

RESOLUTION R-148-2017

TOWNSHIP OF MANTUA
GLOUCESTER COUNTY

RESOLUTION OF THE TOWNSHIP OF THE TOWNSHIP OF MANTUA
CONSENTING TO THE SETTLEMENT BY TRICO JIF OF THE LITIGATION
MATTER ENTITLED NEGEL SAMUEL v. THE TOWNSHIP OF MANTUA

WHEREAS, litigation was filed by *Negel Samuel vs. The Township of Mantua, et al.* seeking damages for personal injuries alleged sustained by plaintiff in November of 2014; and

WHEREAS, the litigation is covered by the Tri County Joint Insurance Fund and being defended by their appointed counsel; and

WHEREAS, the Tri County Joint Insurance Fund has authorized a settlement in the amount of \$70,000; and

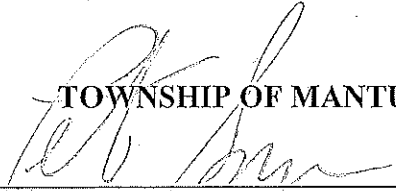
WHEREAS, failure of Mantua Township to authorize the settlement reached by the Tri County Joint Insurance Fund, would result in the Township being liable for defense cost, attorney fees and any judgment in excess of the settlement amount; and

WHEREAS, it is anticipated that litigation costs and attorney fees would meet or exceed the cost of settlement, authorization of the settlement is for the purpose of maintaining insurance coverage, avoiding the cost and distraction of litigation and is made without the admission of any liability.

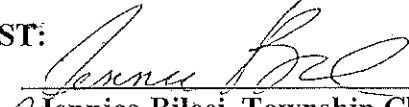
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee on this 20th day of November, 2017 that the Mayor and/or Administrator is hereby authorized to execute such documents as necessary to effectuate the above-referenced settlement.

By:

TOWNSHIP OF MANTUA


PETE SCIRROTTO, MAYOR

ATTEST:


Jennica Bileci, Township Clerk

	Scirrotto	Zimmerman	Layton	Legge	Lukens
YES	☒	☒	☐	☒	☒
NO	☐	☐	☐	☐	☐
ABSTAIN	☐	☐	☒	☐	☐
ABSENT	☐	☐	☐	☐	☐

SUMMONS

IONNO & HIGBEE
ATTORNEYS AT LAW, LLC
ATTORNEY ID 025992002
140 S. BROADWAY, SUITE 5
PITMAN, NJ 08071
TELEPHONE: (856) 553-6810

Attorney(s) for Plaintiffs

NEGEL SAMUEL,

Plaintiff,

v.

TOWNSHIP OF MANTUA, PATROLMAN ROBERT
LAYTON, AND JOHN DOES 1 THROUGH 25,
INCLUSIVE, FICTITIOUS NAMED DEFENDANTS,
JOINTLY, SEVERALLY, AND IN THE
ALTERNATIVE,

Defendants.

Superior Court of New Jersey

GLOUCESTER COUNTY
CIVIL DIVISION
Docket No: GLO-L-436-16

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro se/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Michelle M. Smith ls/
Clerk of the Superior Court

DATED: 5/2/16

Name of Defendant to be Served: Patrolman Robert Layton

Address of Defendant to be Served: c/o Township of Mantua

401 Main Street

Mantua Township, NJ 08051

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Sebastian B Ionno II, Esquire		TELEPHONE NUMBER (856) 553-6810	
	COUNTY OF VENUE Gloucester			
FIRM NAME (if applicable) _____			DOCKET NUMBER (when available) L-436-16	
OFFICE ADDRESS 140 South Broadway Suite 5 Pitman, NJ 08071			DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) Negel Samuel			CAPTION Samuel v. Township of Mantua, et al.	
CASE TYPE NUMBER (See reverse side for listing) 616	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS _____		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
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? ☒ Yes ☐ No		IF YES, IS THAT RELATIONSHIP: ☒ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ Yes ☐ 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? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION: RECEIVED & FILED APR 05 2016		
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ No		IF YES, FOR WHAT LANGUAGE? _____		
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 <i>Rule</i> 1:38-7(b).				
ATTORNEY SIGNATURE: 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETHA/ARELIA | 292 PELVIC MESH/BARD |
| 279 GADOLINIUM | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 623 PROPECIA |

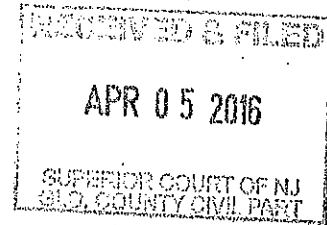
If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☒ Title 59

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ATTORNEYS FOR THE PLAINTIFF



NEGEL SAMUEL, Plaintiff, V. TOWNSHIP OF MANTUA, PATROLMAN ROBERT LAYTON, AND JOHN DOES 1 THROUGH 25, INCLUSIVE, FICTITIOUS NAMED DEFENDANTS, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION GLOUCESTER COUNTY Docket No.: L-436-16 Civil Action COMPLAINT, DEMAND FOR JURY TRIAL, DESIGNATION OF TRIAL COUNSEL AND DEMAND PURSUANT TO RULE 1:4-8
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Plaintiff Negel Samuel by way of Complaint against the defendants says:

FIRST COUNT

1. At all relevant times herein, Defendant Township of Mantua (hereinafter "Defendant Mantua") was an entity created and existing pursuant to the law of the State of New Jersey and was the employer of Defendant Patrolman Robert Layton, Badge Number 1548 (hereinafter "Defendant Layton"), who was a member of the Mantua Police Department (hereinafter "the Department").

