Stephen M. Van Natten
MEMBER NJ & PA BAR
stephen@damatolawfirm.com

Susan Eisenlohr
PARALEGAL

August 10, 2017

VIA EMAIL ONLY

Joseph C Fanaroff, Esquire, Assistant Attorney General
Attorney General's Office of New Jersey
Hughes Justice Complex
P.O. Box 080
Trenton, New Jersey 08625

RE: **ESTATE OF TIFFANY VALIANTE**
DOCKET NUMBER : ATL-L-1411-17

Dear Joe:

I want to confirm my understanding of what you were advised by the State Medical Examiner's Office:

- (A) That the family has to obtain a Court Order which would require the DNA Card to be tested;
- (B) That the family bears the cost of the testing;
- (C) That the family has to select the lab where the testing will be done;
- (D) That the results of the testing will be sent to the family and not to the State Medical Examiner's Office or the New Jersey Transit Police Department.

If this is correct please advise

Very truly yours,

Paul R. D'Amato

Paul R. D'Amato

PRD/lrp

cc: Mr. & Mrs. Stephen Valiante-via email
Jessica Valiante- Vallauri - via email
Krystal Valiante-Summerville - via email

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Susan Eisenlohr
PARALEGAL

July 11, 2017

Chief Christopher Trucillo
Chief of Police
NJ Transit Police Department
1 Penn Plaza
Newark, NJ 07105

RE: OUR CLIENT : ESTATE OF TIFFANY VALIENTE
DATE OF ACCIDENT : JULY 12, 2015
LOCATION : GALLOWAY TOWNSHIP, NEW JERSEY
OUR FILE NUMBER : 3408-P
CASE # : 1-15-0410

Dear Chief Trucillo:

Please be advised our office represents Dianne and Stephen Valiante as co-administrators of their daughter, Tiffany Valiante's Estate. A train in Galloway Township struck Ms. Valiante's body on July 12, 2015. As a result, your office conducted an investigation and certain items were retained in your office's evidence locker.

I would ask that you please retain all items entered into evidence by your office in the above referenced case. Please do not discard these items, as they may be relevant for the purposes of civil litigation.

Additionally, I would ask that when you deem it appropriate the items be turned over to my office for the purposes of the pending civil litigation.

Thank you for your attention to this matter.

Very truly yours,

Paul R. D'Amato

Paul R. D'Amato
PRD/kmg
Cc: Diane and Stephen Valiente-via email

D
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EXHIBIT N

**A Phoenix Research Group Report
Into the Death of
Tiffany Valiante**

The Phoenix Research Group is a not for profit group that is not representative or have affiliation with any other group, organization or individual.

Tiffany Valiante, 3160 North Mannheim Ave, Egg Harbor City/Pomona, NJ

18 Years Old 6 foot 2 inches; 175 Lbs., wearing Shorts and Shirt as indicated in Deer Cam Photo taken by neighbor

Graduated Oakcrest High School

Awarded Volleyball Scholarship—Mercy College, Dobbs Ferry, NY

College Major Study was to be Criminal Justice

Tiffany Valiante was coached by Allison Walker on the East Coast Crush Team

Allison Walker Head Volleyball Coach Stockton University since 2006

5 Time NJAC Coach of the Year,

Name one of the Top 7 Coaches of the Country

9 NCAA Conference Championships in 12 Years

9pm Left Cousin's Graduation party said she had invited friends over and she would be right back.

9:30pm Parents went looking for her and found her cell phone at the head of the Driveway in the grass. There were reports that Tiffany and her mother had argued at around 9:30pm.

