

SUMMONS

Attorney(s) ELDRIDGE HAWKINS, LLC

Office Address 60 EVERGREEN PLACE SUITE 510

Town, State, Zip Code EAST ORANGE, NJ 07018

Telephone Number 973-676-5070

Attorney(s) for Plaintiff ALEXANDER BRANCH

ALEXANDER BRANCH

Plaintiff(s)

vs.

BLOOMFIELD TOWNSHIP

Defendant(s)

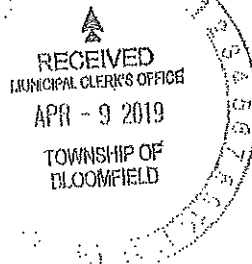
Superior Court of New Jersey

Mercer  County

CIVIL Division

Docket No: MBR-L-0500-19

CIVIL ACTION SUMMONS

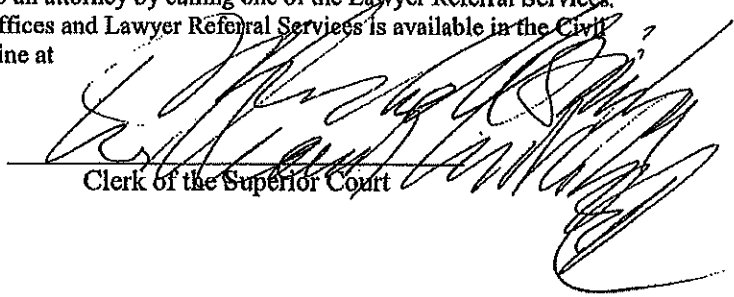


From The State of New Jersey To The Defendant(s) Named Above:

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.njcourts.gov/forms/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 \$175.00 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.njcourts.gov/forms/10153_deptyclerklawref.pdf.

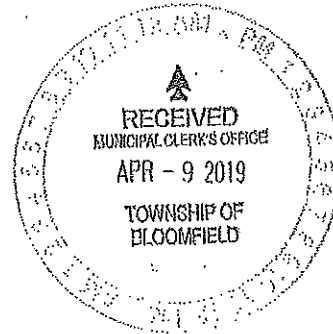

Clerk of the Superior Court

DATED: 03/22/2019

Name of Defendant to Be Served: BLOOMFIELD TOWNSHIP

Address of Defendant to Be Served: 1 MUNICIPAL PLAZA, BLOOMFIELD NJ 07003

ELDRIDGE HAWKINS LLC
Attorney At Law
Attorney ID No. 214731967
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East Orange, New Jersey 07018
Tel: (973) 676-5070
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Attorney for: **ALEXANDER BRANCH**



ALEXANDER BRANCH Plaintiff, vs. TOWNSHIP OF BLOOMFIELD, EVELYN OYGEANI, BLOOMFIELD POLICE DEPARTMENT, OFFICER LUCA PISCITELLI, LT. POLIDORO P.O. RABBINACCRO, P.O. MAURIELO, HEAD DOE, JOHN DOE, ANN DOE (identities unknown) Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY DOCKET NO.: <u>CIVIL ACTION</u> COMPLAINT AND JURY DEMAND WITH PRODUCTION DEMAND PURSUANT TO R.4:18-2
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Plaintiff, Alexander Branch, residing in the County of Middlesex, New Jersey, by way of Complaint against the Defendants, herein states:

JURISDICTION

This action is brought pursuant to N.J.S.A. 10:6-2 (a), (c), et al. N.J.S.A. 10:5-12 (e), (f), New Jersey Constitution Article 1, Paragraph 1, 5, 7, 9.

PARTIES

1. Plaintiff, Alexander Branch, is a Black male resident of the State of New Jersey, residing in the County of Middlesex.

- a. Judges Carey, Vena and Furnari are Judges in Essex County with whom Plaintiff's Counsel has conflicts and this matter should not be heard by them.
2. The Township of Bloomfield and their agents and Department and their individual police officers, Luca Piscitelli, Lt. Poliduro, Rubbinaccro, Mauriello, Head Doe, John Doe, Joe Doe and Ann Doe (Identities unknown) are at all times mentioned herein employees or agents of the Defendant Township of Bloomfield, State of New Jersey who were acting in the performance of their duties for Defendant, Bloomfield at all times mentioned in this Complaint.
3. Because Plaintiff is a professional, his clean reputation is of extreme importance to him and his ability to maintain his employment.
 - a. Alexander Branch, by Defendants Piscitelli, Polidoro, Rubbinaccro, Mauriello.

STATEMENT OF FACTS

1. On March 18, 2018 at or about 21:063 hours Alexander M. Branch 4th was parked in a black Nissan bearing NJ Reg. X93DMN in a Modell's parking lot when he was approached by members of the Bloomfield Police Department. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1.*
2. The police report indicated that Police Officer Rubbinaccio advised other officers that he observed one of the vehicle occupants throw garbage and a plastic Snapple bottle out of the vehicle from the passenger side at which point Lt. Polidoro, P.O. Mauriello and Sgt. Luca Piscitelli converged on the parked vehicle

and activated emergency lights and conducted a motor vehicle stop on the Nissan.

See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg. 1.

