

Brian M. Dratch, Esq.-018642000
Franzblau Dratch, P.C.
Plaza I
354 Eisenhower Parkway
Livingston, New Jersey
(973) 992-3700
Attorneys for Plaintiff

-----X
ANDREA L. DELLORTO

Plaintiff,

-against-

POLICE OFFICER A. GARDNER in his
individual capacity

Defendant.
-----X

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. L-1540-17

CIVIL ACTION

SUMMONS

POLICE OFFICE A. GARDNER

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 \$135.00 filing fee payable to the Clerk of the Superior Court 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 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. 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.

DATED: July 12, 2017


Michelle Smith
Clerk of the Superior Court

Name of defendant to be served: Police officer A. Gardner

Address of the Defendant to be Served: Mt. Olive Police Department 204 Flanders-
Drakestown Road 07828

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LAW DIVISION: MORRIS COUNTY
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CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, complaining of the defendants by his attorneys, FRANZBLAU
DRATCH, P.C. respectfully alleges upon information and belief as follows:

PRELIMINARY STATEMENT

1. Plaintiff, Andrea Dellorto (hereinafter "Plaintiff") is an individual who resides in Budd Lake, New Jersey and brings this action against defendant, POLICE OFFICER A. GARDNER in his individual capacity for monetary damages to redress her wrongful arrest. Plaintiff brings this action under New Jersey State Constitution and N.J.S.A. 10:6-2 for the wrongful arrest suffered as a result of the defendant's actions. This is a civil action seeking damages against the defendant for committing acts under color of law, and depriving the plaintiff of rights secured by the New Jersey State Constitution and N.J.S.A. 10-6:2

PARTIES

2. Plaintiff is an individual residing in Budd Lake, New Jersey
3. Upon information and belief, defendant is a member of the Mt. Olive Police Department.

FACTUAL ALLEGATIONS

4. On or about December 25, 2016 plaintiff was inside her residence when the defendant arrested plaintiff for N.J.S.A. 2C:35-10c.
5. On December 25, 2016, a Brian Faletto, also a resident of the premises and who was intoxicated at the time, informed defendant that he possessed marijuana which was located under the coach in the residence.
6. As such, defendant lacked probable cause to arrest plaintiff and charge her with an offense relating to marijuana.
7. On January 9, 2017, plaintiff appeared in the Mt. Olive Municipal Court where plaintiff's charge was dismissed by the State of New Jersey.

FIRST CAUSE OF ACTION

8. As a direct and proximate result of defendants' actions, plaintiff was deprived of rights privileges and immunities secured to him under the Constitution of and laws of the State of New Jersey, including, but not limited to his rights under N.J.S.A. 10-6:2, to be secure in their person, to be free from false arrest without due process and to equal protection under the laws.
9. As a result of the aforesaid violations of plaintiff's rights, plaintiff was caused to be falsely arrested.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

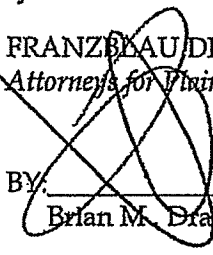
- (a) compensatory damages
- (b) punitive damages;
- (c) attorney's fees;

- (d) interest;
- (e) for such other relief as the Court deems just and proper

JURY DEMAND

Plaintiff hereby demands a jury on all issues.

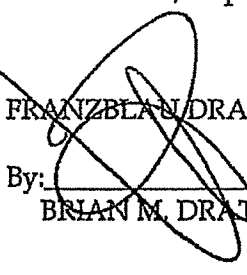
FRANZBLAU DRATCH, P.C.
Attorneys for Plaintiff

BY: 
Brian M. Dratch

DATED: July 12, 2017

TRIAL COUNSEL DESIGNATION

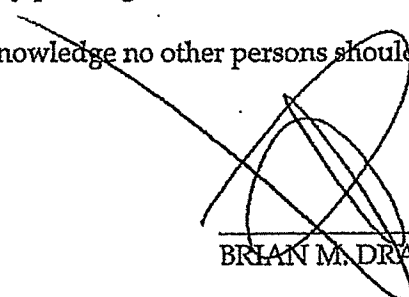
Plaintiffs hereby designate Brian M. Dratch, Esq. as their trial counsel in accordance with the Rules of Court.

FRANZBLAU DRATCH, P.C.
By: 
BRIAN M. DRATCH

DATED: July 12, 2017

CERTIFICATION

I, Brian M. Dratch, Esq., hereby certify that in accordance with Rule 4:5-1 this is the only action presently pending and that no other action or arbitration is contemplated and that to plaintiffs' knowledge no other persons should be joined as a party in these proceedings.



BRIAN M. DRATCH

DATED: July 12, 2017

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-001540-17

Case Caption: DELLORTO ANDREA VS GARDNER A
Case Initiation Date: 07/12/2017
Attorney Name: BRIAN MICHAEL DRATCH
Firm Name: FRANZBLAU DRATCH, PC
Address: PLAZA ONE - 354 EISENHOWER PARKWAY
P.O. BOX 472
LIVINGSTON NJ 07039
Phone:
Name of Party: PLAINTIFF : DELLORTO, Andrea
Name of Defendant's Primary Insurance Company
(If known): Unknown

Case Type: CIVIL RIGHTS
Document Type: Complaint with Jury Demand
Jury Demand: YES - 6 JURORS
Hurricane Sandy related? NO
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

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? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? 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 *Rule 1:38-7(b)*

07/12/2017
Dated

/s/ BRIAN MICHAEL DRATCH
Signed