11:15pm Tiffany Valiante was struck by Transit Train on July 12, 2015. Shrine erected at reported point of impact at Train Track intersection off Aloe Road at end of Prague Ave. Tiffany Valiante was barefoot and wearing only underwear at time of train impact. No abrasions, cuts, bruises or dirt were on her feet. No mention of her wearing a shirt or bra at the time of impact, unless underwear was used to describe both. In that case the shirt and shorts she was wearing are also missing. No rape kit, anal penetration or stomach content test conducted. No in depth investigation of injuries, concentrating on wrists, ankles and neck because train impact could mask any injury obtained prior to the impact. Only an in depth forensic subdermal tissue analysis could have determined if certain

injuries were obtained prior to the train impact. Even then there is no guarantee that such an analysis would have a definitive conclusion. But, there was no such attempt to do such an analysis.

There were no drugs or alcohol in her system. SHORTS NEVER FOUND- Possible trophy- indicating a possible compulsive behavioral type personality. (Further investigations into other deaths involving trains recorded as suicides is now ongoing)

Train moving at 80 MPH with 3 passenger cars needs about 2,000 feet to stop completely under emergency stop situation. The Trains Engine Headlight should illuminate at least 800 feet up the track at a 20 degree angle. If engineer applied brake 800 feet from impact point train travelled at least 1200 feet before stopping. That puts impact point at a position just east of Power Rely Station and directly in line with property located at 600 White Horse Pike- Rt.30, Egg Harbor City NJ. The stopping distance under emergency condition is an estimate because even Engineers are uncertain because it differs from train to train. The usually formula is the length of the train times itself offset by the type of braking system the train has. It should be noted that NJ Transit Trains are equipped with external video; such video was used to investigate the Hoboken Station crash. NJ Transit has had 150 accidents in five years, prior to July 2016, 25 of those in 2015 which NJ Transit officially lists as having caused no injuries or death. NJ Transit in those five years has paid 4.8 million dollars in damages and \$500,000.00 dollars in safety violations. NJ Transit has been under continuous investigation by the Federal Railroad Administration for safety issues surrounding faulty brakes or lack of PTC braking systems. Apparently in 2015 no NJ transit train had this braking system in place though it was a Federal Railroad Administration mandate that they be installed. To this day many NJ Transit trains lack this equipment though they are on track to complete installation by the end of 2018. It should be noted that no National Transportation Safety Board investigation was conducted concerning this incident. That NJ Transit police conducted the entire investigation and apparently don't consider a suicide classification as a death related train accident. If Tiffany's death was ruled as anything but a suicide NJ Transit would have to submit to NTSB & Federal Railroad Administration investigations Furthermore, if professional train Engineers have an uncertainty of the distance required

for an 80mph train to stop under emergency situations, then it is safe to assume that an 18 year old would not have a clue about it, if she were attempting to signal the engineer that she were in trouble, she would have no idea that by the time the Engineer saw her the train would not be able to stop before striking her. The train's headlight in that area would have been the only light visible at that time of year especially on July 12, 2015 when the moon was in the last crescent sliver phase before going into the New Moon on July 16, 2015 and the dense foliage that lines the tracks.

600 White Horse Pike - Rt. 30, Egg Harbor City, NJ, was and is presently rented by Stockton University Students. This property has been known as a Stockton Party House for many years though since 2015 the extremely large pay for entry parties that it was known for has diminished. The driveway to the right of the house goes all the way back to the railroad tracks. Presently the area previously used for outdoor partying is now a massive dump area of furniture and other garbage. Furthermore there should be police reports on record pertaining to the partying aspect of this house in the Galloway and Egg Harbor City Police Departments because both have been known to respond to disturbances at this location and for parking and traffic concerns. It can't be ignored that Tiffany's Volleyball Coach, Allison Walker and this property have a Stockton connection and was well known as a party house. Also taking into account that Tiffany had stated that she invited friends to her cousin's graduation party. Without specific names it is only speculation at this point if those friends may have been associated with Stockton College or from her work place (Wawa). It also should be noted that at the time of her death several employees at the Wawa at the corner of White Horse Pike/Rt 30 and Tilton Road were also students at Stockton College.