3. The Bloomfield Investigative Police Report does not identify which occupant in the black Nissan allegedly through the plastic Snapple bottle and garbage out of the passenger side window. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1-4.*
4. Bloomfield Police video shows officers asking the vehicle occupants which one of them threw the plastic Snapple bottle and garbage from the window. *See Bloomfield Police Investigation Report 18-19935, DVD Video Item 3 at 19:40. See also Bloomfield PD DVD Video of 19-19935 Item 2 at 3:30-4:00.*
5. Video shows officer looking at the ground area surrounding the vehicle, but no plastic Snapple bottle or garbage was retrieved. *See Bloomfield PD, DVD Video of 18-19935 Item 3 at 3:10.*
6. Sgt. Piscitelli reports that while speaking with the occupants of the black Nissan (Mr Branch – driver and Bilal Shareef – passenger) an odor of an alcoholic beverage emanating from the vehicle was detected. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg. 2.*
7. Mr. Branch was asked by Police to exit the vehicle and was subsequently administered various field sobriety tests. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg. 2.*
8. Bloomfield Police Investigation Report states Mr. Branch's speech was slow and slurred yet Bloomfield Police video shows Mr. Branch's speech crisp and precise. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg. 2.*

9. Mr. Branch articulated verbally in a clear and concise manner to on scene to Bloomfield Police Officers that he was hit by a car and suffered multiple injuries including herniated discs in his back and knee injuries that would affect his ability to execute field sobriety tests without difficulty. *See Bloomfield PD, DVD Video of 18-19935, Item 3 at 10:45-12:30.*
10. Bloomfield Police administered to Mr. Branch a field sobriety test and placed him under arrest securing him thereafter in the rear of ACU-11. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg.3.*
11. Per the Police Investigation Report, once Mr. Branch was secured, Lt. Polodoro and P.O. Mauriello searched the black Nissan while it was safely parked on private property in the Modell's parking lot. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1, 3.*
12. Lt. Polidorom, allegedly following an order of marijuana, "placed the middle portion of the rear seat down" in an effort to search to search an area to which the driver and passenger had no immediate access. There the officer found a metal grinder (imprinted with a marijuana leaf and Amsterdam in vehicle's trunk *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg.2.*
13. A metal grinder along with the digital media from ACU-1 and the grey unmarked Police vehicle, but not a plastic Snapple bottle or garbage or photos thereof, was entered into the Evidence Management System by Lt. Polidoro and secured in Evidence locker #10. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg.4.*

14. The plastic Snapple bottle and garbage allegedly observed by P.O. Rubbinaccio to be thrown from the black Nissan was not logged into evidence and does not exist in any evidentiary form. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1-4.*
15. Mr. Branch did not consent to search of the vehicle nor do Bloomfield Police records show that Mr. Branch consented to the search of the black Nissan. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1-4.*
16. Bloomfield Police did not obtain a warrant prior to searching the black Nissan nor does the Bloomfield Investigative Report state an effort to do so. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1-4.*
17. The vehicle was not towed from the scene, was safely on private property, and there was another licensed driver, Mr. Davis, in the black Nissan who took custody of the vehicle with Mr. Branch's permission at the conclusion of the Police Motor Vehicle Stop. *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pg 3.*
18. Mr. Branch was charged with Possession of Drug Paraphernalia – 2C:35-2 on Summons #S2018000250; DWI – 38:4-50; DWI w/in 1,000 feet of School Property – 39:4-50 (g) (1); Refusal to Submit Breath Samples – 39:4-50-2; Revocation for Refusing Breath Test – 39:4-50.4a; and Throwing Debris from a Motor Vehicle – 39:4-64 *See Bloomfield Police Investigation Report 18-19935, 3/18/18/ pgs. 1,3.*
19. Bloomfield Officer Investigation Reports show no direct concern articulated or actions taken for officer safety reasons.

20. Plaintiff, Alexander Branch, (by Defendants Piscitilli, Polidoro, Rubbinaccio and Mauriello, police officers for the Township of Bloomfield) was wrongfully stopped, detained and searched in violation of his Constitutional and Statutory Rights on March 18, _____. While he was lawfully parked in Modell's Parking Lot.
21. He was told by Defendants, he was stopped because some saw someone throw a plastic Snapple bottle out of the passenger side window.
22. This, was not true and was maliciously and falsely stated as a reason to fraudulently justify Defendants unlawful stop of Plaintiff
23. Said individually named Defendant's engaged in the stop, search, and arrest of Plaintiff on March 18, 2018 and caused Plaintiff to be mugshot and fingerprinted contrary to Law and New Jersey Rules of Court, that disallow an arrest without warrant and without a specified observed felony offense.
24. The circumstances were not exigent and police engaged in an illegal search of car.
25. The car was parked in a parking lot and 2 or 3 police vehicles blocked his car from moving predicated upon an alleged information that an alleged Snapple bottle was thrown out of the car window. (Occupied by two black males).
26. There was no bottle retrieved but that was the alleged reason for:
- a. The stop;
 - b. The "call around" asking for credentials;
 - c. The subsequent asking of Defendant to engage in DWI field tests.
27. The officer who filled out the obstructing report, did not accurately record Defendant's manifestations, i.e., he recorded Defendant was slurring speech when the video clearly demonstrates to the contrary.

