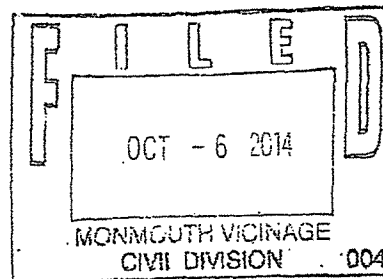


SHEBELL & SHEBELL, LLC
655 Shrewsbury Avenue, Suite 314
Shrewsbury, NJ 07702
(732) 663-1122
Attorneys for Plaintiff, Yolanda Mitter



YOLANDA MITTER,

Plaintiff,

v.

TOWNSHIP OF ABERDEEN, ABERDEEN
TOWNSHIP POLICE DEPARTMENT,
JOHN T. POWERS, ALAN GEYER, CRAIG
HAUSMAN, HANK CHEVALIER,
MICHAEL PLANT, POLICE OFFICERS,
JOHN/JANE DOE(S) 1 THROUGH 20 AND
TOWNSHIP OF ABERDEEN EMPLOYEES
JOHN/JANE DOE(S) 21 THROUGH 41
(FICTITIOUSLY NAMED)

Defendants.

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY
LAW DIVISION

DOCKET NO. MON-L-3803-14

Civil Action

COMPLAINT, JURY DEMAND,
CERTIFICATION PURSUANT TO R.
4:5-1, DESIGNATION OF TRIAL
COUNSEL AND DOCUMENT
DEMAND

RECEIVED

OCT - 9 2014

SHEBELL&SHEBELL, LLC

Yolanda Mitter, residing at 70 County Road, Cliffwood, N.J., by way of Complaint
against the defendants says:

Parties

1. Yolanda Mitter maintains a legal and lawful home at [REDACTED]
New Jersey where she resides.
2. Township of Aberdeen is a public entity that provides government and
government related services to the public in the State of New Jersey. Monmouth County.
3. The Aberdeen Township Police Department is a division of and/or a public entity
existing within the Township of Aberdeen
4. Township of Aberdeen and/or the Aberdeen Township Police Department
employed John T. Powers as the Chief of Police within the Aberdeen Township Police

Department and empowered him to supervise and oversee the police force that is responsible to enforce the law within the Township of Aberdeen.

5. Township of Aberdeen and/or the Aberdeen Township Police Department employed Alan Geyer as a Captain within the Aberdeen Township Police Department and empowered him to supervise and oversee the police force that is responsible to enforce the law within the Township of Aberdeen.

6. Township of Aberdeen and/or the Aberdeen Township Police Department employed Hank Chevalier as a Sergeant within the Aberdeen Township Police Department and empowered him to supervise and oversee the police force that is responsible to enforce the law within the Township of Aberdeen.

7. Township of Aberdeen and/or the Aberdeen Township Police Department employed Michael Plant as a Patrolman within the Aberdeen Township Police Department and empowered him to enforce the law within the Township of Aberdeen.

8. Township of Aberdeen and/or the Aberdeen Township Police Department employed Craig Hausman as a Patrolman within the Aberdeen Township Police Department and empowered him to enforce the law within the Township of Aberdeen.

Facts Common to All Counts

9. On August 15, 2013 at approximately 2:00 a.m. Yolanda Mitter was lawfully in her home.

10. At that time and place, and prior to calling the Police for help, Yolanda Mitter

- a. Did not engage in any conduct or perform any act that would necessitate, warrant, or justify the presence of employees of the Township of Aberdeen and/or the Aberdeen Township Police Department on her property, and;

b. Did not invite any employees of the Township of Aberdeen and/or the Aberdeen Township Police Department onto her property; .

11. On August 15, 2013, prior to being called for help, certain unidentified employees of the Township of Aberdeen and/or the Aberdeen Township Police Department, whose identities are unknown to Yolanda Mitter, hereinafter the "Unidentified Policemen," entered onto the property of [REDACTED] New Jersey at approximately 2:00 a.m.

12. The Unidentified Policemen had no lawful reason to be at the home of Yolanda Mitter

13. The Unidentified Policemen at the home of Yolanda Mitter were trespassers.

14. The presence of the Unidentified Policemen at the home of Yolanda Mitter violated state law and municipal ordinance.

15. At that time and place, the home of Yolanda Mitter was closed and secured.

16. The Unidentified Policemen, while outside the home of Yolanda Mitter, stated words that were offensive, threatening, harassing, frightening, menacing and terrorizing.

17. At that time and place, Yolanda Mitter was placed in panic, fear and terror that her home and her body may be invaded by the offending, threatening, harassing, frightening, menacing and terrorizing Unidentified Policemen.

