

JSJS 44 (Rev. 12/07, NJ 5008)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

I. (a) PLAINTIFFS

Joey M. Hand and Robert L. Lang

(b) County of Residence of First Listed Plaintiff Camden

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Randy P. Catalano, Esquire
251 South White Horse Pike
Audubon, NJ 08106
(856) 858-1115

RCatalano@catalanolaw.net

DEFENDANTS

Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, Patrolman E. O'Donnell, John
County of Residence of First Listed Defendant Camden

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ PTF ☐ DRF ☐ Incorporated or Principal Place of Business in This State ☐ PTF ☐ DRF
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 3 ☐ 3
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	STANDARD	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defined Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veterans' Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury	PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Theft in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damages Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Subjects of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Inj. ☐ 660 Occupational Safety/Health ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 750 Other Labor Litigation ☐ 791 Empl. Ret. Inv. Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Naturalization - Alien Detainees ☐ 465 Other Immigration Actions	☐ 422 Appen 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 801 HIA (1995) ☐ 802 Black Lung (925) ☐ 803 DIWC/DIWW (405(g)) ☐ 804 SSID Title XVI ☐ 805 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS - Third Party 26 USC 7609	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Consumer ☐ 460 Deprivation ☐ 470 Ruckelshaus Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 CableSat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 880 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Anser, w/Disabilities - Employment ☐ 446 Anser, w/Disabilities - Other ☒ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence ☐ 530 Habeas Corpus ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition			

V. ORIGIN

- (Place an "X" in One Box Only)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Reopened from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

Brief description of cause:
Police Misconduct

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

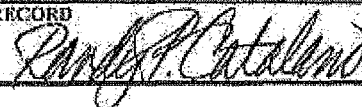
Explanation:

DATE

04/02/2014

SIGNATURE OF ATTORNEY OF RECORD

Randy P. Catalano, Esquire



INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action: Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. Provide a brief explanation of why the cases are related.

Date and Attorney Signature. Date and sign the civil cover sheet.

RANDY P. CATALANO, ESQUIRE
ATTORNEY ID# 024491982
251 SOUTH WHITE HORSE PIKE
SUITE 100
AUDUBON, NEW JERSEY 08106
T: (856) 858-1115
F: (856) 858-1114
Email: rcatalano@catalanolaw.net

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOEY M. HAND and
ROBERT L. LANG,

Plaintiffs,

vs.

BOROUGH OF LINDENWOLD,
BOROUGH OF LINDENWOLD
CHIEF OF POLICE, THOMAS J.
BRENNAN,
PATROLMAN E. O'DONNELL
JOHN DOES 1-25 (fictitious names) and
JOHN DOES 26-50 (fictitious names),
Jointly, severally and/or in the alternative

Defendants.

CIVIL NO.

CIVIL ACTION

COMPLAINT

Plaintiffs, Joey M. Hand and Robert L. Lang, residing in the Borough of Lindenwold,
County of Camden and State of New Jersey, by way of Complaint say:

COUNT ONE
(Jurisdiction and Venue)

1. Plaintiffs, Joey Hand and Robert L. Lang, bring this action against

defendants to recover damages for deprivation and violation of rights secured to them by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, by 42 U.S.C. § 1983 and by the New Jersey Constitution.

2. Plaintiffs seek redress for defendants' violation of their Fourth Amendment rights to be free from excessive force, unlawful arrest, false imprisonment, and malicious prosecution; for their violation of their 14th Amendment rights to due process of law; for the violation of their rights provided by 42 U.S.C. § 1983; for conspiring with each other to violate their rights under the Fourth and 15th Amendments; for their violation of constitutional rights including the right to be free from excessive force, false arrest, false imprisonment, malicious prosecution, malicious abuse of process, intimidation, retaliation, emotional distress and negligence; and for defendants conspiracy to commit these violations.

3. This court has jurisdiction over this action under 38 U.S.C. § 1331 and 1343 (a) for violation of constitutional rights as provided in 42 U.S.C. § 1983. Plaintiffs seek monetary damages as well as attorney's fees and costs pursuant to 42 U.S.C. § 1988.

4. Plaintiffs also invoke the supplemental jurisdiction of this court over a state law claim against defendants pursuant to 28 U.S.C. § 1367 because the state law claims form part of the same case or controversy.

5. Venue is proper in this District Court pursuant to 28 U.S.C. § 1391 because the initial acts complained of occurred in the Borough of Lindenwold, County of Camden and State of New Jersey.

