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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**MARLENE MAZUR,**
Plaintiff

V.

SUMMONS IN A CIVIL CASE**TOWNSHIP OF MARLBORO, ET AL.,**
*Defendant*CASE
NUMBER: 3:16-CV-05527-BRM-LHGTO: *(Name and address of Defendant):*Chief of Police Bruce E. Hill
Marlboro Township Police Dept.
1979 Township Drive
Marlboro, NJ 07746

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas J. Mallon, Esq.
Law Offices of Mallon & Tranger
86 Court Street
Freehold, NJ 07728

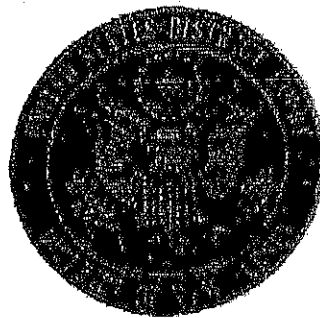
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

PATRICK SEILER

(By) DEPUTY CLERK

ISSUED ON 2016-09-13 09:05:13, Clerk
USDC NJD

Check one box below to indicate appropriate method of service

- ## STATEMENT OF SERVICE FEES

DECLARATION OF SERVER

Executed on

Date _____

Signature of Server

Address of Server

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THOMAS J. MALLON, ESQ.
Attorney-at-Law
86 Court Street
Freehold, NJ 07728
(732) 780-0230
Attorney for Plaintiff Marlene Mazur

MARLENE MAZUR

Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

TRENTON

Civil Action No.: - (-)

vs.

TOWNSHIP OF MARLBORO;
CHIEF OF POLICE BRUCE E. HILL;
DONNA GONZALEZ; JOSEPH MEGLIO;
JOHN DOES 1-5, Marlboro Township Police
Officers; JOHN DOES 6-10, Personnel and/or
Police Officers of the Marlboro Township Police
Department in supervisory capacities;

Defendants.

COMPLAINT

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Section 1983 and in accordance with the Fourth and Fourteenth Amendments of the Constitution of the United States of America. Jurisdiction is conferred under 28 U.S.C. Section 1331 and Section 1343(3). This Court has supplemental jurisdiction over Plaintiff's pendent state law claims pursuant to 28 U.S.C. Section 1367.

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PARTIES

2. Plaintiff Marlene Mazur, residing at 225 Boundary Road, Colts Neck, NJ, 07722, is and was, at all times herein relevant a citizen of the United States and a resident of the State of New Jersey.

3. Defendants Donna Gonzalez, Joseph Meglio and/or John Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Marlboro Township Police Department and at all times herein were acting in such a capacity as the agents, servants and/or employees of the Marlboro Township and were acting under the color of law.

5. Defendants Chief of Police Bruce E. Hill and/or John Does 6-10 were at all times mentioned herein duly appointed and acting members of the Marlboro Township Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of Marlboro Township and were acting under the color of law.

6. Defendants Hill and/or John Does 6-10 were acting in supervisory capacities over Defendants Gonzalez, Meglio and/or John Does 1-5 and responsible by law for the training, supervision and conduct of Defendants Gonzalez, Meglio and/or John Does 1-5.

7. Defendant Marlboro Township is a duly designated municipality of the state of New Jersey, under the laws of the state of New Jersey.

8. At all times relevant hereto, Defendant Marlboro Township employed the aforementioned Defendants. As such, it was responsible for the training, supervision and conduct of Defendants Hill; Gonzalez; Meglio; John Does 1-5, and/or John Does 6-10.

9. Defendants Chief of Police Bruce E. Hill and/or John Does 6-10 were at all times mentioned herein duly appointed and acting members of the Marlboro Township Police Department and at all times herein were acting in such capacities as the agents, servants and/or

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employees of the Township of Marlboro and were acting under the color of law.

10. Suit is brought against all individually named Defendants in their personal and official capacities.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. On January 24, 2016, Defendants Gonzalez, Meglio and/or John Does 1-5 of the Marlboro Police Department arrived at Plaintiff's Colts Neck home following a dispatch call reporting an argument between a male and a female.

