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## Ex-sergeant sues Menlo Park city manager

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A former Menlo Park police sergeant last week filed a lawsuit against the city of Menlo Park and City Manager David Boesch, claiming Mr. Boesch defamed him after he resigned from the police force earlier this year.

The lawsuit filed by Paul Kunkel, now a deputy with the San Mateo County Sheriff's Office, said comments reportedly made by Mr. Boesch and appearing in a June 12 Palo Alto Daily News article caused him "humiliation, mental anguish, and emotional and physical distress."

Mr. Kunkel is asking for an unspecified amount in punitive damages.

Comments attributed to Mr. Boesch were in an article about the unusually high number of police officers leaving the department, headed since 2002 by Chief Chris Boyd. The article named Mr. Kunkel and Eric Cowans, also a sergeant, as two of the officers who had resigned to take jobs elsewhere.

The article quoted Mr. Boesch as saying, "At least one of the sergeants that went to the county was a low performer and was likely to be demoted."

Mr. Boesch could not be reached for comment before the Almanac's press time.

Several days after the article was published, attorney Alison Berry Wilkinson, representing Mr. Kunkel and Mr. Cowans, wrote a letter to Mr. Boesch, stating that "the statements you made were patently false," and requesting a public apology, a correction and a retraction of the reported comments.

The lawsuit says that Mr. Boesch never responded to the letter. City Attorney Bill McClure said that he attempted to respond to the letter, leaving Ms. Wilkinson a voice message and sending her an e-mail, but that he "never heard back from her."

Mr. Kunkel and Mr. Cowans also filed a claim for damages against Mr.

Boesch several days after the article appeared. Mr. Cowans, who rejoined the Menlo Park police force last month, is not a plaintiff in the lawsuit.

The lawsuit, filed November 30, states: "At all times prior to voluntarily resigning employment with the city, Kunkel was given glowing performance evaluations. Kunkel received evaluations during his tenure that were signed and approved by ... Boesch, which reflect that he not only achieved, but consistently exceeded, Department standards."

It also says that as a result of the reported comments, Mr. Kunkel "continues to be the butt of daily jokes," and has been "required to defend his reputation and honor, and has been the subject of speculation and gossip concerning whether his denial of the published information is self-serving or, worse yet, untrue."

Mr. McClure, the city attorney, said that "there is no basis for litigation," and if the lawsuit goes forward, he expects the city to prevail.

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