COUNT TWO
(Parties)

6. At all relevant times alleged herein, plaintiffs were and are citizens of the United States of America and the State of New Jersey, residing in the Borough of Lindenwold.

7. At all relevant times alleged herein, defendant, Borough of Lindenwold, was the employer of the individual defendants and body politic of the State of New Jersey, and as such, was responsible for the institutionalized policies and practices of the Police Department, had disciplinary control over subordinate members of its Police Department, and had the authority and responsibility to prevent ongoing violations of constitutional and common law rights by members of its Police Department.

8. At all times alleged herein, defendant, Borough of Lindenwold, was the employer of the individual defendants and had both the authority and the responsibility to prohibit institutionalized policies and practices of its Police Department which fostered, permitted or acquiesced in violations of the constitutional rights of citizens including plaintiffs, Robert L. Lang and Joey M. Hand.

9. At all times material hereto, defendant, Patrolman E. O'Donnell, was an employee of the defendant, Borough of Lindenwold (hereinafter Borough) and/or Borough of Lindenwold Police Department (hereinafter Police Department) and was acting in such capacity and under color of state law.

10. At all relevant times, defendant John Does 1-25 (fictitious names), were individuals employed by the Borough and/or Police Department who were acting in such capacity and under color of state law. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiffs, but expect to be ascertained in discovery.

11. At all relevant times, defendant John Does 26-50 (fictitious names), were individuals employed by the Borough and/or Police Department who may have been responsible for the actions or inactions of the other defendants and were acting in such capacity and under color of state law. These defendants are fictitious names for individuals whose identities are

currently unknown to plaintiffs, but expect to be ascertained in discovery.

12. At all relevant times, all named defendants are being viewed in their individual and official capacity. Patrolman E. O'Donnell and John Does 1-25 were, at the time, police officers employed by defendant, Borough and/or Police Department, and were acting in such capacity and under color of state law. They are being sued in their official and individual capacities.

13. Chief of Police, Thomas J. Brennan, was at all relevant times alleged herein the Chief of Police for the Borough of Lindenwold. In that capacity, he was the official policy maker for the Borough of Lindenwold with respect to the policy, practices and customs of the Police Department. Chief Thomas J. Brennan is being sued in his both his individual and official capacities.

COUNT THREE
(Facts)

14. On or about April 15, 2012, plaintiffs, Robert L. Lang and Joey M. Hand, were guests of residents at the Coachman Apartments when they were approached by Patrolman E. O'Donnell with his service gun drawn at plaintiffs.

15. Patrolman , without provocation or cause, struck Joey M. Hand and shouted for him to get on the ground.

16. As plaintiff, Joey M. Hand, laid on the ground, Patrolman shouted racial slurs to the plaintiff and began striking him with a club resulting in a fractured bone.

17. At the same time and place, plaintiff, Robert L. Lang, pleaded with Patrolman to stop striking the plaintiff, Joey M. Hand, because he was already on the ground.

18. At that time, Patrolman attempted to strike plaintiff, Robert L. Lang, in the

face with his club.

19. In an attempt to block Patrolman's club from striking, plaintiff, Robert L. Lang, raised his arm and Patrolman struck him causing injury.

20. Following the assaults, Patrolman arrested the plaintiffs.

21. As a result of the patrolman's grossly excessive use of force and unnecessary force, the plaintiffs were caused to sustain serious injuries.

22. After being released from police custody, plaintiff, Joey Hand, was treated for his injuries which included a bone fracture in the arm.

23. Defendant, Patrolman E. O'Donnell and other police officers, without reasonable or probable cause, and without explanation, detained the plaintiffs and placed them under arrest, utilizing grossly excessive force.

24. Plaintiffs were taken into custody and transported by one or more of the individually named defendants by a police vehicle to the Borough of Lindenwold Police Department.

COUNT FOUR
(Fourth Amendment Violations)

25. Plaintiff, Robert L. Lang, hereby incorporates the previous allegations of the Complaint as if same were set forth at length herein.

26. Plaintiff, Robert L. Lang's detention and arrest by the defendants, jointly, severally and/or in the alternative were carried out with actual malice and knowledge that the detentions were without any legal justification, probable cause or reasonable belief that probable cause existed.

27. The amount of force utilized in the arrest, detention, handcuffing and confinement of plaintiff, Robert L. Lang, as well as the harassment and intimidation of plaintiff,

Robert L. Lang by officers, Patrolman E. O'Donnell, John Does 1-25 and/or John Does 26-50 was clearly excessive under the circumstances and violated the plaintiff's federal and state constitutional rights to be free from unlawful arrest and seizure.

