

COPY

GEORGE M. KACHMAR, III
60 Walnut Avenue
Clark, New Jersey 07066
(732) 815-0490
Attorney for Plaintiffs,
Anthony Pace and Diane Pace

Plaintiffs
ANTHONY PACE, SR. AND
DIANE PACE, HIS WIFE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-L-5518-13

v.

Civil Action

Defendant(s),

SUMMONS

TOWNSHIP OF NUTLEY, TOWNSHIP
OF NUTLEY POLICE DEPARTMENT,
LT. KEVIN WATTS, POLICE OFFICER
GERARD TUSA, AND POLICE
OFFICERS JOHN DOE 1-10 (Fictitious
Identities whose exact identities are
Presently unknown to plaintiff),
Defendant(s)

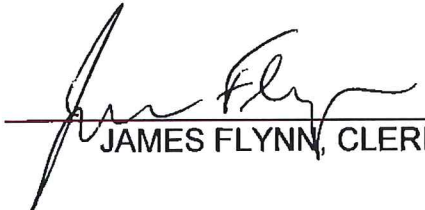
THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT:

TOWNSHIP OF NUTLEY

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiffs, and required to serve upon the attorneys for the plaintiffs, whose name and office address appears above, an Answer to the annexed Complaint within 35 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your Answer and proof of service thereof in duplicate with the Clerk of the Superior Court, 583 Newark Avenue Jersey City, N.J., in accordance with the rules of civil practice and procedure.

An individual who is unable to obtain an attorney may communicate with the New Jersey State Bar Association by calling toll free (800) 792-8315 (within New Jersey) or (609) 394-1101 (from out of state). You may also communicate with a Lawyer Referral Service or, if you cannot afford to pay an attorney, call a Legal Services Office in the county, which the action is pending.

Dated: July 25, 2013



JAMES FLYNN, CLERK

NAME OF DEFENDANT TO BE SERVED:
ADDRESS FOR SERVICE:

Township of Nutley
1 Kennedy Drive
Nutley, New Jersey 07110

GEORGE M. KACHMAR, III
60 Walnut Avenue
Clark, New Jersey 07066
(732) 815-0490
Attorney for Plaintiffs,
Anthony Pace and Diane Pace

Plaintiffs
ANTHONY PACE, SR. AND
DIANE PACE, HIS WIFE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-L-5518-13

v.

Civil Action

Defendant(s),

SUMMONS

TOWNSHIP OF NUTLEY, TOWNSHIP
OF NUTLEY POLICE DEPARTMENT,
LT. KEVIN WATTS, POLICE OFFICER
GERARD TUSA, AND POLICE
OFFICERS JOHN DOE 1-10 (Fictitious
Identities whose exact identities are
Presently unknown to plaintiff),
Defendant(s)

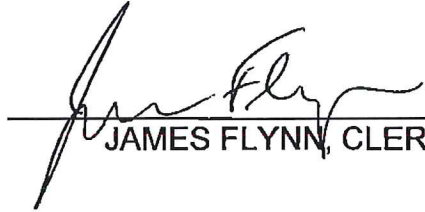
THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT:

TOWNSHIP OF NUTLEY

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiffs, and required to serve upon the attorneys for the plaintiffs, whose name and office address appears above, an Answer to the annexed Complaint within 35 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your Answer and proof of service thereof in duplicate with the Clerk of the Superior Court, 583 Newark Avenue Jersey City, N.J., in accordance with the rules of civil practice and procedure.

An individual who is unable to obtain an attorney may communicate with the New Jersey State Bar Association by calling toll free (800) 792-8315 (within New Jersey) or (609) 394-1101 (from out of state). You may also communicate with a Lawyer Referral Service or, if you cannot afford to pay an attorney, call a Legal Services Office in the county, which the action is pending.

Dated: July 25, 2013


A handwritten signature in black ink, appearing to read "James Flynn", is written over a horizontal line. Below the line, the text "JAMES FLYNN, CLERK" is printed in a sans-serif font.

NAME OF DEFENDANT TO BE SERVED:
ADDRESS FOR SERVICE:

Township of Nutley
1 Kennedy Drive
Nutley, New Jersey 07110

GEORGE M. KACHMAR, III
60 Walnut Avenue
Clark, New Jersey 07066
(732) 815-0490
Attorney for Plaintiffs,
Anthony Pace and Diane Pace

Plaintiffs
ANTHONY PACE, SR. AND
DIANE PACE, HIS WIFE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-L-5518-13

v.