28. The Defendant was charged with dropping litter out of the care while the vehicle was on a highway under N.J.S.A. 39:4-64 (no evidence).
29. The vehicle was not on a highway.
30. The attached April 30, 2018 Discovery Request letter given to the Prosecutor and Bloomfield Records Clerk has not been given full compliance as ordered by the Court.
31. The initial stop was predicated on an alleged N.J.S.A. 39:4-64 violation which prohibits littering when a vehicle is on the highway which Defendant was not, thusly making the stop unlawful and all fruits thereafter required to be suppressed.
32. The Court ordered date for the Prosecution to turnover discovery to Defendant's counsel had passed without the prosecution turning over the majority of outstanding discovery to Defendant's counsel before Defendant's counsel was required to file a Motion to Suppress.
33. The video Item "1" was never turned over before the Motion was filed, while the video discs marked Item "2" and Item "3" were.
34. On March 26, 2018 the required Notice of Claim was submitted to Defendant's.
35. Plaintiff was profiled and stopped because of his "brown" skin color.
36. Upon information and belief, one of the Officers-Defendants present made a call to supervision on the original date of the stop, to determine what should be done, and the supervisory staff directed Plaintiff to be so treated.
37. Both Individual Municipal agents and the Municipal Defendant, Township of Bloomfield violated Plaintiff's rights under N.J.S.A. 10:5-12 (f); N.J.S.A. 10:5-4 (place of accommodation) Plaszynski v. Uwaneme, 371 N.J. Super, 333, 333 n.1

(App Div.), certify. Denied, 182 N.J. 147 (2004). Constitution; deprivation of equal protection of Peper v. Princeton, 77 N.J. 55 (1978).

38. Names of Defendants and Police Officer John Doe (present identity unknown), after the wrongful stop, asked Plaintiff for his credentials.

39. Defendants wrongfully and unlawfully gave Plaintiff a criminal arrest record, when only a Complaint summons was allowed or issued.

40. Plaintiff was also required to appear to Bloomfield Police Headquarters where John Doe, Head Doe and Ann Doe (identities unknown) who were employee-agents of the Township of Bloomfield directed and facilitated Plaintiff being "booked".

41. Plaintiff and Plaintiffs' counsel made multiple appearances at the Municipal Court.

42. In December, the Honorable Judge Livingston Municipal Court, dismissed the charges against Plaintiff upon Mr. Branch's attorney's Motion of Dismissal because of a failure lack of evidence and unlawful stop and properly apply for warrants to search, lack of reasonable suspicion for stop in first place.

43. As a consequence of Defendants actions done individually, jointly and severally, Plaintiff has been damaged, harmed and forced to endure humiliation embarrassment, emotional distress and interference with his enjoyment on life.

44. Plaintiff was compelled to suffer and incur money for attorney's fees.

WHEREFORE, Plaintiff requests judgment against all Defendants individually, jointly, conspiratorially,, for monetary damages, both compensatory and punitive, both past and future with costs, interest and attorney's fees.

COUNT ONE
RECKLESS AND INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS

1. Plaintiff repeats all previous and hereafter paragraphs as if fully restated herein.
2. The individually named Defendants engaged in all actions with a malicious, purposeful. Bad faith, wanton, intentional disregard for the extreme distress and harm it would probably cause to Plaintiff and which in fact was caused.
3. Because Plaintiff was a prisoner of Defendants, Defendants owed a high degree of care to not cause Plaintiff harm.
4. Defendants breached that duty of care, violated the New Jersey Criminal Code in the process, treated and caused Plaintiff harm so severe, no reasonable male could withstand same.
5. Plaintiff filed a timely Notice of Claim under the New Jersey Tort Claim Act.
6. Defendants interfered with Plaintiff's Rights to be free and independent, to enjoy and defend life and liberty and pursuing and obtaining safety and happiness (Article I, Paragraphs 1, 5). Defendants violated Plaintiff's Rights as declared that government is instituted for the protection, security and of the people, Article 1, Paragraphs 2a).
7. The Defendants violated Plaintiff's Rights to be secure in his person, papers and effects against unreasonable searches and seizures, when they stopped him searched him and arrested him without warrant.
8. The Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 8, in that Defendants held him falsely to answer for the false offense.

9. Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 10, in that Plaintiff (the accused) had a right to a speedy trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with witnesses against him which rights were deprived to Plaintiff.
10. Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 12, in that Defendants:
 - a. Inflicted cruel and unusual punishment against Plaintiff which Defendants had no legal or Constitutional Rights to do as the constitution and due process procedures provide for a Judge to determine the punishment after a determination of guilt which proceedings were denied to Plaintiff as the Defendants herein took it upon themselves to unlawfully arrest, prosecute, inflict punishment on Plaintiff contrary to the separation of powers mandated by New Jersey's Constitution, Article III.
11. Defendants' actions violated Plaintiff's Rights under Article I, Paragraph 18 to freely assemble together and object to his treatment.
12. Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 22, in that:
 - a. Plaintiff was the victim of Defendants actions and he was not treated as Paragraph 22 requires victims to be treated with fairness, compassion and respect, his Constitutional Rights.
13. As a consequence, Plaintiff was damaged and harmed.