18. The Unknown Policemen continuously offended, threatened, frightened, menaced and terrorized Yolanda Mitter by actions including but not limited to assaulting and battering her home by physically banging on the doors.

19. Yolanda Mitter was placed in panic, fear and terror while the Unknown Officers were banging on the doors of her home.

20. The Unknown Policemen continuously offended, threatened, frightened, menaced and terrorized Yolanda Mitter by placing their hands on the doorknobs and making efforts to open them.

21. Yolanda Mitter was placed in panic, fear and terror while the Unknown Officers were attempting to open the doors of her home.

22. The conduct of the Unidentified Policemen at the home of Yolanda Mitter violated state law and municipal ordinance.

23. As a result of the conduct of the Unknown Police Officers, Yolanda Mitter called 911.

24. After her call to 911, certain agents, servants and employees of the Township of Aberdeen and/or the Aberdeen Township Police Department came to the home of Yolanda Mitter, hereinafter the "Investigating Officers."

25. Investigating Officers did in fact conduct an investigation.

26. Upon information and belief, during the course of their investigation, the Investigating Officers learned that Yolanda Mitter had been offended, threatened, frightened, menaced and terrorized by the Unidentified Officers.

27. Upon information and belief, during the course of their investigation, the Investigating Officers spoke with the Unidentified Officers that offended, threatened, harassed, frightened, menaced and terrorized Yolanda Mitter

28. The Investigating Officers owe a common law duty to thoroughly investigate the commission of a crime or misdemeanor and to disclose the identity of the bad actors to the victim, in this case Yolanda Mitter.

29. The Investigating Officers owe statutory and constitutional duties to thoroughly investigate the commission of a crime or misdemeanor and to disclose the identity of the bad actors to the victim, in this case Yolanda Mitter.

30. Upon information and belief, and other agents, servants and employees of Township of Aberdeen and/or the Aberdeen Township Police Department, hereinafter the Supervising Officials, learned that Yolanda Mitter had been offended, threatened, frightened, menaced and terrorized by the Unidentified Officers.

31. Upon information and belief, the Supervising Officials actually spoke with the Unidentified Officers that offended, threatened, harassed, frightened, menaced and terrorized Yolanda Mitter.

32. The Supervising Officials owe a common law duty to thoroughly investigate the commission of a crime or a misdemeanor and to disclose the identity of the bad actors to the victim, in this case Yolanda Mitter.

33. The Supervising Officials owe statutory and constitutional duties to thoroughly investigate the commission of a crime or a misdemeanor and to disclose the identity of the bad actors to the victim, in this case Yolanda Mitter.

34. After performing an investigation that disclosed the identity of the Unknown Policemen, the Investigating Officers and Supervising Officials did not disclose the identity of the Unknown Policemen to Yolanda Mitter.

35. The Township of Aberdeen owes a statutory and constitutional duty to Yolanda Mitter and to the public to ensure that individuals, whether or not employed by a police force or by a public entity, are identified and prosecuted.

36. Yolanda Mitter contacted the Township of Aberdeen and/or the Aberdeen Township Police Department regarding the offending, threatening, harassing, frightening, menacing and terrorizing conduct that victimized her in an effort to learn whether justice would be done.

37. Thereafter, the Township of Aberdeen and the Aberdeen Police Department provided her with only an Investigation Report that on its face indicates it was written by Patrolman Craig Hausman and was reviewed by Captain Alan Geyer.

38. The aforesaid Investigation Report did not identify the Unidentified Officers as the perpetrators.

39. Thereafter, Township of Aberdeen and/or the Aberdeen Township Police Department has not identified any judicial proceedings commenced or maintained against the Unknown Officers as the perpetrators.

40. The conduct of Township of Aberdeen and/or the Aberdeen Township Police Department, and the individuals involved with the investigation and prosecution of the perpetrators that offended, threatened, harassed, frightened, menaced and terrorized Yolanda Mitter constitutes:

- a. A breach of public trust;
- b. A violation of statutory and constitutional duty, and;
- c. Disparate treatment due to race.

41. As a result of the violations of law that characterize the conduct of Township of Aberdeen and/or the Aberdeen Township Police Department in the investigation of the individuals that offended, threatened, harassed, frightened, menaced and terrorized Yolanda Mitter, she, as an African American, has become more panicked, fearful and terrorized than as

aforesaid, and has lost confidence in her government as a result of the violation of the public trust, which creates additional fear that Ms. Mitter and her family will be further victimized and subject to disparate treatment by public authorities.