2. At all relevant times herein, Defendants John Does 1 through 25, inclusive, are fictitious names for persons, corporations, or other legal entities, the identities of which are unknown at present, but who are responsible to Plaintiff by reason of their knowing

participation in the deprivation of Plaintiff's constitutional and statutory rights and/or by reason of their aiding, abetting, authorizing, ratifying, condoning, participating in, or conspiring with their co-Defendants to participate in and commit the wrongful acts referred to herein.

3. On or about November 7, 2014, Plaintiff was sleeping in his vehicle, which was parked behind his former employer's former place of business, located at 437 Woodbury-Glassboro Road, Sewell, NJ.

4. Plaintiff often did this as he lived a distance from his place of employment.

5. At approximately half past midnight, Plaintiff awoke to the sound of a law enforcement patrol car driving into the parking lot, which vehicle pulled alongside Plaintiff's car and shined its headlights and spotlight onto Plaintiff's car.

6. The police officer then moved his car to the rear of Plaintiff's car.

7. While this was happening, Plaintiff moved from the rear seat of his car into the driver's seat and placed both of his hands firmly on the steering wheel in a 10 and 2 position.

8. Plaintiff then heard the officer, Defendant Layton with the spotlight on Plaintiff and gun drawn say, "show me your hands" at least three times with a very loud and clear voice.

9. Plaintiff then put both hands slowly through the opening of his car door with both palms showing and fingers spread wide open.

10. Plaintiff then heard Defendant Layton say "get on the ground" at least three times.

11. Plaintiff then got on his knees face down on the cold wet concrete.

12. It was raining and cold.

13. Plaintiff tried to push himself up slightly to keep his face from resting on the cold wet concrete of the parking lot but Defendant Layton told him to keep his face down on the ground.

14. Defendant Layton then put his knee in Plaintiff's back and wrenched his arms violently back and proceeded to handcuff Plaintiff with such force that Plaintiff cried out.

15. Plaintiff cried out "officer the handcuffs are too tight" at least three times while he was laying with his face on the cold wet concrete of the parking lot.

16. Defendant Layton did not respond to Plaintiff's cries in any way.

17. Defendant Layton left Plaintiff lying on the cold wet parking lot for some time while talking on his radio and then speaking to other officers who had arrived on the scene.

18. Plaintiff was able to hear defendant Layton say "suspect is in custody" at some point during this time.

19. After leaving Plaintiff handcuffed and laying on the cold, wet pavement in the rain for some time defendant Layton yanked Plaintiff up by his arms and pushed him toward the patrol car.

20. Defendant Layton then opened the back door shoved Plaintiff violently into the patrol car and closed the door.

21. The patrol car was running with the heat on full blast and all windows closed tightly.

22. Plaintiff was dressed in full winter gear and quickly began to overheat in the back of the patrol car.

23. After being left in the closed and hot patrol car for approximately 20 minutes Plaintiff began to have trouble breathing and tried to call out to Defendant Layton.

24. When Plaintiff's calls received no response Plaintiff began banging on the car door with his left knee.

25. One of the officers heard Plaintiff and turned his flashlight toward the car, but then ignored Plaintiff's attempts to get the attention of one of the officers.

26. Plaintiff then began to bang on the door with his foot after which Defendant Layton finally approached the car and opened the door.

27. Defendant Layton then asked Plaintiff what his problem was to which Plaintiff explained in response that the car was too hot and that he was having trouble breathing. Plaintiff then asked defendant Layton if he could wind down a window.

28. Defendant Layton then closed the car door in Plaintiff's face and walked back over to the other officers.

29. Plaintiff was then again left in the hot car while the officers inspected the building with their flashlights.

30. After some time, Defendant Layton came back to the car, opened the door and asked Plaintiff several questions, such as what was his name, who did he work for, and what was he doing parked at the rear of the building.

31. Defendant Layton then told Plaintiff that the building had been broken into the prior night and that someone said they had seen Plaintiff driving away from building.

32. Plaintiff explained to Defendant Layton that it was possible he had been seen driving away from the building because he had slept there previously, but that he did not break into the building at any time.

33. Plaintiff further explained that his employer TriWire was the last tenant to occupy the building and that Defendant Layton could call the owner of the building to verify that TriWire was the last tenant.

34. Defendant Layton then asked Plaintiff at least three times if Plaintiff was sure he had not broken into the building, if only to use the bathroom, to which Plaintiff answered no.

35. Defendant Layton then asked Plaintiff if plaintiff was stupid enough to break into a building the night before and then return the next night to park his vehicle and sleep there.

36. Defendant Layton then closed the door and left Plaintiff in the hot car for another approximately ten (10) minutes.

37. After ten (10) minutes, Defendant Layton came back to the car and said that the owner of the building corroborated that TriWire was the last tenant, but said that he did not know Plaintiff.

38. Plaintiff stated that of course the owner of the building would not know Plaintiff personally but that he might recognize Plaintiff's vehicle as Plaintiff had spoken to the owner's daughter on more than one occasion about the way TriWire employees parked their vehicles.

39. Defendant Layton then closed the car door and left Plaintiff to sit another 15 to 20 minutes.

40. While sitting in the patrol car Plaintiff heard Defendant Layton ask someone on his radio what they were going to do with Plaintiff and Plaintiff heard the person respond "I guess let him go."

41. Then Defendant Layton came over and open the car door and told Plaintiff to get out and turn around.

42. Defendant Layton began to release Plaintiff's handcuffs.

43. While he was doing so Plaintiff stated to him that when he was done Plaintiff would like his name and badge number.

44. As soon as Plaintiff made that statement Defendant Layton stopped releasing the handcuffs, kept Plaintiff restrained, pushed Plaintiff back into the back of the patrol car, and closed the door.