Access through Power Relay Station right of way: No visible Cameras on Cell Tower or Electric Transfer Station. Only Camera Visible is on Transfer Stations Building Access Door. No External Lights on at Power Rely Station or on Cell Tower at night. Power Rely Station has external light stanchions, but, they are not on, they are only activated when someone is inside the fenced area.

Weather Conditions from July 9 through July 12, 2015 was temperatures ranging from 68 degrees in the early morning hours to 89 degrees during the day and no rain throughout the entire indicated time span. Earliest rain was recorded on July 8 and it was a quick light passing scattered shower—unknown if the scattered shower included the surrounding area or what standing water was left behind if any.

Track Area at reported Impact Site.

Slight elevation of Track Bed consisting of 1 ½" x ¾" crushed stone.

North Side track bed is 5 feet long by 16 inches high that is a:

14.9 Degree Angle; 3.2:12 Pitch; 26.7% Slope; 5 feet 2 2/32 inch Slope Length

South Side track bed is 8 feet 4 inches long by 16 inches high that is a:

9.1 Degree Angle; 1.9:12 Pitch; 15.0% Slope; 8 feet 5 9/32 inch Slope Length

North Side of track has a steeper ascent from the maintenance road.

The Maintenance road runs the entire length of the track and is wide enough for large trucks and smooth enough to accommodate a standard vehicle configuration.

A female test subject walked barefoot from the Railroad Track intersection at S. Mannheim Ave., behind the Assago Restaurant off the White Horse Pike (Rt 30) to the Track intersection near Prague Ave. along the Maintenance Rd.: Physically there was a significant amount of dirt, abrasions and foot pain upon reaching Prague Ave. Additionally it was mildly difficult to leave the road and ascend onto to the tracks with the sharpness of the track bed material and the angle and pitch of the Northside track bed, the test subject stumbled several times before getting a solid foothold onto the railroad ties portion of the track bed. At times it appeared as if the test subject was jumping in an upper forward motion to get that foot hold, especially during the second phase of the test when she was running down the maintenance road and quickly attempted to go from the road bed to the track bed it appeared as if she was jumping. This test was conducted during the daylight hours; it is safe to assume that at night the difficulties would only have increased.

Both sides of track from Genoa Rd.. are heavy in foliage no light visible through the foliage on either side of the tracks. First visible opening that can be seen at that time of night is at the reported impact site where the shrine is located. At

this point the foliage thins on the South Side of the tracks and a light sands colored patch can be seen from the North Side of the tracks indicating an opening. If someone wanted or needed to exit the track area this is where they would have the first visible opportunity to do so. However; there is a slight narrow path that leads from the rear outdoor party area of the Stockton Party House to the Railroad Tracks and on a third test day running from this area to the point of impact the test subject bare feet had minor dirt, pine needle debris both on and in the feet with some abrasions.

Purported Path Tiffany took if walking according to the Official Report:

Down Mannheim Ave.	To	Drosera Ave.	.7 miles
Drosera Ave.	To	Tilton Ave./Route 563	.1 miles
Tilton Road/Route 563	To	Wrangleboro Rd.	.3 miles
Walking Path between Tilton Rd/Rt563 and Wrangleboro Avoids intersection & light cameras			
Wrangleboro Rd	To	Genoa Rd.	.3 miles
Genoa Rd.	To	Railroad Track Access	.6 miles
Railroad Tracks	To	Train Impact Point	1.5 miles
West of Tracks Until Impact Point			
Mileage Total			3.5 miles
Elapse Time 9pm to 11:15pm			2 hours 15 minutes
Average Walking Speed for Teenage Girl is 3.1 miles per hour on a flat road surface.			

Over Terrain associated with Railroad Track and Maintenance Access Road at night is about 2.5 miles per hour

Possible Walking Path going to place of employment—had asked friends to joy her at Cousin's graduation party across the street from her (Tiffany's) house.