WHEREFORE, Plaintiffs requests judgment against all Defendants individually, jointly and severally for monetary damages, both compensatory and punitive, both past and future with costs interest and attorney's fees.

COUNT TWO
FALSE ARREST

1. Plaintiff repeats all allegations and incorporates same fully herein.
2. Defendants had no just cause to stop Plaintiff and in bad faith under false pretenses did so because they saw a brown skinned Haitian young man they desired to stop and harass with hopes and intent in obtaining an arrest and conviction.
3. Plaintiff had committed no offense to enable or justify Defendants to stop him.
4. Defendants had NO just cause to question or search Plaintiff. Defendants acted negligently, reckless, wantonly, intentionally and maliciously.
5. Defendants as agents for Defendant Township of Bloomfield in bad faith falsely alleged Plaintiff had committed an offense and falsely arrested Plaintiff and caused him to be processed contrary to Rules and Law for a disorderly persons charges of N.J.S.A. 39:4-50 (DWI); 39:4-50 (G107) DWI within 1000 feet of a school 39:4-64 throwing objects from vehicle on a highway failing to consent to the samples of breathe 39:4-50.2. N.J.S.A. 39:4-50.4A (refusal to submit to chemical test.
6. As a consequences of Defendants actions Plaintiff has been harmed and damages.

WHEREFORE, Plaintiff requests judgment for damages, both compensatory and punitive with costs, interest, and attorney's fees.

COUNT THREE
MALICIOUS PROSECUTION

1. Plaintiff repeats all the Paragraphs as if fully restated herein.
2. All individual Defendants, as agent-employees by Defendants Bloomfield caused Plaintiff to be falsely and maliciously prosecuted as said prosecution was dismissed on Motion of the undersigned Plaintiff's attorney for because of the violation of Plaintiffs Constitutional Rights.
3. Plaintiff was required to large sums of money to hire a lawyer to defend himself.
4. The charges were dismissed on May 24, 2018.
5. As a consequence Plaintiff was harmed and damaged.

WHEREFORE, Plaintiff requests judgment for damages, both compensatory and punitive with costs, interest, and attorney's fees.

COUNT FOUR
FALSE LIGHT, INVASION OF PRIVACY, DEFAMATION, LIBEL/SLANDER

1. Plaintiff repeats all the Paragraphs as if fully restated herein.
2. Plaintiff had a right to be unreasonably interfered with in his private affairs and to not have his good reputation destroyed by an arrest record which Defendants had no legal right to impose upon him.
3. As a consequence of Defendants actions, committed individually, jointly, and severally, Plaintiff was cast in a false light, had his privacy invaded, defamed, libeled, and reputation ruined by Defendants wrongful action which have caused Plaintiff per se damages.

WHEREFORE, Plaintiff requests judgment against all defendants individually, jointly, conspiratorially, for monetary damages, slander and both compensatory and punitive, both past and future with costs, interest and attorney's fees.

COUNT FIVE
VIOLATIONS OF N.J.S.A. 10:6-2 (A) (C) AND N.J. COURT OF ARTICLE I,
PARAGRAPH 5, 7, 9

1. Plaintiff repeats all the Paragraphs as if fully restated herein.
2. Defendant's actions were all done under color of State law which gives the Municipal Police, Court and Prosecutor authority to legally arrest and prosecute criminals.
3. Plaintiff herein was not a criminal but a citizen minding his own business as a anyone is supposed to be entitled to do in the United States where Defendants Grey and John Doe wrongfully stopped Plaintiff.
4. Upon information and belief it is the custom of the Bloomfield Police to utilize any false excuse when they see a black male they wish to target and harass.
5. Defendants engaged in that custom and practice under color of State law and deprived Plaintiff of his Federal and Constitutional Rights of freedom, substantive due process, equal protection.

WHEREFORE, Plaintiff requests judgment against all defendants individually, jointly, conspiratorially, for monetary damages, both compensatory and punitive, both past and future with costs, interest and attorney's fees.

COUNT SIX
VIOLATIONS OF NJ CONSTITUTION ARTICLE I PARAS 1, 5, 6, 7, 8, 9, 10,
12, 22, N.J.S.A. 10:5-4; 10:5-12 (E) (F); N.J.S.A. 10:6-2 (C)

1. Plaintiff repeats all allegations and incorporates same fully herein.
2. Plaintiff had Constitutional Rights as stated hereinabove.
3. Said Constitutional Rights were deprived to Plaintiff by the Township of Bloomfield and its employees all of whom were placed of public accommodations duly bound to not deprive anyone of the equal privileges and immunities accorded white citizens.
4. By Defendants violating the various Constitutional and Constitutional provisions (Article IV, V, XIV) Defendants also violated Plaintiff's Rights under N.J.S.A. 10:6-2 (c).
5. Defendants also violated and N.J.S.A. 10:6-2 (c) by the Defendants violation of the criminal laws (N.J.S.A. 2C:30-2, 5, 6, 7; New Jersey Rules of Court and New Jersey's Law against discrimination, N.J.S.A. 10:1-2; N.J.S.A. 10:5-4; N.J.S.A. 10:5-12 (f) and Plaszynski v. Plus Ehrl, 371 NJ Super 333 (2004).
6. As a consequence of which, Plaintiff has been harmed and damaged.