45. Defendant Layton then got into the patrol car and began to drive.

46. Plaintiff then stated to Defendant Layton that he had no shoes on and asked Defendant Layton to retrieve his shoes from his car.

47. Defendant Layton and then responded, "Where you're going you are not going to need them," and proceeded to drive Plaintiff to the police station at a very high rate of speed with no siren.

48. When Plaintiff and Defendant Layton arrived at the police station Defendant Layton open the door asked Plaintiff to get out and walk around to the back of the car, then go through the door and sit on a blue wooden bench that had a pair of handcuffs attached.

49. Defendant Layton then went over to a computer and began typing, after which he came over to Plaintiff asked him to stand up and turn around so that he could remove the handcuffs and pat Plaintiff down.

50. As soon as the handcuffs were released from Plaintiff's wrists Plaintiff began to feel excruciating pain in his left wrist.

51. The handcuffs had been too tight on Plaintiff's wrist and had been restricting blood flow such that his wrists and fingers were swollen.

52. Officer Layton then proceeded to ask Plaintiff a series of questions such as: Where was he from? Who did he work for? What type of work did he do?

53. Officer Layton then asked Plaintiff if he had anyone to bail him out.

54. Plaintiff then asked if he had been arrested and for what.

55. Defendant Layton then told him that he had been arrested for trespassing.

56. In response to being told he had been arrested Plaintiff asked to speak to a lawyer, specifically a public defender.

57. To which Defendant Layton replied, That if Plaintiff needed an attorney the phone was on the wall.

58. Officer Layton then left the room and another officer came in sat down and engaged in some light conversation with Plaintiff, asking about Plaintiff's children.

59. That same officer then told Plaintiff he was sorry Plaintiff was being inconvenienced and that he knew Plaintiff was upset, but the arresting officer, Defendant Layton, had to give Plaintiff some type of ticket.

60. Defendant Layton then returned, handed Plaintiff a summons to appear in court for trespassing and told Plaintiff that he was going to drive Plaintiff back to his vehicle.

61. Defendant Layton then drove Plaintiff back to his car the same way he had driven him to the police station, at a high rate of speed with no siren.

62. When they arrived back at Plaintiff's car Defendant Layton opened the patrol car door and asked Plaintiff to get out.

63. When Plaintiff approached his car and attempted to open its door with his left hand Plaintiff could not do so because of the extreme pain in his hand.

64. Plaintiff then searched for the nearest hospital on his phone and went to the emergency room at Kennedy Memorial Hospital in Washington Township and was admitted.

65. Plaintiff was given painkillers and taken back for x-rays of his shoulder and wrists, which found that he had a swollen and fractured left wrist as a result of the manner in which Defendant Layton had restrained and handled Plaintiff physically.

66. Plaintiff suffered these physical injuries as a result of Defendant Layton's use of grossly excessive force.

67. Following the incident, Plaintiff also suffered from emotional distress, which continues to the present.

68. Defendants acted unreasonably and with the intention of punishing Plaintiff without due process of law and in direct violation of Plaintiff's rights under the New Jersey Constitution and New Jersey Law.

69. There was neither factual nor legal justification for the amount and kind of force Defendants utilized against the Plaintiff, nor for the punitive conditions of confining Plaintiff to a hot car even after Plaintiff expressed to Defendant Layton that he was having trouble breathing due to the heat in the car.

70. There was neither factual, nor legal need, nor justification for the use of such force upon Plaintiff, nor was there any justification for or need to seize the person of Plaintiff in such manner.

71. The seizures and the administration of this level and kind of force was excessive, and was intended and designed to inflict pain and suffering upon Plaintiff without just cause.

72. Plaintiff suffered injuries to his left wrist proximately and directly caused by Defendants' use of excessive and unreasonable force.

73. At all times, Defendant Layton and all officers of the Mantua Police Department involved in Plaintiff's arrest were acting under color of state law.

74. The conduct of Defendants Mantua and Layton violated Plaintiff's rights under the New Jersey State Constitution New Jersey Civil Rights Act of 2004 to be free from unreasonable seizure of his person and from the administration of excessive force by police officers, and from the wanton and unnecessary infliction of pain and injury by such officers.

75. As such, the aforesaid conduct constitutes an intentional violation of Plaintiff's rights to freedom from unlawful restraint/seizure, right to freedom from the use of excessive force, right to freedom from punishment without due process of law, and right to privacy and bodily integrity under the New Jersey State Constitution and the New Jersey Civil Rights Act of 2004 and other statutes and laws of the State of New Jersey, as a result of which Plaintiff has been damaged.

76. The conduct of Defendants was knowing, intentional, occurred with actual malice, and with a willful and wanton disregard of Plaintiff's civil and constitutional rights, and was especially egregious, as a result of which Plaintiff has been damaged.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly, severally, and in the alternative, for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

SECOND COUNT

77. Plaintiff hereby incorporates paragraphs 1 through 76 as though set forth in full herein.

78. Defendant Mantua has a non-delegable duty to hire, train and supervise, investigate and discipline or sanction members of its police force and to institute policies, practices and customs so as to ensure that no member of the police force utilizes excessive force or perpetrates unreasonable seizures or detentions upon individuals within its jurisdiction.

79. Upon information and belief, Defendant Mantua was on actual and/or constructive notice that Defendant Layton and other members of the department engaged from time to time in the practice or custom of administering or utilizing excessive force in police – citizen encounters, including the use of unnecessarily painful or injurious techniques upon physically vulnerable suspects, such as what was done to Plaintiff in the present case.

80. Defendant Mantua has a duty to hire, train, supervise and discipline the employees of its police department to refrain from the use of excessive force and unnecessarily painful and injurious tactics for detaining, immobilizing or otherwise incapacitating citizens that are the subject of inquiries, investigations or detentions.