Count I - Trespass

42. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

43. The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen committed a trespass upon the rights and property of Yolanda Mitter.

44. As a direct and proximate result, Yolanda Mitter suffered damages consisting of nominal damages and damages for mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count II - Assault

45. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

46. The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen assaulted Yolanda Mitter.

47. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count III - Battery

48. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

49. The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen committed common law battery upon the person and property of Yolanda Mitter.

50. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count IV - Invasion of Privacy

51. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

52. The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen intruded upon the seclusion of Yolanda Mitter.

53. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count V – Intentional Infliction of Emotional Distress

54. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

55. The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen acts, as aforesaid, intentionally or recklessly offended, threatened, frightened, menaced and terrorized Yolanda Mitter and in so doing those individuals and public bodies acted in a deliberate disregard of a high degree of probability that emotional distress will follow

56. The conduct as aforesaid was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

57. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, so severe that no reasonable person could be expected to endure it and to incur the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against The Township of Aberdeen and/or the Aberdeen Township Police Department and the Unidentified Policemen for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count V – Abuse of Process

58. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

59. Following the call for help to 911, Agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as other individuals as yet not identified, made improper, illegal and/or perverted use of the legal procedure, resort to which was neither warranted nor authorized by law.

60. The defendants aforesaid had the ulterior motive of shielding and protecting the Unidentified Policemen from appropriate legal scrutiny that the proper participation in the legal process would bring

61. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of

her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count VI - Prima Facie Tort

62. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

63. Following the call for help to 911, Agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier, Michael Plant, as well as other individuals as yet not identified, committed intentional, willful or malicious harms that were not justified.

64. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation

may yet reveal, for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count VII - Breach of Fiduciary Duty

65. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

66. During and following her call for help to 911, Yolanda Mitter placed her trust and confidence in the agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier, Michael Plant, as well as other individuals as yet not identified who were is under a duty to act for or give advice for her benefit regarding her trust in the public and her security.

67. Those aforesaid agents, servants and representatives acted in a self-dealing manner while disregarding the rights of Yolanda Mitter.

68. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count VIII - Intentional Infliction of Emotional Distress

69. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

70. The Township of Aberdeen and/or the Aberdeen Township Police Department, in its conduct of the treatment of the call of Yolanda Mitter for help and the ensuing investigation, engaged in acts that intentionally or recklessly offended, threatened, frightened, menaced and terrorized Yolanda Mitter and in so doing those individuals and public bodies acted in a deliberate disregard of a high degree of probability that emotional distress will follow.

71. The conduct as aforesaid was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

72. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, so severe that no reasonable person could be expected to endure it and to incur the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre judgment and post judgment interest

Count X - Negligence

73. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

74. Agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier, Michael Plant, as well as other individuals as yet not identified, failed to act with due care with respect to their actions regarding Yolanda Mitter and failed to act with due care in ensuring and supervision other persons within the applicable public bodies dutifully and properly performed their responsibilities.

75. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count X - Civil Conspiracy

76. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

77. Following the call for help to 911. Agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier, Michael Plant, as well as other individuals as yet not identified, engaged in overt acts in concert that deprived

Yolanda Mitter of her rights to a full and fair investigation of the harms that were perpetrated upon her.

78. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count XI - Violation of N.J.S.A. 10:6-1

79. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

80. Agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Hank Chevalier, Michael Plant, as well as other individuals as yet not identified, engaged in conduct that violated N.J.S.A. 10:6-1 with respect to the rights of Yolanda Mitter to the extent that they:

- a. Deprived her of substantive due process.
- b. Subjected her to disparate treatment due to race in violation of her or equal protection rights:

- c. Violated laws of the United States and substantive rights secured by the Constitution and laws of the State of New Jersey, and;
- d. Interfered with and attempted to be interfered with rights substantive rights secured by the Constitution and laws of the State of New Jersey by threats, intimidation or coercion while acting under color of law.

81. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs, penalties and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count XI - Violation of 42 U.S.C. § 1983

82. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

83. Agents, servants, employees or representatives of the Township of Aberdeen and/or the Aberdeen Township Police Department, including but not limited to John T. Powers, Alan Geyer, Hank Chevalier, Michael Plant, as well as other individuals as yet not identified, engaged in conduct that violated 42 U.S.C. § 1983 with respect to the rights of Yolanda Mitter to the extent that they:

- a. Deprived her of substantive due process:

- b. Subjected her to disparate treatment due to race in violation of her or equal protection rights;
- c. Violated laws of the United States and substantive rights secured by the Constitution and laws of the State of New Jersey, and;
- d. Interfered with and attempted to be interfered with rights substantive rights secured by the Constitution and laws of the State of New Jersey by threats, intimidation or coercion while acting under color of law.