Civil Action

Defendant(s),

SUMMONS

TOWNSHIP OF NUTLEY, TOWNSHIP
OF NUTLEY POLICE DEPARTMENT,
LT. KEVIN WATTS, POLICE OFFICER
GERARD TUSA, AND POLICE
OFFICERS JOHN DOE 1-10 (Fictitious
Identities whose exact identities are
Presently unknown to plaintiff),
Defendant(s)

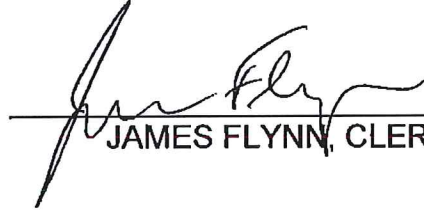
THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT:

TOWNSHIP OF NUTLEY

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiffs, and required to serve upon the attorneys for the plaintiffs, whose name and office address appears above, an Answer to the annexed Complaint within 35 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your Answer and proof of service thereof in duplicate with the Clerk of the Superior Court, 583 Newark Avenue Jersey City, N.J., in accordance with the rules of civil practice and procedure.

An individual who is unable to obtain an attorney may communicate with the New Jersey State Bar Association by calling toll free (800) 792-8315 (within New Jersey) or (609) 394-1101 (from out of state). You may also communicate with a Lawyer Referral Service or, if you cannot afford to pay an attorney, call a Legal Services Office in the county, which the action is pending.

Dated: July 25, 2013



JAMES FLYNN, CLERK

NAME OF DEFENDANT TO BE SERVED:
ADDRESS FOR SERVICE:

Township of Nutley
1 Kennedy Drive
Nutley, New Jersey 07110

GEORGE M KACHMAR, III
60 Walnut Avenue
Clark, New Jersey 07066
(732) 815-0490

Attorney for the Plaintiffs, Anthony Pace, Sr. and Diane Pace, his wife

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX VICINAGE

ANTHONY PACE, SR., AND DIANE
PACE, HIS WIFE,

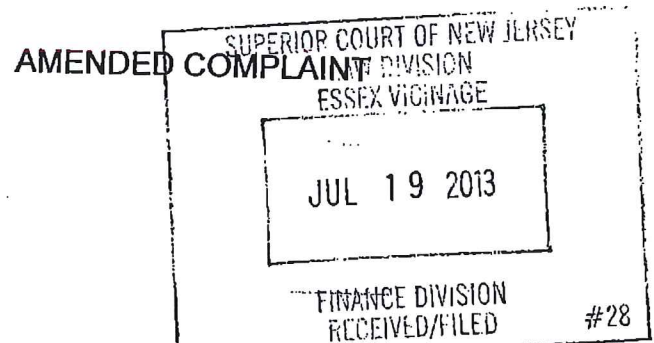
Plaintiffs

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.: 1-5518-13

v.

Civil Action

TOWNSHIP OF NUTLEY, TOWNSHIP
OF NUTLEY POLICE DEPARTMENT,
LT. KEVIN WATTS, POLICE OFFICER
GERARD TUSA, POLICE OFFICERS
JOHN DOE 1-10 (Fictitious
Identities whose exact identities are
Presently unknown to plaintiff),
Defendants



Plaintiffs, Anthony Pace, Sr., and Diane Pace, his wife, residing together at 175 Mountainview Avenue, in the Township of Nutley, County of Essex and State of New Jersey, by way of Complaint against the Defendants says:

FIRST COUNT

1. At all times mentioned and relevant, defendant, Township of Nutley, was a body politic organized and incorporated pursuant to the laws of the State of New Jersey thereby empowered and authorized to engage in all of the governmental functions and activities of a municipal corporation.
2. For some time prior to the act giving rise to plaintiff's cause of action, defendant, Township of Nutley, pursuant to its governmental power and authority, organized, constituted, managed, maintained, hired, trained, supervised, controlled and retained personnel for a Police Department known as the Township of Nutley Police Department and/or the Nutley Police Department (hereinafter "Nutley Police Department").
3. At all times mentioned and relevant, defendant, Nutley Police Department was constituted, staffed and organized in accordance with the laws of the State of New

Jersey and was under the authority, supervision, and control of the Township of Nutley, New Jersey.

4. At all times mentioned and relevant, defendants, Lt. Kevin Watts, Police Officer Gerard Tusa, were hired, trained, employed by and remained under the authority, management, supervision and control of the Township of Nutley and the Nutley Police Department.

5. At all times mentioned and relevant, Police Officers John Doe 1-10 were hired, trained, employed by and remained under the authority, management, supervision and control of the Township of Nutley and the Nutley Police Department.

6. On/or about October 18th, 2012, Lt. Kevin Watts, Police Officer Gerard Tusa, and Police Officers John Doe 1-10, responded to a call at 175 Mountainview Avenue, in the Township of Nutley and perpetrated numerous acts of physical violence on and about the person of the plaintiff, Anthony Pace, Sr.

7. The afore described acts were committed under the color of law and caused plaintiff to be deprived of substance of due process and/ or the equal protection of the rights, privileges and/or amenities secured to him by the Constitution and/or laws of the State of New Jersey.

