

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL CRAMER,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

MT. OLIVE TWSP. POLICE DEPT., ET
AL.,
Defendant

CASE
NUMBER: **2:16-CV-03614-MCA-MAH**

TO: *(Name and address of Defendant):*

2017 DEC 21 PM 4:05

RECEIVED USMS
NEWARK, N.J. 07102

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:

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

Donato Marucci

(By) DEPUTY CLERK



ISSUED ON 2017-12-21 11:35:53, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
☐ Served personally upon the defendant. Place where served: _____ _____ ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. ☐ Name of person with whom the summons and complaint were left: _____ ☐ Returned unexecuted: _____ _____ ☐ Other (specify) : _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on _____ Date _____ <i>Signature of Server</i> _____ <i>Address of Server</i>		

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL CRAMER,

Plaintiff,

v.

MT. OLIVE TWP. POLICE DEPT., et al.,

Defendant.

Civil Action No. 16-3614

ORDER

ARLEO, UNITED STATES DISTRICT JUDGE

THIS MATTER having coming before the Court by way of Plaintiff Michael Cramer's ("Plaintiff") request to proceed in forma pauperis, ECF No. 3;

and the Court finding that Plaintiff has adequately alleged indigence and an inability to prepay court fees;

IT IS on this 29th day of September, 2017,

ORDERED that Plaintiff be permitted to proceed without prepayment of fees or costs, in accordance with 28 U.S.C. § 1915(a); and it is further

ORDERED that the Clerk shall file the Complaint without prepayment of the filing fee; and it is further

ORDERED that the Clerk shall issue a summons and the U.S. Marshal shall serve a copy of the complaint, summons, and this order upon Defendant as directed by Plaintiff. All costs of service shall be advanced by the United States.

/s Madeline Cox Arleo

Hon. Madeline Cox Arleo
United States District Judge

M.C.C.F.

3 John ST.

Morris Twp. N.J. 07960

Pro-SE

UNITED States District Court
For the District of New Jersey

FEDERAL CIVIL RIGHTS

Michael Cramer
Plaintiff

CIVIL
Case No.

vs.
Thomas Cuff, Mt. Olive P.D.
John Does 1-3 Mt. Olive P.D.
John Does 1-5 Roxbury P.D.
Defendants Police officers
Roxbury chief of police,
Mt. Olive chief of Police,
Roxbury P.D., Mt. Olive P.D.

42 U.S.C. 1983
Complaint for
Damages FEDERAL

1983 COMPLAINT

- ① This is an action for damages sustained by a citizen of the United States of America and a resident of the State of New Jersey.
- ② This Action arises under Section 42 U.S.C. § 1983.
- ③ Plaintiff in the above matter invokes his full rights, privileges and immunities secured by the United States Constitution.

- ④ This action is against Police officers acting under the color of state law as well as supervisory Police officers for failure to take corrective measures allowing Police to continue through regular patterns and practices punishable by federal civil and criminal statutes.

JURISDICTION

- ① This action is brought Pursuant to 42 USC 1983, 1988 and the first, fourth, fifth, Eighth, and Fourteenth Amendments to the constitution of The United States.
- ② This court has Jurisdiction Subject matter of the action under 28 USC 1331, 1343(a)(3), (4)
- ③ This court may exercise supplemental Jurisdiction Pursuant to 28 USC 1367 over the plaintiffs state law claims that arise under the same facts and circumstances.

④

Plaintiff in the above matter has submitted a Tort claims act notice, although Plaintiff is aware that it does not apply to intentional Police misconduct,

⑤

Complaint is filed well within New Jersey's 2 year Statute of Limitations which is applicable to Personal injury.

Parties

①

Plaintiff Michael Cramer residing at: 209 South Hillside Ave Flanders NJ 07836 is a resident of New Jersey and at all times Relevant to the allegations in the complaint,

②

Defendant Mt. Olive Twp. Police Dept.
204 Flanders Drake town Rd.
PO Box 450 Buddlake NJ 07828

③

④ Defendant Roxbury Twp. Police Dept.
1715 Rt. 46 Ledgewood NJ 07852

⑤ Defendant Thomas Cuff is at all times
a police officer for Mt. Olive Police Dept. and
Sued in his personal and official capacity.

⑥ Defendant John Does 1-3 are police officers
yet to be identified by the Mt Olive Police Dept.

⑦ Defendant John Does 1-5 are police officers
yet to be identified by the Roxbury Police
dept.

⑧ Defendant chief of Police of Mt Olive
Police department.

⑨ Defendant Chief of Police of Roxbury Police
department,

⑩ all of the defendants are sued in their official and personal capacities.

⑪ At all times Relevant to the complaint, the defendants were acting under the color of law and their authority as Police Personnel.