3. Plaintiff's husband had gotten her vehicle stuck in snow at the end of their driveway.

4. Plaintiff and her son had gotten the vehicle out of the snow and it was parked in the garage when Defendants arrived at the home.

5. Defendants Gonzalez, Meglio and/or John Does 1-5 entered Plaintiff's home without her consent, demanding to search the residence and speak with her husband.

6. Defendants' demeanor was aggressive, especially Defendant Gonzalez, who backed Plaintiff against a wall and gestured several times to Plaintiff that she was going to punch her.

7. Defendants Meglio and/or John Does 1-5 followed Plaintiff's son upstairs and entered his room where his children were without his consent.

8. Plaintiff told Defendants to get a warrant to search her home and told them to leave.

9. Plaintiff tried to call the Colts Neck police but was stopped by Defendants.

10. Defendant Gonzalez used excessive and unreasonable force on Plaintiff by pushing her, punching her in the face and knocking her to the ground.

11. Defendants Meglio and/or John Does 1-5 were present during the use of excessive and unreasonable force on Plaintiff's person and failed to intervene.

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12. Plaintiff sustained a fractured right orbit requiring reconstructive surgery as a result of Defendants' use of excessive and unreasonable force.

13. A police MVR microphone recorded Defendant Meglio and/or John Does 1-5 congratulating Defendant Gonzalez on using excessive and unreasonable force on Plaintiff, describing Defendant Gonzalez punching Plaintiff as "a nice shot."

14. Defendants Gonzalez, Meglio and/or John Does 1-10 brought Plaintiff to police headquarters and charged her with Obstructing the Administration of Law and Assaulting a Police Officer. (2C:29-1A and 2C:12-B (5) (A)).

15. A Monmouth County Grand Jury declined to indict Plaintiff on the charges brought by Defendants Gonzalez, Meglio and/or John Does 1-5 and the case was remanded to Colts Neck municipal court where it is currently pending.

COUNT ONE
SECTION 1983 USE OF EXCESSIVE FORCE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. As a direct and proximate result of the above-referenced use of excessive and unreasonable force by Defendant Gonzalez on Plaintiff's person committed under color of state law, Plaintiff sustained bodily harm and was deprived of her right to be secure in her person against unreasonable seizure, in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

3. As a direct and proximate cause of the excessive and unreasonable use of force by Defendant Gonzalez as set forth above, Plaintiff Marlene Mazur suffered bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined.

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4. By reason of the above, Plaintiff was injured and was deprived of her constitutional rights as described above.

WHEREFORE, Plaintiff Marlene Mazur demands judgment against Defendant Gonzalez on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT TWO
SECTION 1983 ILLEGAL SEARCH / SEIZURE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. The aforementioned acts of Defendants Gonzalez, Meglio and/or John Does 1-5 committed under color of state law in entering Plaintiff's home, searching the residence and arresting Plaintiff was unjustified, without probable cause, reasonable suspicion or any other exception to the warrant requirements under the Fourth and Fourteenth Amendments of the Constitution of the United States.

3. The aforementioned acts were in violation of Plaintiff's right to be free from unreasonable search and seizure under the Fourth Amendment of the Constitution of the United States, and the right to be free of the deprivation of liberty under the Fourteenth Amendment of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

4. By reason of the above Plaintiff was deprived of her constitutional rights, sustained bodily and emotional injuries; medical expenses; lost wages; legal expenses, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Marlene Mazur demands judgment against Defendants Donna Gonzalez, Joseph Meglio and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