81. Defendant Mantua has knowingly and recklessly failed to fulfill said duty and has failed to institute policies and/or practices to prevent, penalize and to order such abuses.

82. Upon information and belief, Defendant Mantua's failure to hire, train and supervise subordinates to refrain from the use of excessive force and to refrain from the violation of citizens' or suspects' civil and constitutional rights, amounts to a pattern, practice and/or policy of lax or no supervision and lax or no correction of subordinates when they engage in conduct that violates the civil and constitutional rights of citizens to be free from such unreasonable seizures and the use of excessive force during inquiries, investigations or detentions.

83. The pattern practice or policy is also exhibited by failure to adequately train and supervise officers regarding, inter alia, the requirements of a constitutionally permissible method of conducting temporary physical seizures or detention of a citizen without resort to barbaric and unduly dangerous tactics such as throwing or propelling a citizen on to the ground,

restraining a citizen in such a way that said citizen's bones are fractured, or leaving a citizen closed in a steaming hot patrol car even after the citizen indicates he is in distress.

84. Defendant Mantua has failed in its duty to supervise employees such as Defendant Layton, to ensure that they do not utilize excessive force and do not violate the civil and constitutional rights of citizens.

85. The pattern practice or policy and failure to supervise amounts, at minimum, to deliberate indifference to the rights of persons such as Plaintiff.

86. The pattern, practice or policy and the failure to supervise is likewise evidenced by defendant Mantua's failure to discipline officers who engage in inappropriate or unlawful activities during their encounters with citizens. Specifically, Defendant Mantua has, upon information and belief, acquiesced in the misconduct of Defendant Layton on other occasions.

87. Despite the clear requirements of the New Jersey State Constitution and the Civil Rights Act of 2004, no officer who has engaged in such unconstitutional conduct toward Plaintiff or others similarly situated has been disciplined for the actions described herein, nor has Defendant Mantua taken any action to correct or modify such conduct on behalf of Defendant Layton or others.

88. Upon information and belief, defendant Mantua has had prior notice of similar incidents and similar violations of citizens' rights by Defendant Layton and other patrol officers in their interactions with the citizenry and visitors of the municipality, and has failed to take appropriate corrective action.

89. The failure to take appropriate action to discipline officers for said conduct content condones, encourages and ratifies such unlawful behavior, and itself constitutes

evidence of a pattern, practice and policy of deliberate disregard for the constitutional and civil rights of Plaintiff and others.

90. The various injuries suffered by Plaintiff, both physical and emotional, all proximately result from the deliberate indifference of defendant Mantua to the protection of the rights privileges and immunities guaranteed to Plaintiff by the New Jersey State Constitution, the New Jersey Civil Rights Act of 2004, and other state laws and statutes.

91. As such, the aforesaid conduct constitutes an intentional violation of Plaintiff's rights under the New Jersey State Constitution and the New Jersey Civil Rights Act of 2004 and other statutes and laws of the State of New Jersey, as a result of which Plaintiff has been damaged.

92. The conduct of Defendant Mantua was knowing, intentional, occurred with actual malice, and with a willful and wanton disregard of Plaintiff's civil and constitutional rights, and was especially egregious, as a result of which Plaintiff has been damaged.

93. As a result, Plaintiff has suffered great pain anguish and physical injuries and will continue to do so in the future.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

THIRD COUNT

94. Plaintiff hereby incorporates paragraphs 1 through 93 as though set forth in full herein.

95. Defendant Mantua was negligent in the manner in which it hired, trained, and supervised Defendant Layton and other officers of its police department who failed to ensure Plaintiff's safety while detained.

96. Defendant Mantua knew or had reason to know or would have discovered upon reasonable investigation, Defendant Layton's undesirable and dangerous attributes and could have reasonably foreseen that hiring a person with Defendant Layton's attributes created a risk of harm to the public.

97. As a result of Defendant Mantua's negligence, Plaintiff was exposed to Defendant Layton, a dangerous individual, who ultimately caused Plaintiff's physical and emotional injuries.

98. Defendant Mantua is liable in damages to Plaintiff, including compensatory and punitive damages and for damages caused by its negligence.

WHEREFORE, Plaintiff demands judgment against the defendants jointly, severally, and in the alternative for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, together with such other relief as is just and equitable.

FOURTH COUNT

99. Plaintiff hereby incorporates paragraphs 1 through 98 as though set forth in full herein.

100. As a direct and proximate result of the combined negligence and/or intentional acts of the defendants, Plaintiff has been damaged.

WHEREFORE, Plaintiff demands judgment against the defendants jointly, severally, and in the alternative for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, together with such other relief as is just and equitable.

FIFTH COUNT

101. Plaintiff hereby incorporates paragraphs 1 through 100 as though set forth in full herein.

102. Defendant Layton was, at the time involved, acting within the scope and course of his employment or agency with Defendant Mantua, and acted under color of law pursuant to the New Jersey Civil Rights Act of 2004, N.J.S.A. 10:6-1, et. seq., which includes, but is not limited to, violations of Plaintiff's constitutional rights under the New Jersey State Constitution to substantive due process and to be free from cruel and unusual punishment and violated numerous New Jersey State Statutes.

103. As a direct and proximate result of Defendants' conduct in violation of the Civil Rights Act of 2004, Plaintiff has been damaged.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

SIXTH COUNT

104. Plaintiff hereby incorporates paragraphs 1 through 103 as though set forth in full herein.

105. Defendants' mistreatment of Plaintiff and use of excessive force was motivated by Plaintiff's race and ethnicity, that being a person of color and of Antiguan ethnicity.

106. Defendant Mantua and Defendant Layton are both public accommodations under the law and their discriminatory treatment of Plaintiff violated Plaintiff's rights to be free from discrimination based on race and ethnicity under the New Jersey Law Against Discrimination.