Work Place—Wawa- Corner of Tilton Rd/Route 563 & Route 30/White Hors Pike distance from

3160 Mannheim Ave.	To	Drosera
Drosera	To	Tilton Rd./Rt. 563
Tilton Rd/Rt. 563	To	Wawa, corner of Tilton Rd./Rt.563 & Rt. 30

Wawa is 2.8 miles from home. Arrival time at Wawa would have been about 10:30pm after leaving party at 9:30pm

NOTE: Tiffany's Shoes & headband were found later on the side of the road off Tilton Road/Rt. 563 near Blue Heron Golf Course just West of Odessa Rd and Prague Rd. which can be accessed through Barrette Outdoor Living Facility leading strait back to Power Transfer Station across Aloe St. Shoes and headband were found neatly placed in grassy area which could indicate that she neatly placed them there herself or that a third party placed them there at a later date. If she put them there herself then the placement contradicts the official narrative of the route she took to get to the tracks, but supports the narrative that she may have been heading to her place of employment at Wawa.

Further findings of an experiment subject walking along the track in barefoot showed significant amount of wear and tear on the feet after about $\frac{1}{2}$ to $\frac{3}{4}$ of a mile over the tracks rail bed. Walking along the maintenance road which parallels the tracks there was a significant amount of foot dirt and micro abrasions. If you walked on the tracks rails again a significant amount of dirt and metal dust transfer on the feet. If you walked using only the rail ties significant amount of dirt as well as splinters of wood on and in the feet.

Other Possible Routes either voluntarily or otherwise.

Odessa Rd.—Closed to Auto Traffic on inspection date of 2/8/2018 by Gate- secured with single 2 x 4 through 2 half hasps and then secured into place with wood screws, screws appear fairly new, Concrete barriers on both side of gate to heavy tree line. Odessa Rd freely accessed from Aloe Rd near Academy Tour Bus Terminal. Odessa Rd. off Tilton Ave./Route 563 has;

**Enlightened Solutions which is an Addiction Recovery Facility, 600 Odessa Ave.
opened June 6, 2014**

**Hope Farm is a Therapeutic horse farm for children with disabilities and those
recovering from drug addiction at Enlightened Solutions.**

Funded by the Hansen Foundation a Non-profit Organization.

Prague Rd.-- through Barrette's Outdoor Living driveway from Tilton Rd/Rt. 563 crossing Aloe Street to Power Transfer Station and unto the tracks. Route accessible with 4 wheel drive, difficult with standard vehicle

Atlantic Ave. parallels the Railroad Tracks from Wrangleboro Rd. across Genoa Rd and connects with Odessa just south of the White Horse Pike/Route 30. At intersection of Odessa Rd and Atlantic Ave there is easy access to Railroad Tracks.

On Odessa Ave. there is an abandoned house on right side of road, not visible from White Horse Pike/Route 30—House is a known party spot—various types of Female clothing is scattered about the area. House was open through large door in the back which we were unprepared at that time to investigate. When leaving the area we were observed by a Galloway Police vehicle who watched us as we walked the perimeter of the house and property. Within a week of our first visit to this house it was completely boarded up, all access points on first and second floors were sealed up tight within a week of the police vehicle observing us looking around the property taking photographs and recording our preliminary finding. When we had access to the building we did not do a complete search of the two story structure, as it would require several people for safety reasons.

210 White Horse Pike/Rt #30, Galloway Twp, NJ 08205—Columbia Self Storage.

In 2015 and for several years prior on the vacant property adjacent to the Self-Storage facility was an area known to the resident managers at that time, and the local police to house an encampment of homeless men that had many run-ins with the police departments. These individuals would regular roam the train tracks between cities in an effort to avoid contact with the various police departments. This encampment at that time was occupied year round with a wood structure, in door heating, outdoor cooking facilities and at any one time could hold up to four people. Since 2015 the encampment has been abandoned after a heavy crackdown by Galloway Police and new ownership of the Storage Facility. It was known in 2015 as Atlantic Storage Solutions.