28. As a direct and proximate result of the unnecessary and grossly excessive use of force by the defendant officers, plaintiff, Robert L. Lang, sustained serious injuries of a temporary and permanent nature, was caused pain and suffering, emotional distress, incurred medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs, and was otherwise injured and damaged.

29. Defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and/or John Does 26-50 were responsible for the aforesaid actions of defendants, specifically, Patrolman E. O'Donnell and John Does 1-25 (fictitious names) by principles of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Robert L. Lang, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell, John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment for compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT FIVE

(Violation of New Jersey Civil Rights)

30. Plaintiff, Robert L. Lang, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

31. The aforesaid improper actions of the defendants also violated the plaintiff,

Robert L. Lang's clearly established rights under the Constitution of New Jersey.

32. As a result, plaintiff is entitled to seek redress for such improper actions in a private action, pursuant to the New Jersey Civil Rights Act.

33. As a direct and proximate result of the aforesaid violations of the plaintiff's State Law rights, he sustained the aforementioned injuries and damages.

34. In addition and pursuant to N.J.S.A. 10:6-2, plaintiff, Robert L. Lang, is entitled to attorney fees in connection with the claims asserted herein.

35. The defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and/or John Does 26-50 were responsible for the aforesaid actions of defendants, Patrolman E. O'Donnell and/or John Does 1-25 (fictitious names) by principals of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Robert L. Lang, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell, John Does 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT SIX

(42 U.S.C. Section 1983 Municipal Liability)

36. Plaintiff, Robert L. Lang, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

37. The Borough of Lindenwold and/or the Borough of Lindenwold Police Department, had a policy, practice and/or custom of permitting its police officers to infringe upon the civil rights of citizens, including but not limited to plaintiffs.

38. The Borough of Lindenwold and/or the Police Department has failed to discipline officers, failed to investigate allegations of police violations and permitted the officers to continue to engage in conduct that violates the rights of citizens.

39. Borough of Lindenwold Chief of Police, Thomas J. Brennan, is the final policymaker for the Borough of Lindenwold Police Department.

40. Chief Brennan has a policy, practice and/or custom of failing to investigate allegations of police misconduct, failing to train officers on the proper use of force and probable cause to arrest, and acquiescing in the police misconduct by his officers.

41. As a direct and proximate result of the acts/omissions of the Borough of Lindenwold and the Police Department, plaintiffs suffered and will continue to suffer injury.

WHEREFORE, plaintiff, Robert L. Lang, demands judgment for compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT SEVEN
(42.U.S.C. Section 1983 Liability)

42. Plaintiff, Robert Lang, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

43. The Borough of Lindenwold, Chief of Police and/or the Police Department failed to adequately train and/or supervise the officers to carry out their duties in a lawful manner.

44. The constitutional violation by the defendants was reasonably foreseeable, however the Borough of Lindenwold and the Police Department failed to take any actions to investigate, discipline, train and correct the actions of the officers from prior constitutional violations.

45. The supervisors of the named defendants knew of the unconstitutional behavior of the defendants, and failed to adequately supervise, train and/or intercede to stop the violations by the named defendants.

46. As a direct and proximate result of the acts/omissions of the Borough of Lindenwold, the supervisors, and the Police Department, plaintiff, Robert Lang, suffered and will continue to experience pain and suffering in the future.

WHEREFORE, plaintiff, Robert L. Lang, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell, John Does 1-25 (fictitious names), together with interests, attorney fees and costs of suit, and a judgment for compensatory damages against defendants, Borough of Lindenwold, the Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT EIGHT
(Negligence)

47. Plaintiff, Robert Lang, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

48. To the extent that defendants' actions are found not to have been willful or intentional, then plaintiff asserts that said actions constituted ordinary negligence and/or showed an absence of good faith and plaintiffs are entitled to recover damages under the common law of the State of New Jersey.

49. As a direct and proximate result of the negligence and absence of good faith on the part of defendants, the plaintiff, Robert L. Lang, sustained the aforementioned injuries and damages.

50. The defendants, Borough of Lindenwold, Borough of Lindenwold Chief of

Police, Thomas J. Brennan, and/or John Does 26-50 (fictitious names) were responsible for the aforesaid actions of defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names) by principles of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Robert L. Lang, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, John Does 26-50 (fictitious names), together with interest, attorney fees and costs of suit.

COUNT NINE
(State Law Torts)

51. Plaintiff hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

52. The defendant police officers, acting within the course and scope of their authority, wrongfully and unlawfully assaulted and battered the plaintiff, Robert L. Lang.