107. As a direct and proximate result of Defendants' conduct in violation of the New Jersey Law Against Discrimination, Plaintiff has been damaged.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

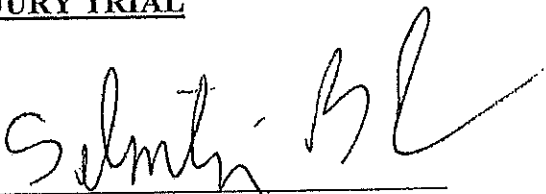
IONNO & HIGBEE, ATTORNEYS AT LAW, LLC
Attorneys for the Plaintiffs

BY: 
SEBASTIAN B. IONNO

Dated: 3-29-14

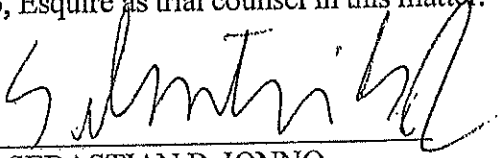
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

BY: 
SEBASTIAN B. IONNO

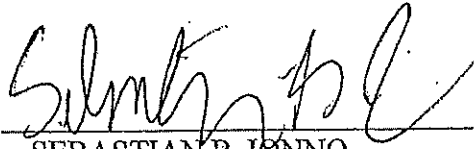
DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Sebastian B. Ionno, Esquire as trial counsel in this matter.

BY: 
SEBASTIAN B. IONNO

CERTIFICATION

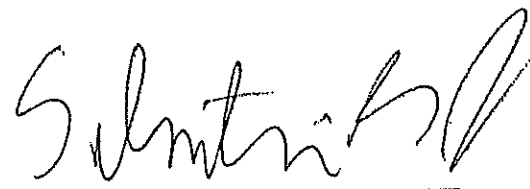
The undersigned counsel certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and there are no additional known parties who should be joined to the present action at this time. I certify the foregoing to be true. I am aware if the above is willfully false, I am subject to punishment.

BY: 
SEBASTIAN B. IONNO

DATED: 3-29-16

RULE 1:4-8 DEMAND

Plaintiff and their counsel hereby demand, pursuant to Rule 1:4-8, that the Defendants or their agents, servants, or employees, or attorneys provide any and all facts and documents upon which they base any contention that this Complaint was instituted or continued in whole or in part for improper reasons, or that the claims are, in whole or in part, frivolous or without basis in law or fact.

BY: 
SEBASTIAN B. IONNO

IONNO & HIGBEE
ATTORNEYS AT LAW, LLC
ATTORNEY ID 025992002
140 S. BROADWAY, SUITE 5
PITMAN, NJ 08071
TELEPHONE: (856) 553-6810
sebastian@ionnolaw.com
ATTORNEYS FOR PLAINTIFF

NEGEL SAMUEL, Plaintiff, V. TOWNSHIP OF MANTUA, PATROLMAN ROBERT LAYTON, AND JOHN DOES 1 THROUGH 25, INCLUSIVE, FICTITIOUS NAMED DEFENDANTS, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION GLOUCESTER COUNTY Docket No.: GLO-L-436-16 Civil Action INITIAL INTERROGATORIES
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TO: PATROLMAN ROBERT LAYTON

Demand is hereby made of the defendant, for answers to the following interrogatories separately and under oath, within the time and in the manner prescribed by the Rules of Civil Procedure.

AIELLO HARRIS
Attorneys for Plaintiff

BY: Sebastian B. Ionno /s/
SEBASTIAN B. IONNO

Dated: 5/2/16

1. If you have denied any of the allegations of the Complaint or any amendments to it in whole or in part, or if you have asserted any affirmative defenses, or if you have asserted any affirmative claims in your pleadings, set forth and describe in detail each and every fact known to you from any source which relates, regards, refers to, or reflects the factual basis for the denials, affirmative defenses, or each allegation of the affirmative claim, identify all persons with knowledge of those facts and the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting those facts.

2. For each liability or damage expert consulted by you or upon whose testimony you intend to rely at the time of trial in this matter, identify the expert, set forth and describe in detail the entirety of their expert qualifications, identify and attach copies of their most recent resume or curriculum vitae, including any different versions used in the last 10 years, state the subject matter on which the expert is expected to testify, state the substance of the facts and opinions to which the expert is expected to testify and a summary of all factual or other grounds for each and every opinion, including all standards upon which the opinion is based or to which the expert has referred, and identify and attach hereto true and accurate copies of all reports rendered by that expert witness in connection with this matter.

3. As to each and every affirmative claim for damages or relief by or against you or any other party in this matter, set forth and describe in detail all facts known to you from any source relating, regarding, referring to, or reflecting the type and amount of all damages claimed, that any party is responsible for or caused the damages and the basis upon which responsibility or causation is alleged, identify all persons with knowledge of those facts and the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting those facts.

4. If you have produced any writing, as defined by the Rules of Evidence or Procedure that apply to this case, to any party in this litigation, including the party propounding these Interrogatories, identify the writing and the specifics request to which it is responsive, and attach all such writings and requests.

5. If you contend that any statements, admissions, and/or declarations against interest have been made relating to any issues involved in this litigation by any party or by any representative, officer, agent, employee, or attorney of any party, set forth and describe in detail the substance of the communication, with the exact words to the extent known, identify the person making the communication, set forth the date, time, and place of the communication, identify all persons with knowledge of the communication and the knowledge held by each, and identify all documents relating, regarding, referring to or reflecting any such communication.

6. If you are aware of any writings, as defined by the Rules of Evidence and Procedure which apply to this case, which relate, regard, refer to, or reflect any fact in issue in this matter, identify the writing, state whether the writing has been altered or changed in any way since the time of its original creation, and attach a copy of all such writings hereto.