Victor Weeden head of the New Jersey Medical Examiner's Office from 2007 -2009 highlighted that the Medical Examiner's Office was and is a problematic institution with heavy

interference from the State Attorney General's Office ranging from staffing issues to pressure on the Office to close cases as quickly as possible by any means necessary. The New Jersey Medical Examiner's Office has often been described as a National Disgrace. Under the present leadership of Andrew Falzon, since 2009, the situation has not improved according to testimony before a State Senate Committee in November 2017. The Medical Examiner's Office is supposed to work autonomous from the Attorney General Office and other political entities in order to keep it objective and free from political interference and influence, however, that has been the case because when examining records we see NJ Transit has had 150 accidents in the five years, prior to July 2016, 25 of those in 2015 which NJ Transit officially lists as having caused no injuries or death, but, when we look at newspaper achieves we see that several deaths were caused by being struck by a train on the Philadelphia/Atlantic City Rail Line; Albert Mallen, 2 miles from Absecon Station; unidentified Women, 6/1/2016 struck near the Parkway Overpass in Galloway/Absecon Border; 3/24/2013 Tara Everett struck in Galloway Township no specific area identified. The incident information concerning this Train strikes were obtained with minimal effort of research of public records.

The attached Photographs saw various entrances and exit points along the length of railroad track that this incident occurred especially since Tiffany's Shoes were found along Tilton Road near the Enlightened Solution Complex.

In all the Phoenix Research Group conducted several test accessing the Railroad tracks where Tiffany was struck by the train and in all the test showed that no matter which direction she walked from to access the tracks there would be a significant amount of physical debris left behind on the bottom of her feet, sand or mud beneath her toe nails, splitters of wood from the railroad ties and other indications the she walked a long distances barefoot. However, there are two ways that Tiffany could have come from that would leave the least amount of physical evidence behind on her feet. One is the he parking lot turn around that presently houses the shrine erected in her honor. If she were driven there, the distance between the parking area and the track is roughly 75 feet depending on where the vehicle was parked. The sandy area adjacent to the track area would acted as a cleaning agent of any debris transfer from the parking lot. The

track elevation on the south side of the tracks has a more gradual slope than the north side making it less difficult to ascend to the track bed. The test subject showed little to no debris on her feet during two test sequences, one from an area closest to the tracks and the other from the far end of the parking area.

Also if she were running from someone it may appear as if she jumped in front of the train as she attempted to wave down the train engineer for help. However, this portion of the test could not be completely duplicated.

The other is if she was driven there by way of the maintenance road which can be accessed from South Genoa Ave heading west along the tracks and the vehicle could easily exit at South Cologne Ave. However without any serology tests conducted it's impossible to say if she was left there after being assaulted and again in an attempted to flag down the train for assistance it would have appeared as if she jumped in front of the train.

The New Jersey Transit police denied the research group access to the engineer or the engineer's statement. We did find out from other sources within the NJ Department of Transportation that the engineer has not interviewed directly after the accident by the Transit Police, but, was extensively questioned by New Jersey Railroad Officials prior to making a statement to the Investigating authority. Furthermore this same source showed members of the research group copies of memos issued in 2014 roughly stating that if any incident occurring along the rail system that doesn't involve significant damage to the trains is not to be investigated as an accident, but, as an incident even if it resulted in the death of an individual unless that individual was on the train at the time of the incident. The source was unwilling to turn over the copies, because by doing so it would compromise his position and may have resulted in his termination at the department and possible criminal charges. It should be noted that this memo is consistent with the publicly obtained information mentioned on Page 2 of this report.