⑫ at all times defendants acted with malice and with a callous disregard for the Plaintiff's constitution Rights in violation of the Federal laws and Treaties,

Factua L Allegations

- ① "Plaintiff" Michael Cramer was sitting in his Mothers vehicle 2005 Chrysler Town and country minivan at: 289 South Hillside Ave. Flanders NJ, 07836 on 4-17-2016 at approximately 10:00 Pm.
- ② Plaintiff ~~has~~ Lived at this address for over 44 years.
- ③ Plaintiff was minding his own business and complying with and under the laws of Morris county and the state of New Jersey
- ④ Upon Plaintiff Exiting his Vehicle and about to Enter his own Property specifically his house, noticed a Person approaching Yelling something Plaintiff turned around and saw Thomas Coss a Mount Olive Police officer
- ⑤ Defendant Thomas Coss without Probable cause, on Plaintiffs Property in violation of the 4th Amendment + 14th Amendment Approached Plaintiff.

⑥ Defendant Thomas Coff ordered Plaintiff to stop, Plaintiff complied, but ~~was~~ unclear why Plaintiff was being detained.

⑦ A confrontation ensued because Plaintiff was not doing anything wrong, resulting in an unlawful imprisonment and false arrest, Illegal search + seizure of his persons,

⑧ Defendants Thomas Coff and various other John Doe defendants of Mt Olive Pd + Roxbury Pd. did not at any time have permission or legal just cause to enter 289 South Hillside Ave Flanders NJ at any time on 4-17-2016 in violation of Plaintiff 4th + 14th doc Process

⑨ Nor did they have any form of court ordered warrant to enter Plaintiff's property or persons in violation of clearly established constitutional federal laws, 4th + 14th Amendments and state law Trespassing.

⑩ Plaintiff aware of his constitutional rights ordered all Defendants off his property of 44 years but the defendants did not comply with his command.

- ⑪ Plaintiff was approached by defendant Thomas Coff Mt Olive Pd officer and was assaulted and Beaten with an unknown heavy metal object.
- ⑫ Plaintiff at no time offered any type of resistance or unlawful force against the officer.
- ⑬ Defendant with other defendants watched and Participated in, an assault by Smashing Plaintiff in his and about his face specifically his Left Eye and around his skull, (SEE Exhibit A)
- ⑭ Plaintiff suffering a very egregious and severe Blow was knocked to the ground losing Eyesight.
- ⑮ Plaintiff's Face and skull was split open with bone exposed, (SEE Exhibit B)
- ⑯ Severe hemorrhaging starting bleeding all over Plaintiff continued to suffer various Blows on his back, neck, ~~arms~~, and lower body.

⑮ Plaintiff has bruises all over, all recorded and Photographed.

⑯ Plaintiff now suffers from Spinal Problems and Pain Resulting ~~from~~ assault and Battery and Excessive Force.

⑰ Defendant Thomas Coff and various John Does 1-8 from Mt Olive and Roxbury Jumped on Plaintiff hounding him against his will illegally Assaulting, harassing, and arresting Plaintiff.

⑱ Plaintiff contends that the Police methods used is Part and Parcel of an ongoing Problem in Mt Olive and Roxbury resulting in a violation of Monell vs. Dept of social services claim for using a Regular Pattern and Practice in violation of Federal law.

⑲ Defendant Thomas Coff with other officers Present John Does 1-8 agreed to charge Plaintiff with charges of municipal violation in order to cover up the excessive force committing a conspiracy.

② Plaintiff at all times offered no resistance or force to any Officer defendant.

③ all of the aforementioned injuries were a direct and proximate cause of Police misconduct and with malice instituted charges without probable cause in a continued effort to mislead the public, and cause plaintiff unnecessary intentional emotional distress.

④ Defendants intentionally Delayed medical

treatment causing Plaintiff to continue suffering in pain and causing cruel and unusual Punishment in violation of the 8th Amendment.

⑤ Plaintiff has suffered deep facial scarring and facial deformity causing Emotional distress and depression in violation of equal Protection and due Process.

⑥ Plaintiff will never look or feel the same way as before the assault and Battery do to ongoing Police Misconduct.

② Had other defendant officers intervened or ordered fellow officer Thomas Cuff and John Doe to stop it may have not caused Permanent Injury to Plaintiffs Persons, in violation of New Jersey Police mandate and Federal failure to inter code Laws 4th 14th due Process, equal Protection and 8th amendment.

② Plaintiff also Asserts that the vicious Propensities of defendants Thomas Cuff and John Does 1-8 are part of a daily routine practice and that failing to intervene or intercede, causes false Police Reports to be filed or at least misleading testimony to be written or encouraged amongst fellow officers Thomas Cuff + John Does.

③ To date Defendants Thomas Cuff John Does 1-8 have not forwarded any Truthful documents or Reports to any reporting agencies.

③ Plaintiff assents that by defendant officers Thomas Cuff and John Does 1-p filing or failing to file false or misleading Police Reports, it hinders or prevents redress from criminal and civil actions ~~By~~ depriving Plaintiff Access to the courts in violation State and Federal constitution 1st Amendment rights Freedom of expression + speech.