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COUNT THREE
SECTION 1983 FALSE ARREST / IMPRISONMENT

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. The aforementioned acts of Defendants Gonzalez, Meglio and/or John Does 1- 5 in arresting and/or imprisoning Plaintiff was without probable cause under the Fourth and Fourteenth Amendments of the Constitution of the United States.
3. The aforementioned acts were in violation of Plaintiff's right to be free from unreasonable seizure under the Fourth Amendment of the Constitution of the United States, and the right to be free of the deprivation of liberty under the Fourteenth Amendment of the Constitution of the United States, protected by 42 U.S.C. Section 1983.
4. As a direct and proximate cause of conduct of Defendants set forth above Plaintiff was deprived of her constitutional rights; sustained bodily and emotional injuries; medical expenses; lost wages; legal expenses, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Marlene Mazur demands judgment against Defendants Donna Gonzalez, Joseph Meglio and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT FOUR
SECTION 1983 FAILURE TO INTERVENE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Gonzalez, Meglio and/or John Does 1-5 were Marlboro Township Police Officers and at all times mentioned herein were acting under color of state law.

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3. Defendants Gonzalez, Meglio and/or John Does 1-5 had a duty to intervene in the unjustified assault and arrest of Plaintiff by Defendants Gonzalez, Meglio and/or John Does 1-5.

4. The unjustified assault and arrest of Plaintiff by Defendants Gonzalez, Meglio and/or John Does 1-5 deprived Plaintiff of her right to be secure in her person against unreasonable seizure in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.

5. Defendants Gonzalez, Meglio and/or John Does 1-5 had a reasonable opportunity to intervene in the unjustified arrest and assault of Plaintiff by Defendants Gonzalez, Meglio and/or John Does 1-5 and failed to intervene.

6. As a direct and proximate cause of conduct of Defendants set forth above, Plaintiff was deprived of her constitutional rights; sustained bodily and emotional injuries; medical expenses; lost wages, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Mariene Mazur demands judgment against Defendants Gonzalez, Meglio and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT FIVE
SECTION 1983 MALICIOUS PROSECUTION

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Gonzalez, Meglio and/or John Does 1-10 initiated criminal process against Plaintiff with malice to create a subterfuge protecting themselves from criminal and civil liability

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and justifying the injuries they caused Plaintiff to suffer.

3. The charges were not based upon probable cause, that is, Defendants Gonzalez, Meglio and/or John Does 1-10 knew initiation of criminal proceedings against Plaintiff would serve an unlawful purpose, including, but not limited to limiting their exposure to liability for their unlawful and unconstitutional actions in using excessive force and illegally seizing and/or falsely arresting Plaintiff.

4. As a direct and proximate cause of the actions initiated by Defendants Gonzalez, Meglio and/or John Does 1-10, Plaintiff suffered a deprivation of liberty consistent with the concept of seizure as a consequence of the legal proceeding.

5. As a direct and proximate cause of conduct of Defendants set forth above, Plaintiff was deprived of her Fourth and Fourteenth Amendment constitutional rights; sustained bodily and emotional injuries; medical expenses; lost wages; legal expenses, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Marlene Mazur demands judgment against Defendants Donna Gonzalez, Joseph Meglio and/or John Does 1-10, on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SIX
SECTION 1983 SUPERVISORY LIABILITY

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Bruce E. Hill and/or John Does 6-10 were supervisory officials and/or officers in charge at the time Plaintiff Marlene Mazur was arrested and assaulted.
3. Defendants Hill and/or John Does 6-10 had a duty to prevent subordinate officers

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Gonzalez; Meglio, and/or John Does 1-5 from violating the constitutional rights of citizens and/or detainees.

4. Defendants Hill and/or John Does 6-10 either directed Defendants Gonzalez; Meglio, and/or John Does 1-5 to violate Plaintiff's constitutional rights and/or had knowledge of and/or acquiesced in his/their subordinate's violations.

5. Specifically, Defendants Hill and/or John Does 6-10 failed to adequately track departmental excessive force complaints, administrative complaints and/or use of force incidents in violation of Marlboro and/or Marlboro Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.