Tilton Road looking towards Alice Road at
Prague Road intersection to the right of
Brazel's Property



3000 Litch Party House - Brazel's
Property - looking towards Prague Ave



Stockton Party House driveway
leading to back outdoor party
area - now used as a dump



Stockton Party House driveway on right of
house - leads to outdoor party area near some
railroad tracks - near Prague Ave



3000 Litch Party House
off driveway



Prague Road off Alice Road towards railroad
tracks

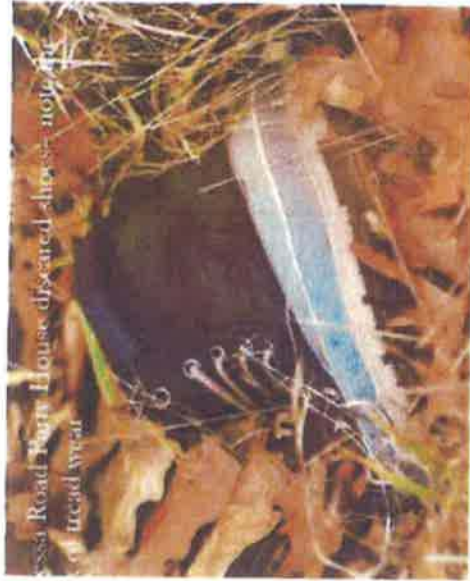
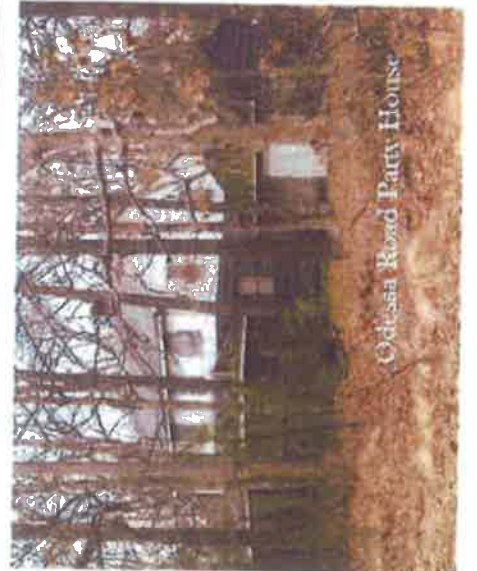


Access Road looking from Alice Road
towards Tilton Road



Alice Road Party House
off railroad track





**A Phoenix Research Group Report
Into the Death of
Tiffany Valiante
Update Observations and Analytical Report**

The Phoenix Research Group is a not for profit group that is not representative or have affiliation with any other group, organization or individual.

Continuous monitoring of several areas of interest revealed that an unknown person had recently placed a new bouquet of artificial flowers on the fence surrounding the Nextel Mobile Communication Building and Tower just east of the purported impact point. As noted in our previous report, Pages 2 & 3, the trains stopping distance puts possible impact point further east than originally reported by Official Investigators.

The Nextel Tower building, Tower and Catwalk are within what we believe is the actual impact area. This Nextel facility was unsecured at each time the sight was visited at the end of Prague Ave. Initially we only gave it a cursory look, however, with the placing of the new bouquet of flowers on the fence appearing so soon after our first report was completed it warranted a more in depth look.

The flowers appeared within 9 days after members of our group began photographing, running test subjects for trace analysis and talking to people at two points of interest, First: the House and Property located at 600 White Horse Pike, Egg Harbor City, N.J., Second: Enlightened Solutions which is an Addiction Recovery Facility, 600 Odessa Ave. and Hope Farm is a Therapeutic horse farm for children with disabilities and those recovering from drug addiction at Enlightened Solutions.

We looked at the time frame when Tiffany was last seen at 9:30 pm and when she was struck by the train at 11:15pm. The time frame of 1 hour and 45mins was concerning when you consider it would have taken Tiffany less than 1 hour to reach the impact point, leaving at least 45 minutes unaccounted for. An unsecured cell tower facility next to the tracks warranted a closer look.