84. As a direct and proximate result, Yolanda Mitter suffered damages consisting of mental and emotional distress from invasion of her property and security, the actual invasion of her property resulting damages, pain, humiliation, fear, loss of the enjoyment of life, the cost of medical treatment and such other damages as may be identified at trial.

WHEREFORE, Plaintiff demands judgment against the Township of Aberdeen and/or the Aberdeen Township Police Department and John T. Powers, Alan Geyer, Craig Hausman, Hank Chevalier and Michael Plant, as well as any other individuals discovery and investigation may yet reveal, for damages, costs, penalties and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

Count XII – Fictitious Parties

85. Plaintiff repeats all the allegations contained in the preceding paragraphs as if set forth at length.

86. Township of Aberdeen and/or the Aberdeen Township Police Department employed or professionally engaged John Doe 1 through John Doe 10 and Jane Doe 1 through Jane Doe 10 within or on behalf of the Aberdeen Township Police Department and empowered

him or her to supervise and oversee the police force that is responsible to enforce the law within the Township of Aberdeen.

87. Township of Aberdeen employed or professionally engaged John Doe 11 through John Doe 20 and Jane Doe 11 through 20 and empowered him or her to supervise and oversee the police force that is responsible to enforce the law within the Township of Aberdeen.

88. The State of New Jersey employed or professionally engaged John Doe 21 through John Doe 30 and Jane Doe 21 through 30 who participated in, engaged in and otherwise acquiesced in or caused.

89. John Doe 1 through 30 and Jane Doe 1-30 engaged in conduct amounting to

- a. Trespass;
- b. Assault;
- c. Battery;
- d. Invasion of privacy;
- e. Intentional infliction of emotional distress;
- f. Abuse of Process;
- g. Prima Facie Tort;
- h. Breach of fiduciary duty;
- i. Civil Conspiracy;
- j. Negligence;
- k. Violation of tort duty;
- l. Violation of N.J.S.A. 10:6-1.
- m. Violation of 42 U.S.C. § 1983, and;
- n. Violation of statute.

WHEREFORE, Plaintiff demands judgment against John Doe 1 through 30 and Jane Doe 1-30 (Fictitious names) for damages, costs and such other relief as the Court deems equitable and just, including but not limited to pre-judgment and post judgment interest.

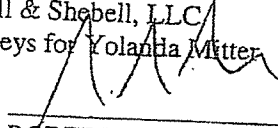
DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial on all issues in the above-entitled cause of action.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Thomas F. Shebell, III, Esq., is hereby designated as trial counsel.

Shebell & Shebell, LLC
Attorneys for Yolanda Mitter

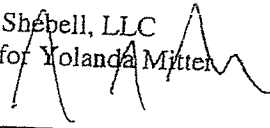
By: 
ROBERT A. MORLEY, ESQ.

Dated: October 3, 2014

CERTIFICATION PURSUANT TO R. 4:5-1

1. The matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding.
2. No other action or arbitration is contemplated herein.
3. All parties presently known by Plaintiff are named and identified in the action filed herein.

Shebell & Shebell, LLC
Attorneys for Yolanda Mitter

By: 
ROBERT A. MORLEY, ESQ.

Dated: October 3, 2014

DEMAND FOR DOCUMENTS

PLEASE TAKE NOTICE. Plaintiff, Yolanda Mitter propounds this Demand for Documents upon Township of Aberdeen and the Aberdeen Township Police Department pursuant to R. 4:18-1, which requires a response within 30 days. The Township of Aberdeen and

the Aberdeen Township Police Department is hereby directed to produce the documents described in the "Documents Schedule" appearing below.

The following Definitions Schedule should be deemed by the responding party to be incorporated into each numbered request appearing in the Documents Schedule:

"Definitions Schedule"

1. The term "document" or "documents" is used in its broadest sense, and means all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including without limitation, correspondence, electronic mail, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, certificates, drawings, plans, interoffice and intra-office communications or offers, notations in any form made of conversations, telephone calls, meetings or other communications; bulletins, printed matter (including newspapers, magazines and other publications and articles and clippings therefrom), press releases, computer printouts, teletypes, telecopies, invoices, ledgers, worksheets (and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, charts, graphs and microfiche, microfilm, videotape or film recordings) and electronic, mechanical or electrical records or representations of any kind (including without limitation tapes, cassettes, discs, recordings), or transcriptions thereof.
2. The term "all documents" means every document, as defined in paragraph 1 above, which can be located, discovered or obtained by reasonably diligent efforts, including without limitation all documents possessed by (a) you or your counsel, or; (b) any other person or entity from whom you can obtain such documents by request or which you have a legal right to bring within your possession by demand.
3. The term "you" or "your" or "the answering party" shall mean the party that filed a pleading seeking affirmative relief against the party making this demand as well as any person acting or purporting to act on its behalf, including, but not limited to, its agents, employees, attorneys, consultants and representatives.