WHEREFORE, Plaintiff requests judgment against all defendants individually, jointly, conspiratorially, for monetary damages, both compensatory and punitive, both past and future with costs, interest and attorney's fees.

COUNT SEVEN
ABUSE AND MISUSE OF PROCESS

1. Plaintiff repeats all allegations and incorporates same fully herein.
2. Defendants abused and misused the criminal Rules of Court procedure (R3:3; R3:4 et seq.) to racially profile and give a record to a black male contrary to the law of this State.
3. The issuance of the Complaint summons and the mugshot and fingerprints were perverted usage of the Criminal process, which were not the accepted and legal uses thereof as no mugshot or fingerprints are allowed for the allegations which did not amount to crimes.
4. Said perverted use also abused the allowable use of taking one into custody temporarily as opposed to arresting and processing for a crime.
5. As a consequence Plaintiff has been damaged and harmed.

WHEREFORE, Plaintiff requests judgment against all defendants individually, jointly, conspiratorially, for monetary damages, both compensatory and punitive, both past and future with costs, interest and attorney's fees

JURY DEMAND

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

DATED: MARCH 12, 2019

/s/ ELDRIDGE HAWKINS
ELDRIDGE HAWKINS, ESQ.

TRIAL ATTORNEY DESIGNATION

Eldridge Hawkins, Esq. is hereby designated as trial counsel for the Plaintiff.

DATED: MARCH 12, 2019

/s/ ELDRIDGE HAWKINS
ELDRIDGE HAWKINS, ESQ.

DEMAND FOR INSURANCE COVERAGE

Plaintiff does hereby demand that Defendants disclose the full extent of all
Applicable insurance coverage as well as all declarations pages thereof within
thirty (30) days of service of this Complaint.

DATED: MARCH 12, 2019

/s/ ELDRIDGE HAWKINS
ELDRIDGE HAWKINS, ESQ.

If you are unable to obtain an attorney, you may communicate with the New Jersey State Bar Association, or Lawyer Referral Service, and if you cannot afford an attorney, you may communicate with the Legal Services of Essex County. The following are the telephone numbers of same:

Newark Legal Services: (973) 624-4500
Essex County Legal Aid: (973) 622-1513
Essex-Newark Legal Services (Senior Citizens) (973) 672-3838
Essex-Newark Legal Services (Hispanic) (973) 642-8707
New Jersey State Bar Association (609) 304-1101-2

Eldridge Hawkins LLC
55 Washington Street
Suite 309
East Orange, New Jersey 07017

Joseph Scurese

Plaintiff

v.
Township of Bloomfield
Bernadette Yates,
Tabean Rogas, Bill Doe,
Jill Doe 1-10, Will Doe, John Doe,
(all identities presently unknown)

Defendants

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: ESSEX COUNTY

: Docket No: ESX-L-6757-13

: Civil Action

: SUMMONS

THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT(S)

TOWNSHIP OF BLOOMFIELD

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. (The address of each deputy clerk of the Superior Court is provided) 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, CN 971, Trenton, NJ 08625. A 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. A list of these offices is provided. 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 list of these numbers is also provided.

Dated: September 12, 2013

Jennifer M. Perez
Jennifer M. Perez, Clerk of Superior Court

Name of Defendant to be serve: Township of Bloomfield
Address for Service: 1 Municipal Plaza
Bloomfield, New Jersey 07003

ELDRIDGE HAWKINS LLC
Attorney At Law
55 Washington Street, Suite 309
East Orange, New Jersey 07017
Tel #: (973) 676-5070
Fax #: (973) 676-7356
Attorney for: Plaintiff, Joseph Scurese

Joseph Scurese

Plaintiff

vs.

Township of Bloomfield,
Bernadette Yates,
Tabean Rogas, Bill Doe,
Jill Doe 1-10, Will Doe, John Doe,
(all does identities presently unknown):

Defendants

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

6757-13

Civil Action

COMPLAINT AND JURY DEMAND

Joseph Scurese residing at 15 Sycamore Street, in the County of Essex, State
of New Jersey, by way of Complaint says:

COUNT ONE

NEW JERSEY CONSTITUTION, ARTICLE I AND N.J.S.A. 10:6-2 (c)

1. Defendants Township of Bloomfield, Bloomfield Police Department (herein after referred to as "City"), was, on July 8, 2012 to present and at all times herein referred to, the employer of defendant Police Officer Fabian Rojas, unidentified court personnel (Jill Doe 1-10) and John Doe and Head Doe, Supervising Officer who allowed the events to happen, all of whom were employed by the Township of Bloomfield in the course of their duties as Municipal Officers, at all times mentioned in this Complaint.