53. The aforesaid actions of the defendant police officers placed the plaintiff, Robert L. Lang, in reasonable fear of imminent bodily harm and resulted in his being unlawfully touched, assaulted and abused against his will.

54. As a direct and proximate result of the malicious, intentional and/or reckless actions of the defendant police officers, the plaintiff, Robert L. Lang, was caused to suffer the aforementioned injuries and damages which are both permanent and substantial and satisfy the claims under New Jersey law.

55. The defendant, Borough of Lindenwold and Borough of Lindenwold Chief

of Police, Thomas J. Brennan, and/or John Does 26-50 were responsible for the aforesaid actions of defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names) by principals of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Robert L. Lang demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Borough of Lindenwold, the Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names), together with interest, attorney fees and costs of suit.

COUNT TEN
(Conspiracy)

56. Plaintiff, Robert L. Lang, hereby incorporate the contents of all previous paragraphs as if set forth at length herein.

57. Some of the aforesaid acts of the defendants were conducted recklessly or with intent of causing the plaintiffs severe emotional distress.

58. The conduct of the defendants was extreme and outrageous, which caused the plaintiff to suffer severe emotional distress as a result of the previously mentioned conduct.

WHEREFORE, plaintiff, Robert L. Lang, demands judgment against defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names), jointly, severally and in the alternative, together with interest, attorney fees and costs of suit.

COUNT ELEVEN
(Fourth Amendment Violations)

59. Plaintiff, Joey M. Hand, hereby incorporates the previous allegations of the

Complaint as if same were set forth at length herein.

60. Plaintiff, Joey M. Hand's detention and arrest by the defendants, jointly, severally and/or in the alternative were carried out with actual malice and knowledge that the detentions were without any legal justification, probable cause or reasonable belief that probable cause existed.

61. The amount of force utilized in the arrest, detention, handcuffing and confinement of plaintiff, Joey M. Hand, as well as the harassment and intimidation of plaintiff, Joey M. Hand, by officers, Patrolman E. O'Donnell, John Does 1-25 and/or John Does 26-50 was clearly excessive under the circumstances and violated the plaintiff's federal and state constitutional rights to be free from unlawful arrest and seizure.

62. As a direct and proximate result of the unnecessary and grossly excessive use of force by the defendant officers, plaintiff, Joey M. Hand, sustained serious injuries of a temporary and permanent nature, was caused pain and suffering, emotional distress, incurred medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs, and was otherwise injured and damaged.

63. Defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and/or John Does 26-50 were responsible for the aforesaid actions of defendants, specifically, Patrolman E. O'Donnell and John Does 1-25 (fictitious names) by principles of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Joey M. Hand, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell, John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment for

compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT TWELVE
(Violation of New Jersey Civil Rights)

64. Plaintiff, Joey M. Hand, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

65. The aforesaid improper actions of the defendants also violated the plaintiff, Joey M. Hand's clearly established rights under the Constitution of New Jersey.

66. As a result, plaintiff is entitled to seek redress for such improper actions in a private action, pursuant to the New Jersey Civil Rights Act.

67. As a direct and proximate result of the aforesaid violations of the plaintiff's State Law rights, he sustained the aforementioned injuries and damages.

68. In addition and pursuant to N.J.S.A. 10:6-2, plaintiff, Joey M. Hand, is entitled to attorney fees in connection with the claims asserted herein.

69. The defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and/or John Does 26-50 were responsible for the aforesaid actions of defendants, Patrolman E. O'Donnell and/or John Does 1-25 (fictitious names) by principals of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Joey M. Hand, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell, John Does 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of

suit.

COUNT THIRTEEN

(42 U.S.C. Section 1983 Municipal Liability)

70. Plaintiff, Joey M. Hand, hereby incorporate the contents of all previous paragraphs as if set forth at length herein.

71. The Borough of Lindenwold and/or the Borough of Lindenwold Police Department, had a policy, practice and/or custom of permitting its police officers to infringe upon the civil rights of citizens, including but not limited to plaintiffs.

72. The Borough of Lindenwold and/or the Police Department has failed to discipline officers, failed to investigate allegations of police violations and permitted the officers to continue to engage in conduct that violates the rights of citizens.

73. Borough of Lindenwold Chief of Police, Thomas J. Brennan, is the final policymaker for the Borough of Lindenwold Police Department.