PLEASE TAKE FURTHER NOTICE that the following Instructions should be deemed by the responding party to be incorporated into each numbered request appearing in the Documents Schedule:

Instructions

If you or your attorneys contend that you may be excused from producing any document or thing because of a privilege, your written response should include a "Privilege Log" that states, as to each document or item:

- (a) The reason for withholding the document or item;
- (b) A statement of the basis for the claim of privilege, work product or other ground of nondisclosure;
- (c) A brief description of any document, including:
 - (i) The date of the document;
 - (ii) Number of pages, attachments and appendices;
 - (iii) The name, employment and title identification, of each author, authors or preparers of the document;
 - (iv) The name, employment and title identification, of each person who was sent, was shown, or was blind-copied or carbon-copied the document;
 - (v) The name, employment and title identification of the present custodian of the document; and
 - (vi) The subject matter of the document, and in the case of any document relating or referring to a meeting or conversation, identification of such meeting or conversation.
- (d) A brief description of the item, including
 - (i) Its physical description, and;
 - (ii) Its location.

With respect to All documents or items that you will not produce because they once were in your possession and control, but have been lost, discarded, destroyed or otherwise left your possession and control, your written response should include a "Non-Possession Log," which identifies in writing each document or item and provides the following information:

- (a) The date or approximate date it was lost, discarded, destroyed or otherwise left your possession;
- (b) The circumstances or manner in which it was lost, discarded, destroyed or left your possession;

- (c) The reason or reasons the document or item left your possession;
- (d) The identity of all persons authorizing or having knowledge of the circumstances surrounding the loss of possession of the document or item;
- (e) The identity of the person(s) who lost, discarded, destroyed or otherwise transferred possession the document or item; and
- (f) The identity of all persons having knowledge of the contents the document or the item.

R. 4:18-1(b) requires that, unless otherwise agreed or ordered by the Court, documents or items produced for inspection shall be made available "[A]s they are kept in the usual course of business." Alternatively, the party producing the documents or items "[S]hall organize and label them to correspond with the categories in the request." With respect to electronically stored information, you must produce it in a form or forms in which it is ordinarily maintained, if this request does not specify the form for its production. Alternatively, where this request does not specify the form, it may be produced in a form or forms that are reasonably usable. However, you need not produce the same electronically stored information in more than one form.

Documents Schedule

1. Any and all records, whether stored electronically or otherwise, indicating the existence of and time of any and all calls for service at [REDACTED] N.J., at any time;
2. Any and all records, whether stored electronically or otherwise, indicating the existence of and time that any municipal employee was dispatched to [REDACTED] [REDACTED] N.J. on the above referenced date, including and not limited to CAD reports;
3. Any and all records, whether stored electronically or otherwise, indicating the existence of and time of arrival of any municipal employee at [REDACTED] N.J. on the above referenced date, including and not limited to CAD reports;

4. Any and all records, whether stored electronically or otherwise, indicating the existence of and time of departure of any municipal employee at [REDACTED] N.J. on the above referenced date, including and not limited to CAD reports;

5. Any and all Police Department rules or regulations applicable to reporting of arrival and departure at a call for service location;

6. The cellular phone numbers for any and all municipal employees that at any time responded to a call for service or was otherwise present at [REDACTED] N.J. at the above referenced times.

7. A true and accurate copy of any and all recordings of conversations between Yolanda Mitter and 911 dispatch that is now or ever was in the possession of the Police department.

8. Any and all recordings of any nature, whether transmitted by police radio or otherwise, from or between any and all municipal employees that were dispatched to, responded to or discussed any incident reported at [REDACTED] N.J. at the above referenced times.

9. Any and all recordings, whether video or otherwise, captured or recorded from any device attached to or transported within any and all police vehicles that responded to or otherwise operated in the vicinity of [REDACTED] N.J.

10. Any and all police incident reports regarding any incidents that took place at [REDACTED] [REDACTED] N.J. at the above referenced date

Shebell & Shebell, LLC
Attorneys for Yolanda Mitter

By

ROBERT A. MORLEY, ESQ.

Dated: October 3, 2014