2. At all times mentioned in this complaint, the above named defendants were agents, servants and/or employees of the Township of Bloomfield and all times engaged in their scope of employment. Plaintiff relies upon the facts as stated in the attached filed May 28, 2013 Notice of Claim.
3. On July 8, 2012, in the Township of Bloomfield, County of Essex, State of New Jersey, the Plaintiff, a resident of New Jersey and of the United States, was arrested by the defendant, Police Officer, Tabean Rogas and John Doe, the agents, servants or employees of defendant Bloomfield and without just provocation, individually, jointly and conspiratorially falsely accused Plaintiff of various motor vehicle offences, of theft, forgery and conspiracy in violation of 2C:20-3A; 2C:5-20 (1); 2C:21-10 (2) and at the aforementioned time and place, put the plaintiff in fear, harassment and deprivation of liberty. Defendants inappropriately issued warrants causing plaintiff to be arrested contrary to the law and Rules of Court.
4. Said actions were done under color of State law. Said acts were done with the joint conspiratorial intent to harass plaintiff so he would give up his right to oppose defendant Yate's unlawful claim.
5. Said Police Officers who had a duty to prevent said injustices have not been properly trained or supervised by the Bloomfield Police Officer.
6. Said actions were violative of plaintiff as 42 USCA 1983, 1985, 1986, 1988 Constitutional rights to freedom of movement, New Jersey Constitution rights, (equal protection, etc) and consequently violated N.J.S.A. 10:6-2 (c). After many appearances all criminal charges and tickets were dismissed against

against defendant Yates which the Bloomfield authorities refuse to finally adjudicate or properly dispose of.

WHEREFORE, plaintiff demand judgment against the defendants John Doe, Township of Bloomfield, the Bloomfield Police Department, jointly, severally or in the alternative for damages, both past and future and compensatory, interests, cost of suit and punitive damages for violating plaintiff's rights, with attorney's fees for violating plaintiff's rights, under the New Jersey Constitution, Article I, paragraphs 6, 18, 19 and N.J.S.A. 10:6-2 (c).

COUNT TWO

1. Plaintiff repeats the allegations of the First and following Count as if fully restated herein.
2. Defendants Bernadette Yates, Tabean Rojas, John Doe and the Township of Bloomfield, Bloomfield Police Department in an aiding and abetting fashion and by conspiratorial agreement, caused plaintiff severe emotional distress by the negligent, reckless, wanton and intentional actions.
3. Defendants also engaged in abuse and misuse of process by perpetrating the arrest and prosecution process into purposes not contemplated by law (i.e. inter alia to compound a felony).

WHEREFORE, plaintiff requests judgment for monetary damages both compensatory and punitive with costs both past and future interest and attorney's fees.

COUNT THREE

NJRA CONSPIRACY TO VIOLATE PLAINTIFF'S RIGHTS

1. Plaintiff repeats the allegations to the following and above paragraphs as if fully restated herein.
2. The acts of plaintiff engaged in under Color of State law in joint conspiratorial fashion when they had a duty to prevent said acts caused plaintiff deprivation of rights guaranteed to him by Amendment 1, IV, V of the U.S. Constitution various New Jersey State Criminal Statutes and otherwise caused him harm.
3. As a consequence, plaintiff was deprived of the aforementioned rights and rights to which they were entitled in violation of N.J.S.A. 10:6-2 and Article I, Paragraphs 1, 6, 18, 19.

WHEREFORE, plaintiff requests judgment for monetary damages both compensatory and punitive with costs both past and future interest and attorney's fees.

COUNT FOUR

1. Plaintiff repeats the above paragraphs as if Article I, Paragraph 1 of New Jersey Constitution (Invasion of Privacy).
2. Plaintiffs' rights against unlawful invasion of privacy, deprivation of property, of restriction and retaliation for attempting to and for filing complaints and redress of grievances, violations of freedom of movement, etc., were all

unlawfully violated by defendants in a negligently, severally, reckless, intentional, wanton and malicious fashion by defendants both individually, officially and conspiratorially.

3. As a result of all the aforementioned, plaintiff has been harmed and deprived equal protection of the laws and their right to enjoy their freedom reputation property without unlawful interference.

WHEREFORE, plaintiff requests judgment for : a) monetary damages, both past and future, compensatory and punitive, both jointly and severally plus costs, interests and attorney's fees.

COUNT FIVE

N.J.S.A. 10:6-2 (c) AND MALICIOUS PROSECUTION

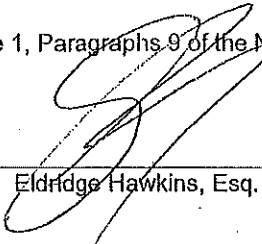
1. Plaintiff repeats the above and the following paragraphs as if fully restated herein.
2. From July 2012, to present, the Township of Bloomfield personnel have required plaintiff's continued appearances.
3. Such action by Bill Doe, Jill Doe, Lil Doe, and Will Doe were negligent , reckless, malicious, willful, wanton and intentional.
4. Since all the charges have been resolved favorably in plaintiff's favor, all defendants' are individually and jointly responsible for his malicious prosecution.

WHEREFORE, plaintiff demands judgment against Bill Doe, Jill Doe, Lil Doe, Will Doe and other defendants for monetary judgment both compensatory and punitive , both past and future with costs interest and attorney's fees.

REQUEST FOR JURY TRIAL

Plaintiff requests a jury trial pursuant to Article 1, Paragraphs 9 of the New Jersey Constitution.

Dated: August 21, 2013

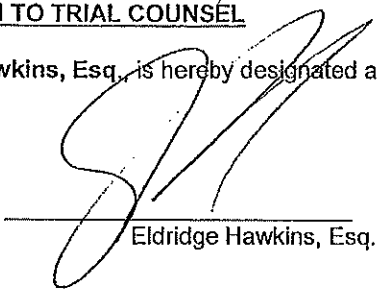


Eldridge Hawkins, Esq.