74. Chief Brennan has a policy, practice and/or custom of failing to investigate allegations of police misconduct, failing to train officers on the proper use of force and probable cause to arrest, and acquiescing in the police misconduct by his officers.

75. As a direct and proximate result of the acts/omissions of the Borough of Lindenwold and the Police Department, plaintiff suffered and will continue to suffer injury.

WHEREFORE, plaintiff, Joey M. Hand demands judgment for compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT FOURTEEN
(42.U.S.C. Section 1983 Liability)

76. Plaintiff, Joey Hand, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

77. The Borough of Lindenwold, Chief of Police and/or the Police Department failed to adequately train and/or supervise the officers to carry out their duties in a lawful manner.

78. The constitutional violation by the defendants was reasonably foreseeable, however the Borough of Lindenwold and the Police Department failed to take any actions to investigate, discipline, train and correct the actions of the officers from prior constitutional violations.

79. The supervisors of the named defendants knew of the unconstitutional behavior of the defendants, and failed to adequately supervise, train and/or intercede to stop the violations by the named defendants.

80. As a direct and proximate result of the acts/omissions of the Borough of Lindenwold, the supervisors, and the Police Department, plaintiff, Joey M. Hand, suffered and will continue to experience pain and suffering in the future.

WHEREFORE, plaintiff, Joey M. Hand, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell, John Does 1-25 (fictitious names), together with interests, attorney fees and costs of suit, and a judgment for compensatory damages against defendants, Borough of Lindenwold, the Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT FIFTEEN
(Negligence)

81. Plaintiff, Joey M. Hand, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

82. To the extent that defendants' actions are found not to have been willful or intentional, then plaintiff asserts that said actions constituted ordinary negligence and/or showed an absence of good faith and plaintiffs are entitled to recover damages under the common law of the State of New Jersey.

83. As a direct and proximate result of the negligence and absence of good faith on the part of defendants, the plaintiff, Joey M. Hand, sustained the aforementioned injuries and damages.

84. The defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, and/or John Does 26-50 (fictitious names) were responsible for the aforesaid actions of defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names) by principles of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Joey M. Hand, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Borough of Lindenwold, Borough of Lindenwold Chief of Police, Thomas J. Brennan, John Does 26-50 (fictitious names), together with interest, attorney fees and costs of suit.

COUNT SIXTEEN
(State Law Torts)

85. Plaintiff, Joey M. Hand, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

86. The defendant police officers, acting within the course and scope of their authority, wrongfully and unlawfully assaulted and battered the plaintiff, Joey M. Hand.

87. The aforesaid actions of the defendant police officers placed the plaintiff, Joey M. Hand in reasonable fear of imminent bodily harm and resulted in his being unlawfully touched, assaulted and abused against his will.

88. As a direct and proximate result of the malicious, intentional and/or reckless actions of the defendant police officers, the plaintiff, Joey M. Hand was caused to suffer the aforementioned injuries and damages which are both permanent and substantial and satisfy the claims under New Jersey law.

89. The defendant, Borough of Lindenwold and Borough of Lindenwold Chief of Police, Thomas J. Brennan, and/or John Does 26-50 were responsible for the aforesaid actions of defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names) by principals of common law agency, the doctrine of respondeat superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Joey M. Hand, demands judgment for compensatory and punitive damages against defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Borough of Lindenwold, the Borough of Lindenwold Chief of Police, Thomas J. Brennan, and John Does 26-50 (fictitious names), together with interest, attorney fees and costs of suit.

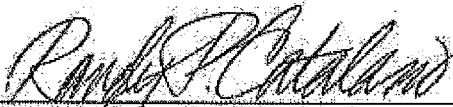
COUNT SEVENTEEN
(Conspiracy)

90. Plaintiff, Joey M. Hand, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

91. Some of the aforesaid acts of the defendants were conducted recklessly or with intent of causing the plaintiffs severe emotional distress.

92. The conduct of the defendants was extreme and outrageous, which caused the plaintiff to suffer severe emotional distress as a result of the previously mentioned conduct.

WHEREFORE, plaintiff, Joey M. Hand, demands judgment against defendants, Patrolman E. O'Donnell and John Doe Police Officers 1-25 (fictitious names), jointly, severally and in the alternative, together with interest, attorney fees and costs of suit.


RANDY P. CATALANO, ESQUIRE
Attorney for Plaintiffs

Dated: April 2, 2014

JURY DEMAND

Plaintiffs hereby demands a jury trial as to all issues.


RANDY P. CATALANO, ESQUIRE
Attorney for Plaintiffs

Dated: March 26, 2014