8. The afore described acts occurred as a direct and proximate result of the carelessness and negligence of the defendants, Township of Nutley and Nutley Police Department in their hiring, training, employment, supervision, management, retention and control of defendants, Lt. Kevin Watts, Police Officer Gerard Tusa, and Police Officers John Doe 1-10.

9. As a direct and proximate result of the carelessness and negligence of the defendants, Township of Nutley and Nutley Police Department, Lt. Kevin Watts, Police Officer Gerard Tusa and Police Officers John Doe 1-10, the plaintiff, Anthony Pace, Sr., was thus and thereby caused to suffer and sustain serious, permanent and disabling injuries, physical and/or mental in nature, was caused to undergo great emotional pain and suffering, loss of earnings and as well as diminution of future earning capacity, was and continues to be unable to engage in his usual employment and other activities, and has incurred and will incur in the future great medical expenses in order to treat his injuries and cure his pain

WHEREFORE, plaintiffs demand judgment against the defendants and each of them, jointly, severally or in the alternative for damages together with interest, attorney fees and costs of suit, and such other relief as this Court deems just and proper.

SECOND COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count and incorporate them by reference into this count as if fully set forth at length herein.

2. The afore described act constituted a violation of N.J.S. A. 10:6-1, the "New Jersey Civil Rights Act", and this action is brought pursuant to N.J.S.A. 10:6-2 (c).

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly, severally, or in the alternative for damages, together with interest, attorney fees and costs pursuant to N.J.S.A. 10:6-2 (f), and such other relief as this Court deems just and proper.

THIRD COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count and Second Count and incorporate them by reference into this count as if fully set forth at length herein.

2. The afore described acts constituted a deprivation, interference with or attempt at interference, by threats, intimation and or coercion with the exercise or enjoyment by plaintiff of the substitutive due process and or equal protection, rights, privileges and amenities secured to him by the Constitution and laws of the State of New Jersey.

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly, severally, or in the alternative for damages, together with interest, attorney fees and costs pursuant to N.J.S.A. 10:6-2 (f), and such other relief as this Court deems just and proper.

FOURTH COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count, Second Count and Third Count and incorporate them by reference into this count as if fully set forth at length herein.

2. The afore described acts committed by defendants upon the person of plaintiff constituted a battery.

3. As a direct and proximate result of the actions of defendants, and each of them, plaintiff has sustained damages.

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly, severally, or in the alternative for compensatory and punitive damages together with interest, attorneys fees and costs of suit, and such other relief as this Court deems just and proper.

FIFTH COUNT

1. Plaintiffs repeat ad re-allege each and every allegation of the First Count, Second Count, Third Count and Fourth Count and incorporate them by reference into this Court as if fully set forth at length herein.

2. The plaintiff, Diane Pace, is the wife of the plaintiff Anthony Pace, Sr., and as such is responsible for his debts; and is entitled to the services, society and consortium of her husband, Anthony Pace, Sr.

3. As a direct and proximate result of the carelessness and negligence of the defendants, and each of them, as afore described, the plaintiff, Diane Pace, has been and will in the future be compelled to expend large sums of money for medicines and medical attention for her husband, Anthony Pace, Sr; and has been and will in the future be deprived of the services, society and consortium of her husband, Anthony Pace, Sr.

WHEREFORE, the plaintiff, Diane Pace, demands judgment against the defendants, and each of them, jointly, severally, or in the alternative, for damages together with interest, attorney fees and costs of suit, and such other relief as this Court deems just and proper,

Dated: July 16, 2013


George M. Kachmar, III, Esq.

JURY DEMAND

PLEASE TAKE NOTICE that the plaintiffs hereby demand a trial by jury on all issues so triable.

DESIGNATION OF COUNSEL

PLEASE TAKE NOTICE that George M. Kachmar, III, Esq. Is hereby designated Trial Counsel on the within matter, pursuant to Rule 4:25-4.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:18-1, et. seq., plaintiff hereby demands that defendants provide clear copies of each and every document which defendants' intend to offer each in evidence and/or rely upon their direct and cross-examination of any witness at the time of trial, including any and all documents furnished by any party to any expert witness who will testify on behalf of defendants at the time of trial. This demand specifically includes copies of any and all sound recordings and/or videotapes; digital recordings of sound and/or digital recordings of images.

Dated: July 16, 2013.


George M. Kachmar, III, Esq.

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX COUNTY

2013 JUL 19 P 12:23

FINANCE DIVISION
RECEIVED
JUL 16 2013

CERTIFICATION

Pursuant to R. 4:5-1, I hereby Certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties who are presently known should be joined in this action.

Dated: July 16, 2013



George M. Kachmar, III, Esq.