7. If you contend that there are any statutes, regulations, standards, standards of care, guidelines, recommendations, or other factual information which relates to the standard of care or conduct of any party involved in this matter, set forth and describe in detail the facts upon which you base your contention, identify all persons with knowledge of those facts and set forth the knowledge held by each, and identify and attach hereto copies of all writings relating, regarding, referring to, or reflecting the basis for your contention.

8. If you or persons on your behalf have taken, received, or are aware of any statements, formal or informal, by any person or entity related to any of the issues of this case, set forth and describe in detail all such information known to you, including without limitation the date, time, and place of the statement, the person from whom the statement was taken, the person taking the statement, the substance of the statement, and identify and attach hereto a copy of all such statements.

9. If the person answering these Interrogatories is answering on behalf of an entity (i.e., corporation, partnership, joint venture, association, etc.), identify the answering person, identify the entity on whose behalf the answers are being provided, and set forth and describe in detail all action taken by the person answering to acquire all of the information available to the entity in accordance with the Rules of Procedure which apply to this matter.

10. If you are aware of the existence of any insurance which may apply to any claims by any party to this litigation, identify the party involved, identify the carriers, set forth and describe in detail the type of coverage, the dates of coverage, the amount of primary, secondary, umbrella, or excess coverage, and identify and attach hereto copies of all writings relating, regarding, referring to, or reflecting the terms, conditions, and limits of such insurance coverage.

11. If you have information of any person or entity that may fit the description of any John Doe parties described in any pleading in this matter, or are aware of any person or entity which any party contends should be added or joined to this case, or which may have responsibility for any of the affirmative claims made by any party, set forth and describe in detail all such information, identify all persons with such information and the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting such information.

12. Identify each and every writing known to you which relates, regards, refers to, or reflects any information relating to the affirmative liability or damage claims or defenses of all parties to this case, identify, set forth, and describe in detail all information known to you pertaining to how the damages were allegedly suffered, the nature of the damages suffered, the identity of all persons with knowledge of the facts relating to the damages and a description of the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting such information. [Please note that this interrogatory is specifically designed to require the production of any medical, hospital, or other report, record, or writing, including without limitation radiology, CAT scan, MRI, neurodiagnostic, X-ray, or other medical, health care, or diagnostic information pertaining to any party making an affirmative claim, and is further intended to inquire as to information, pertaining to other alleged causes of

any damages claimed or suggesting that the damages claimed pre-existed the events upon which this claim is based.].

13. If you contend that any act or omission of any person or entity was a substantial contributing cause to the incident, event, injury, or damages claimed, set forth and describe in detail all facts upon which you base your contention, identify all persons with knowledge of those facts, set forth and describe in detail the knowledge of each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting those facts.

14. As to each and every incident referred to in the pleadings in this matter, set forth and describe in detail all facts known to you relating to each such incident, identify all persons with knowledge of those facts and the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting those facts.

15. If this case involves the use of any mechanical device, equipment, machine, or vehicle, identify the item involved, identify its designer, manufacturer, distributors, retailers, owners, and persons in control as of the date of the incident, and set forth and describe in detail all facts known to you pertaining to the person or entity utilizing the item, manner of operation or use at the time in question, the consequences of the operation or use, and identify and attach hereto copies of all writings relating, regarding, referring to, or reflecting the information requested.

16. If you contend that the statements or testimony of any party, witness, or expert involved in this matter, whether orally or in writing, is untrue in whole or in part, identify the person making the statement and the statement involved, set forth and describe in detail all facts upon which you base your contention, identify all persons with knowledge of those facts and the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting those facts.

17. If you have withheld any document or information requested by any party in interrogatories or request for production of documents, provide a description of the writings or information withheld, state the privilege claimed, set forth and describe in detail the factual basis for the claim of privilege, identify all persons with knowledge of those facts and the knowledge held by each, and identify and attach hereto copies of all documents relating, regarding, referring to, or reflecting those facts. [The purpose of this interrogatory is to request a "privilege log" sufficient to permit the propounding party to evaluate any claim of privilege and to seek judicial review of the claim.]

INDIVIDUAL PARTY CERTIFICATION

I am a party to this litigation in my individual capacity, or I have been authorized by the party whose name I have printed below. I have read the interrogatories, have reviewed them with my legal counsel and/or his staff, and have reviewed and read the answers to those interrogatories. I hereby certify that the answers to the interrogatories and 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.

(Signature)

SIGNATURE OF ANSWERING PARTY

I hereby certify that the copies of the reports annexed hereto rendered by either treating physicians or proposed expert witnesses are exact copies of all of the entire report or reports rendered by them; that the existence of other reports of said doctors or experts, either written or oral, are unknown to me or my agents, and if such other reports become known or available to me at a later date, I shall promptly serve them upon the party propounding these interrogatories.

I further certify that all documents annexed hereto or supplied in response to any request for production of documents by the propounding party are true and accurate copies of the writings requested, that I have made a diligent search for all writings responsive to the interrogatories or requests and have produced all documents found to which there has not been a claim of privilege, and further certify that in the event the documents requested to be identified or produced become available or become known to me, to the answering defendants, or our agents, servants, attorneys, or employees, I shall serve them promptly on the propounding party.

If this certification is signed by an individual acting in a representative capacity, I certify that I have made a reasonable and diligent search of all writings and inquiry of all persons reasonably available to the entity on whose behalf I am providing these answers, and that the answers provided contain all knowledge of the entity.