Cell Towers emit a highly powerful concentration of Electromagnetic Energy Field (EMF) capable of travelling 45 miles over level terrain like that found here in South Jersey. Mobile Cell Towers are especially dangerous because they emit microwaves at a frequency of 1900 MHz. Recent studies have shown that the intense radioactivity from these towers adversely impacts every biological organism within one square kilometer, the closer a person is the higher the reaction in the shortest amount of time. The body of every living organism generates their own field which cell tower EMF disrupts and manifest itself in many ways in both long and short term effects. We concentrated on the short term effects. It should be noted that at this sight there are warning signs pointing to the hazards and that special training specifically designed for EMF exposure is required. The U.S Navy has communication equipment that generate the MHz as these cell tower and short term close proximity for short period of time have cause serve internal organ damage, as well as cause burns to the skin.

Some of the short term effects if a person remained on the catwalk section of the tower, the EMFs would cause a person to have severe headaches, mental confusion, difficulty concentrating, and fatigue. All these effects have been noted in many medical and military journals where it is noted that 50% to 75% of those living within 1 mile will develop one or more of these effects in differing degrees. It should be noted that the parking area and turn around just west of the tower and the outdoor party area for 600 White Horse Pike fall into the high risk area for these effects, especially if the a person was already under undue stress.

The hippocampus is part of the limbic system which consolidates information from short term memory to long term memory, and in spatial memory that enables navigation. The hippocampus is located under the cerebral cortex.

Pyramidal cells or neurons are multipolar neurons which are also found in the cerebral cortex, the hippocampus and the amygdala. These neurons are excitation units of the mammalian prefrontal cortex and the corticospinal tract; they have numerous voltage-gated ion channels. Here there is an abundance of Na⁺, Ca⁺ and K⁺ channels in the dendrites. These Pyramidal Cells have a synaptic potential of 1.5mV and a synaptic conductance 1nS.

Glial Cells are key to maintaining and sustaining healthy brain tissue. Recent research indicate that glial cells of the hippocampus and cerebellum participate in synaptic transmission, regulate clearance of neurotransmitters from the synaptic cleft, and release gliotransmitters which modulate synaptic function which prevents a toxic build-up that interferes with synaptic functions.

Nextel Tower emits a frequency 1900MHz, while the human brain has a synaptic potential of 1.5mV and conductance of 1nS. At this ratio the EMF radiated from the Nextel Tower that on would be subjected to if they were in close proximity to the Nextel Station or the catwalk area surrounding the tower which is next to the tracks and at what is believed to be the actually impact point. With the inconsistent statements made by the train engineer and the lack of physical debris on Tiffany's feet there remains another possibility that Tiffany might have been pushed or jumped from the Tower Catwalk area. The fact that she was not wearing shorts adds to the possibility that she was driven to the location, possible assaulted by someone she knew and trusted and attempted to get away by jumping from the tower. With the effects of the EMF from the tower interfering with her own internal EMF the fight or flight syndrome was elevated and everything else was blocked out including the approaching train.

A representative of the Phoenix Research Group requested permission to inspect the gated area and catwalk surrounding the tower in question. Nextel refused the representative request and was informed that any person trespassing in that area would be prosecuted. So no physical inspection has been done and for all we know clues may well hidden within that gated area.

There is no mention of any official inquiry or inspection of the area surrounding the Nextel Tower either.

Note: Our main investigator in New Jersey recently sustained injuries, not related to this case study. We note this because the investigator had not yet completed the supplement to the original report. Other members of the Research Group put together this report from the investigators notes.

Civil Case Information Statement

Case Details: ATLANTIC | Civil Part Docket# L-001840-19

Case Caption: VALIANTE STEPHEN VS NJT POLICE
DEPARTMEN T

Case Initiation Date: 07/11/2019

Attorney Name: PAUL R D'AMATO

Firm Name: D'AMATO LAW FIRM, PC

Address: 2900 FIRE RD STE 200
EGG HARBOR TOWNSHIP NJ 08234

Phone:

Name of Party: PLAINTIFF : VALIANTE, STEPHEN, F

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: OTHER WRIT OF MANDAMUS

Document Type: Complaint

Jury Demand: NONE

Hurricane Sandy related? «sandyRelated»

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

07/11/2019
Dated

/s/ PAUL R D'AMATO
Signed