④ The Actions Explained in the complaint rise to a level continued Pattern and Practice Evidenced by the amount of complaints filed against them and therefore The chief of Roxbury Township Police department and Mt Olive chief of Police are liable under 1983 and Monell, for the Negligent, hiring, Training and or supervision and failing to correct Problems as such also rising to a level of Gross Negligence and other New Jersey similar statutes.

Statement of Claims

Federal Claims

- Count one
- Excessive Force -
- Count two
- Assault and Battery -
- Count three
- Reckless Indifference -
- to Human Life -
- Count four
- Malicious Prosecution -
- Count five
- Misleading and False Police Reports -
- Count six
- False Arrest and imprisonment -
- Count seven
- Failure to Intervene in wrongs -
- Count eight
- Conspiracy -
- Count nine
- Gross negligence -

- Count ten
- Fictitious Evidence -
- Count eleven
- Abuse of Process -
- Count twelve
- Negligence -
- Count thirteen
- Negligent hiring -
- Training and supervision -
- Count fourteen
- Monell Claims -
- Count fifteen
- Denial of Due Process
- Count sixteen
- Equal Protection -
- Count seventeen
- Illegal Search of Property -
- Count eighteen
- Illegal Search and Seizure -
- Count nineteen
- Obstruction of Justice -

State Law claims

count one

- Excessive force -

count two

- Assault + Battery -

count three

- Reckless indifference -
to human life -

count four

- Malicious Prosecution -

count five

- False Arrest + Imprisonment -

count six

- Conspiracy -

count seven

- False Police Reports -

count eight

- Negligent Hiring training
and supervision -

count nine

- Negligence -

count ten

- Gross negligence -

count eleven

- Abuse of Process -

State constitutional
violations

1st Amendment

4th Amendment

14th Amendment

Conclusion

① as a result of defendants actions Plaintiff may move Before The Federal District court for Redress of constitutional deprivations suffered by Actors under the color law.

② Plaintiff Reserves his Right to amend, modify or change the complaint to add additional claims and persons that may have also involved in the action.

Jury Demand

① Plaintiff Demands Trial by Jury.

Relief

Plaintiff Demands Judgement
Against Defendants

- A. For compensatory damages in an approximate amount of eight hundred and fifty thousand dollars \$850,000. for medical fees currently up to seventeen thousand five hundred \$17,500; and hospitalization and future surgeries that Plaintiff may need.
- B. Punitive and exemplary damages in an amount to be determined by The Jury for deterring future similar conduct.
- C. For an award of Plaintiff's cost of suit.
- D. For an award of Plaintiff's Attorney fees. 42 USC 1988(b)
- E. For all other ~~relief~~ relief to which Plaintiff is entitled including but not limited to injunctive relief.

Certification of complaint

I Michael Cramer Attest and
Swear under the Penalties of Perjury
that All the Allegations of this complaint
are True and correct under Federal
Laws of the United States,

6-14-16

Date

Michael Cramer
Plaintiff Pro-SE

Exhibit A.



**Morristown
Medical Center**
ATLANTIC HEALTH SYSTEM

Morristown Medical Center Radiology Dept.
100 Madison Avenue
Morristown, NJ 07962

Patient Name: CRAMER, MICHAEL
Ordering Physician: Cocuzza, Tina A
Attending Physician: Cocuzza, Tina A

Exam Date: 04/20/2016 12:23AM
Location: ER

CC:
CPT Code(s): 70450
Diagnosis Code(s):
Accession: 33283907
Procedure: CT HEAD WO 70450

MPI: HNE754684071
MRN: A01682664
DOB: 07/11/1970
Visit: A8700025751
Admit Date: 04/19/2016
Approve Dt: 04/20/2016
Department: CT SCANNING

FINAL

Clinical history: Head trauma

Technique: Noncontrast axial CT images of the head were obtained from the vertex to the skull base. Coronal and sagittal reformatted images were generated. Repeat axial images were obtained due to patient motion.

Comparison: There are no prior images available for comparison.

Findings:

There is a laceration extending along the left forehead and into the left periorbital region with small associated hematoma and soft tissue swelling. The visualized osseous structures are unremarkable. There is no evidence of a depressed calvarial fracture. There is a mucous retention cyst versus polyp within the left maxillary sinus. The remaining paranasal sinuses and mastoid air cells are clear. There is no acute intracranial hemorrhage. The ventricles and sulci are within normal limits. The gray-white differentiation is maintained throughout. There is no evidence of midline shift or mass effect.

The posterior fossa structures are unremarkable no evidence of tonsillar herniation.

The visualized orbits are unremarkable.

Impression:

No acute intracranial hemorrhage or mass effect

Left forehead laceration extending into the left periorbital region with associated small hematoma and soft tissue swelling.

Transcribed by: Interface435, User

Dictated by: Schiavi RESIDENT, Jonathan
Electronically Signed by: Sheth, Milan P, M.D. on 04/20/2016 9:28 AM EDT

Page 1 of 1

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Exhibit B.

MEER, MICHAEL

11307

**COMMISSARY AND
DATE ACCOUNTS**

32

220

ment #

Property #

04/20/2016

carceration Date