DESIGNATION TO TRIAL COUNSEL

Pursuant to R.4:25, Eldridge Hawkins, Esq., is hereby designated as trial counsel for the above matter.

Dated: August 21, 2013

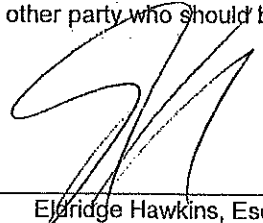


Eldridge Hawkins, Esq.

CERTIFICATION PURSUANT TO R. 4: 5-1

I hereby certify that the matter in controversy in the within action is not the subject of any other action pending in any Court or any pending arbitration proceeding in contemplated. I further certify that there is no other party who should be joined in this action.

Dated: August 21, 2013



Eldridge Hawkins, Esq.

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i> , if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME ELDRIDGE HAWKINS, ESQ.		TELEPHONE NUMBER (973) 676-5070	COUNTY OF VENUE Essex
	FIRM NAME (if applicable) ELDRIDGE HAWKINS LLC		DOCKET NUMBER (when available) Complaint	
	OFFICE ADDRESS 55 WASHINGTON STREET, SUITE 309, EAST ORANGE, NJ 07017		DOCUMENT TYPE ESX-L- 6757-13 JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) JOSEPH SCURESE		CAPTION JOSEPH SCURESE V. TOWNSHIP OF BLOOMFIELD, ET ALS.		
CASE TYPE NUMBER (See reverse side for listing) 005	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. IF YES, LIST DOCKET NUMBERS		
RELATED CASES PENDING? ☐ Yes ☒ No				
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 AUG 26 2013				
☒ Do you or your client need any disability accommodations? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
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 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: _____				

Attorney(s): Jeffrey M. Patti, Esq.
 Law Firm: Patti & Patti, LLC
 Address: 255 Woodport Road
 Sparta, NJ 07871

Telephone No.: (973) 729-5040
 Fax No.: (973) 729-4367
 E-mail:
 Attorney(s) for Plaintiff(s): Khari Gardner

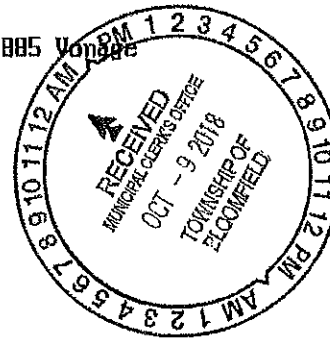
Khari Gardner

Plaintiff(s)

vs.

Township of Bloomfield

Defendant(s)



SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION
 ESSEX COUNTY

DOCKET NO. ESX-L-6471-18

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 address of each deputy clerk of the Superior Court is provided and available online at http://www.judiciary.state.nj.us/prose/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 \$175.00 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 toll free hotline at 1-888-LSNJ-LAW (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 list of these offices and numbers is provided and available online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: October 8, 2018

/s/ Michelle M. Smith

Superior Court Clerk

Name of Defendant to be Served: Township of Bloomfield

Address of Defendant to be Served: 1 Municipal Plaza
 Bloomfield, NJ 07003

Directory of Superior Court Deputy Clerk Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 346-8444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main Street
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2160

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Court Facility
40 Rancocas Road
Mount Holly, NJ 08060
LAWYER REFERRAL
(609) 281-4802
LEGAL SERVICES
(609) 490-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
First Floor, Hall of Records
101 South Fifth Street, Suite 150
Camden, NJ 08103
LAWYER REFERRAL
(856) 904-4520
LEGAL SERVICES
(856) 904-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
8 North Main Street
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 409-0318
LEGAL SERVICES
(609) 405-2001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
406 Dr. Martin Luther King Jr. Blvd
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-0204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Floor, Court House
1 North Broad Street
Woodbury, NJ 08095
LAWYER REFERRAL
(860) 848-4550
LEGAL SERVICES
(860) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brannan Courthouse, First Floor
553 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 708-2727
LEGAL SERVICES
(201) 702-0300

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Plenington, NJ 08822
LAWYER REFERRAL
(908) 735-2011
LEGAL SERVICES
(908) 782-7970

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-0200
LEGAL SERVICES
(609) 095-0240

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Middlesex Village, Second Floor - Tower
66 Paterson Street, P.O. Box 2033
New Brunswick, NJ 08903-2033
LAWYER REFERRAL
(732) 823-0058
LEGAL SERVICES
(732) 249-7000

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
71 Monument Park, P.O. Box 1209
Freehold, NJ 07728-1209
LAWYER REFERRAL
(732) 481-6544
LEGAL SERVICES
(732) 800-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Courts Streets, P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
(973) 207-5882
LEGAL SERVICES
(973) 285-0911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2104
Toms River, NJ 08764-2104
LAWYER REFERRAL
(732) 240-3006
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division Court House
77 Hamilton Street
Paterson, NJ 07605
LAWYER REFERRAL
(973) 278-0228
LEGAL SERVICES
(973) 623-2000

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
82 Market Street
Salem, NJ 08070
LAWYER REFERRAL
(856) 995-5020
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division, P.O. Box 8000
40 North Bridge Street
Somerville, NJ 08870
LAWYER REFERRAL
(908) 685-2023
LEGAL SERVICES
(908) 201-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 883-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
First Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-0076
LAWYER REFERRAL
(908) 365-4715
LEGAL SERVICES
(908) 864-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office, Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(973) 207-5882
LEGAL SERVICES
(908) 475-2010

Legal Services of New Jersey statewide toll free
hotline 1-888-LSNJ-LAW (674-5520)

PATTI & PATTI, LLC

Jeffrey M. Patti, Esq. (#050201998)
255 Woodport Road
Sparta, New Jersey 07871
(973) 729-5040
Attorneys for Plaintiff

KHARI M. GARDNER,

Plaintiff,

v.