(Signature)

(Please type name and Title)

(Please type name of defendant
entity on whose behalf answers
are being provided in a
representative capacity)

DATED: _____

IONNO & HIGBEE
ATTORNEYS AT LAW, LLC
ATTORNEY ID 025992002
140 S. BROADWAY, SUITE 5
PITMAN, NJ 08071
TELEPHONE: (856) 553-6810
sebastian@ionnolaw.com
ATTORNEYS FOR PLAINTIFF

NEGEL SAMUEL, Plaintiff, V. TOWNSHIP OF MANTUA, PATROLMAN ROBERT LAYTON, AND JOHN DOES 1 THROUGH 25, INCLUSIVE, FICTITIOUS NAMED DEFENDANTS, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION GLOUCESTER COUNTY Docket No.: GLO-L-436-16 Civil Action REQUEST FOR PRODUCTION OF DOCUMENTS
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TO: PATROLMAN ROBERT LAYTON

PLEASE TAKE NOTICE that pursuant to the Rules of Civil Procedure and Evidence which apply to this action, counsel for the propounding party demands production of the writings set forth on the attached Schedule "A". Kindly note that the term "writings," as used in this request, shall be construed consistently with the definition of writings in the Rules of Evidence which apply to this matter. The writings requested are the original or, if the originals are not available, true copies, of each writing which relates, regards, refers to, or reflects the information within the scope of each numbered request on the attached Schedule "A". The writings to be produced shall include all writings within your possession, custody, or control, or reasonably available to, you, your servants, agents, employees, attorneys, and

representatives. Should you fail to produce any writing based upon any claim of privilege, provide a general description of the writing involved, state the privilege asserted, state all facts upon which you base the assertion of the privilege, and retain a copy of that document in order that plaintiff may apply to the Court to strike the claim of privilege and compel its production.

PLEASE TAKE NOTE THAT THIS REQUEST FOR PRODUCTION OF DOCUMENTS IS CONTINUING IN NATURE AND THAT YOU ARE REQUIRED TO SUPPLEMENT YOUR RESPONSES IMMEDIATELY UPON RECEIPT OF WRITINGS UP TO AND THROUGH THE CONCLUSION OF TRIAL.

AIELLO HARRIS
Attorneys for Plaintiff

BY: Sebastian B. Ionno /s/
SEBASTIAN B. IONNO

Dated: 5/2/14

SCHEDULE "A"

1. All writings you were requested to identify or to attach to any interrogatories propounded by this party or by any other parties to this litigation.
2. All writings obtained by you through investigation, authorization signed by any party, through the subpoena power, or otherwise, which relate to any issue in this case.
3. All writings pertaining to the credentials, qualifications, knowledge, skill, experience, training, and/or education of any expert identified by any party to this action, including without limitation the propounding party.
4. All writings pertaining to all facts or data underlying any opinions of your experts.
5. All writings you were requested to produce on the record of any deposition or other proceeding in this matter.
6. All writings pertaining to any request made or to be made to the Court asking that judicial notice be taken of any facts, law, or regulations in this matter.
7. The entire contents of all your files relating to this matter, including without limitation any underlying, related, consolidated, or affiliated cases, and including without limitation the actual file container.
8. All writings reflecting facts in issue in this case, including without limitation all writings reflecting any statements made by any party to this litigation, any witness, or any expert, pertaining to the occurrences, incidents, or claims referred to in any pleading in this matter, any writings pertaining to any damages claimed in this matter and their cause, origin, nature, severity, extent, and duration, and any tangible item to be utilized in any deposition, hearing, or trial of this matter.
9. All writings pertaining to or reflecting the criminal, educational, occupational, medical, psychiatric, and/or litigation background or history of any party, witness, or expert involved in this matter.
10. Each and every such writing pertaining to any claim that any statements or testimony, whether in oral or written form, by any party, witness, or expert, which you contend was untrue in whole or in part.
11. All writings, including transcripts, reflecting or recording the statements and sworn testimony of each party, witness, or expert involved in this matter in any other matter, which relates to any fact or issue in dispute in this matter.

12. All writings by or on behalf of any governmental entity pertaining to this matter, including without limitation police reports, weather reports, investigation reports, criminal records, records of ownership or construction, records of licensure, records of violation, and records of criminal, civil, or administrative proceedings or conviction.

13. All writings reflecting information pertaining to insurance coverage available to any party for any claim made in this litigation, including without limitation the policy itself, the declaration sheet, any amendments or endorsements to the policy, any riders, any reservation of rights letters, any disclaimers, and/or any reports of claims by or on behalf of the insured to the carrier or broker involved. **Please note that this is expressly intended to include primary, secondary, excess, and/or umbrella coverage.**

14. All writings reflecting the title, author, publisher, and date and place of publication of any writing claimed by you or your experts to be authoritative on any issue involved in this matter, or which consists of any earned treatise, periodical, or pamphlet on any subject of history, medicine, science, or art which relates to any issue in this case which are known to you, your experts, or your attorneys, or to which you or your expert may refer to in the course of any hearings or proceedings, including trial, in this matter.

15. All writings pertaining to the credibility of any witness, party, or expert.

16. All writings used to refresh the memory of any witness, party, or expert as to any fact in issue in this matter.

17. All writings produced or provided by any party, witness, expert, or other person or entity to you or your attorneys relating to any fact or issue in dispute.

18. All writings pertaining to the relationship between you and/or your attorneys and any expert upon whose testimony you intend to rely at the time of trial, including without limitation all writings reflecting the number of prior cases in which the expert has been consulted by you or on your behalf or by your attorneys, the total amounts paid, billed or to be billed in each such case by the expert involved, true and accurate copies of each report rendered in those other matters by the expert, and all documents reflecting the date, time, and place of any testimony, whether oral, in deposition, in court, or in writing by the expert in this case, including any transcripts of such testimony.