6. As a direct and proximate result of the acts of Defendants Hill and/or John Does 6-10 as set forth herein, Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Marlene Mazur demands judgment against Defendants Hill and/or John Does 6-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SEVEN
SECTION 1983 UNLAWFUL CUSTOM, PRACTICE, POLICY
INADEQUATE TRAINING

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

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2. Defendants Marlboro Township's Police Department; Bruce E. Hill, and/or John Does 6-10 are vested by state law with the authority to make policy on : (1) the use of force; internal affairs investigations and/or administrative reviews pursuant to Marlboro Police Department policies, practices and/or customs and/or the New Jersey Attorney General's Use of Force and/or Internal Affairs Guidelines; (2) effectuating arrests; (3) police-citizen encounters, and/or (4) disciplining officers. Defendants Hill and/or John Does 6- 10 are responsible for training Police Officers in the use of force and/or were officers in charge when Defendants Gonzalez, Meglio and/or John Does 1-5 used excessive and unreasonable force on Plaintiff Marlene Mazur's person.

3. At all times mentioned herein, Defendants Hill, Gonzalez and John Does 1- 5 and John Does 6-10, as police officers, agents, servants and/or employees of Defendant Marlboro Township, were acting under the direction and control of Defendants Marlboro Township Police Department, Hill and/or John Does 6-10, and were acting pursuant to the official policy, practice or custom of the Marlboro Township Police Department.

4. Acting under color of law pursuant to official policy, practice, or custom, Defendants Hill and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline, on a continuing basis Defendants Gonzalez, Meglio and/or John Does 1-5 in their duties to refrain from: (1) unlawfully and maliciously assaulting, arresting and harassing citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence; (5) making false arrests, and/or (6) using unreasonable and excessive force.

5. Defendants Marlboro Township; Hill, and/or John Does 6-10 were aware of numerous

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similar police citizen encounters involving Defendants Gonzalez; Meglio; John Does 1-5, and/or other Marlboro Township Police Officers whereby they customarily and frequently subjected citizens held in custody to physical and mental abuse; unlawfully and maliciously assaulted, arrested and harassed citizens; intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; falsified police and/or other official records; made false arrests, mishandled and/or withheld evidence and/or used unreasonable and excessive force on citizen/arrestees.

6. Defendants Hill and/or John Does 6-10 failed to adequately track departmental excessive force complaints, administrative complaints and/or use of force incidents in violation of Marlboro Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.

7. Despite their awareness, Defendants Marlboro Township, Hill and/or John Does 6-10 failed to employ any type of corrective or disciplinary measures against Defendants Hill; Gonzalez; Meglio; John Does 1-10, and/or other Marlboro Township Police Officers.

8. Defendants Marlboro Township, Hill and/or John Does 6-10 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants Hill; Gonzalez; Meglio, and/or John Does 1-5 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

9. Defendants Marlboro Township, Hill and/or John Does 6-10 had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

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10. Defendants Marlboro Township, Hill and/or John Does 6-10, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants Gonzalez, Meglio and/or John Does 1-5 heretofore described.

11. As a direct and proximate result of the acts and/or omissions of Defendants Marlboro Township, Hill and/or John Does 6-10 as set forth herein, Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Mariene Mazur demands judgment against Defendants Marlboro Township, Hill and/or John Does 6-10 on this Count together with compensatory and punitive damage, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT EIGHT
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJCR)

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. The excessive force used by Defendants Gonzalez, Meglio and/or John Does 1- 5; false arrest; illegal seizure of Plaintiff's person; illegal search of Plaintiff's home; malicious prosecution, and the failure to intervene by Defendants John Does 1-5 acting under color of state law, set forth at length above, deprived Plaintiff of her substantive due process right to be free from unlawful seizure of her person and her fundamental right to liberty secured by the Constitution of the United States and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq. ("The New Jersey Civil Rights Act").

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3. As a direct and proximate result of the aforesaid acts of Defendants Gonzalez, Meglio and/or John Does 1-5 Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined.

4. Plaintiff invokes the invoke the supplemental jurisdiction of this Court to hear and determine this claim.

WHEREFORE, Plaintiff Marlene Mazur demands judgment against Defendants Gonzalez, Meglio and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Please be advised that Thomas J. Mallon, Esquire is hereby designated trial counsel in the above captioned matter.

Dated: September 12, 2016

/s/ Thomas J. Mallon, Esquire
THOMAS J. MALLON, ESQUIRE