19. All writings relating to discipline imposed or sought to be imposed upon any party, witness, or expert involved in this matter by any regulatory, administrative, judicial, or other body.

20. All writings upon which you base any claim for counsel fees, litigation costs, or court costs including agreements, bills, timeslips, and evidence of payment.

21. All writings upon which you base any claim for punitive damages, or which pertain to any defense raised by you to claims for punitive damages by this party.

22. All writings relating to any affirmative claims for damages by any party to this litigation.

23. True, accurate, and certified transcripts of the post-high school education of any expert upon whose testimony you intend to rely at the time of trial.

24. All writings pertaining to any honors or accolades awarded to or claimed by any expert involved in this matter.

25. Answers to interrogatories by you to any party other than the party propounding this request, together with all documents produced in response to any request for production by any other party.

26. If this case involves a claim of personal injury or property damage, fully responsive answers to the standard interrogatories set forth in Appendix II, in the New Jersey Court Rules, including Form A and/or B as appropriate.

27. All writings sent to or received from any expert upon whose testimony you intend to rely at the time of trial, including without limitation the expert's Curriculum Vitae or resume covering the last 10-year period, the expert's entire file pertaining to this matter and all of its contents, all reports and draft reports, all correspondence, billings, contracts, invoices, evidence of payment, billing information, original billing slips, materials provided by you or your attorneys to the expert, any notes made by or provided to the expert, and/or any photographs or other recorded information reflecting any facts upon which the expert has based AN opinion, and further including without limitation any rulings of any judicial body reflecting any findings pertaining to the expert's qualifications or area of expertise.

IONNO & HIGBEE
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sebastian@ionnolaw.com
ATTORNEYS FOR PLAINTIFF

NEGEL SAMUEL, Plaintiff, V. TOWNSHIP OF MANTUA, PATROLMAN ROBERT LAYTON, AND JOHN DOES 1 THROUGH 25, INCLUSIVE, FICTITIOUS NAMED DEFENDANTS, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION GLOUCESTER COUNTY Docket No.: GLO-L-436-16 Civil Action NOTICE TO TAKE ORAL DEPOSITION
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TO: PATROLMAN ROBERT LAYTON

PLEASE TAKE NOTICE that pursuant to the Rules of Civil Procedure and Evidence which apply to this matter, you are requested to produce the persons and writings specified below at the date, time, and place stated. Please note that this Notice of Deposition shall be deemed continuing in nature, and shall apply to any date to which the deposition is rescheduled or adjourned. Please further note that you are requested, to produce at the time of the deposition the original of all documents you have been requested to produce either in

Initial Interrogatories served upon you, Initial Request for Production of Documents served upon you, or any subsequent Request for Production.

It is requested that you produce the following individuals and writings on July 6, 2016, beginning at 10:00 am at Ionno & Higbee, 140 South Broadway, Suite 5, Pitman, NJ 08071.

1. Patrolman Robert Layton.
2. All writings relating to the areas in Schedule "A".

AIELLO HARRIS
Attorneys for Plaintiff

BY: Sebastian B. Ionno /s/

SEBASTIAN B. IONNO

DATED 5/2/16

SCHEDULE "A"

1. The factual basis for any denials, in whole or in part, of any of the allegations of plaintiff's Complaint.

2. The factual basis for any affirmative defenses asserted by you.

3. The factual basis for any affirmative claims asserted by you.

4. All facts and circumstances surrounding the events, incidents, claims, or transactions described in the pleadings.

5. All persons with knowledge of the damage and liability claims in this case, the knowledge held by each, and each such person's last known business and residence address and telephone number.

6. Your answers to the Initial and other Interrogatories propounded by this party.

7. All writings produced or withheld by you in response to the Initial or other Request for Production of Documents propounded by any party.

8. The factual basis for any claim of privilege asserted in response to any Interrogatories or any Request for Production of Documents.

9. All action taken by the designated representative to obtain all the knowledge available to the entity on whose behalf the designated representative is testifying, including a search for all writings and information responsive to Interrogatories or Requests for Production of Documents, and the results of any investigation by or on behalf of the entity of the facts and issues in dispute in this case.

10. All information regarding the manner in which any injuries or damages claimed by any party to this case occurred, together with the nature and extent of the injuries or damages actually suffered.

11. All information as to what, if anything, that has been done by the entity as of the date of the deposition to ensure that the responses to all Interrogatories and all Requests for Production of Documents propounded by this party have been reviewed, are current, and

up to date.

12. The creation and maintenance of all documents requested to be identified and produced or attached in Interrogatories or Requests for Production of Documents by any party.

13. All insurance coverage potentially available to the parties to this litigation, as well as the limits, terms, provisions, and dates of coverage.

14. In the event there is a claim for punitive damages asserted against any party, all facts relating to that claim, all persons with knowledge of those facts and the knowledge held by each, and all documents relating, regarding, referring to, or reflecting those facts, together with all information relating to the ability of the party against whom punitive damages are sought to pay a punitive damage award, including without limitation their financial status, including changes in it, during the period beginning five years prior to the filing of the Complaint in this matter and continuing to the date of trial. Financial status includes the total fair market value of assets, tangible and intangible, the amount of liabilities, liquidated or contingent, the difference between those two, or net worth, and gross and net income.

15. All communications by you or persons on your behalf with any expert or witness or party identified in this matter.

16. Any action taken as a result of the incident or occurrence upon which this suit is based following notice of the occurrence of that incident in response to such notice.

17. All efforts made by any party making affirmative damage claims to mitigate those damages.

18. Any statements or testimony by any party, witness, or expert on any issue involved in this case which is untrue in whole or in part, together with the factual basis for such contention, all persons with knowledge of those facts and the knowledge held by each, and all documents relating, regarding, referring to, or reflecting such facts.