A.J. BOCCHINO, Individually and
Officially, R. WRIGHT, Individually and
Officially, J. SPENCER, Individually
and Officially, F. LANTIGUA, Individually
and Officially, S.J. GANJI, Individually and
Officially, R.D. JOHNSON, Individually
and Officially, PHYLLIS BINDI,
Individually and Officially, CITY OF
EAST ORANGE, DETECTIVE NORRIS,
Individually and Officially, JAMES
ROMANO, Individually and Officially,
SAMUEL A. DeMAIO, Individually and
Officially, BLOOMFIELD TOWNSHIP,
John Doe 1-10, Jane Roe Supervising
Officer 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff Khari M. Gardner, residing in East Orange, Essex County, New Jersey, by way
of Complaint against the Defendants, alleges:

PARTIES

1. Plaintiff, Khari M. Gardner at all times relevant was/is a citizen of the United States of America, and is a resident of East Orange, Essex County, New Jersey.

2. Defendant A.J. Bocchino was at all times relevant herein a police officer holding the rank of detective in the police department of the City of East Orange, New Jersey, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was at all times relevant herein an investigating and arresting officer. He is sued individually and in his official capacity.

3. Defendant R. Wright was at all times relevant herein a police officer with unknown rank in the police department of the City of East Orange, New Jersey, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was at all times relevant herein an investigating and arresting officer. He is sued individually and in his official capacity.

4. Defendant J. Spencer was at all times relevant herein a police officer holding the rank of detective in the police department of the City of East Orange, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was at all times relevant herein an investigating officer. He is sued individually and in his official capacity.

5. Defendant L. Latigua was at all times relevant herein a police officer holding the rank of detective in the police department of the City of East Orange, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was at all times relevant herein an investigating officer. He is sued individually and in his official capacity.

6. Defendant S.J. Gangi was at all times relevant herein a police officer of unknown rank in the police department of the City of East Orange, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was at all times relevant herein an investigating officer. He is sued individually and in his official capacity.

7. Defendant R.D. Johnson was at all times relevant herein a police officer holding the rank of Sergeant in the police department of the City of East Orange, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was responsible for supervising and training subordinate officers and was also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices in the City of East Orange Police Department, and was at all times relevant herein an investigating. He is sued individually and in his official capacity.

8. Defendant Phyllis Bindi was at all times relevant hereto Police Director for the City of East Orange Police Department and was responsible for upholding and enforcing the law and maintaining the peace of the City of East Orange and was responsible for supervising and training subordinate officers and was also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices. She is sued individually and in his official capacity.

9. Defendant City of East Orange, Essex County is a municipal entity incorporated pursuant to the municipal laws of the State of New Jersey and at all times relevant hereto maintained a police department and at all times relevant had the duty to exercise its powers and

authority over the police department pursuant to N.J.S.A. 40A:14-118, et. seq. and to provide training, supervision and/or overall management of the City of East Orange Police Department.

10. Defendant Norris, whose first name is not yet known, was at all times relevant herein a police officer holding the rank of detective in the police department of Bloomfield Township, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of Bloomfield Township and was at all times relevant herein an investigating officer. He is sued individually and in his official capacity.

11. Defendant James Romano was at all times relevant herein a police officer holding the rank of detective in the police department of Bloomfield Township, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of Bloomfield Township and was at all times relevant herein an investigating and arresting officer. He is sued individually and in his official capacity.

12. Defendant Samuel A. DeMalo was at all times relevant hereto Police Chief for Bloomfield Township Police Department and was responsible for upholding and enforcing the law and maintaining the peace of Bloomfield Township and was responsible for supervising and training subordinate officers and was also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices. She is sued individually and in his official capacity.

13. Defendant Township of Bloomfield, Essex County is a municipal entity incorporated pursuant to the municipal laws of the State of New Jersey and at all times relevant hereto maintained a police department and at all times relevant had the duty to exercise its powers and authority over the police department pursuant to N.J.S.A. 40A:14-118, et. seq. and to

provide training, supervision and/or overall management of the Bloomfield Township Police Department.

14. Defendant John Doe 1-10 are fictitious persons/law enforcement officers whose identity is unknown at this time, and at all times relevant hereto was responsible for the investigation and/or enforcement of the laws within the City of East Orange and/or Bloomfield Township and/or may have been responsible, directly and/or indirectly, for the injuries sustained by Plaintiff. At such time as their identity becomes known, this Complaint will be amended to name the known person(s). They are sued individually and in their official capacity.

15. Defendant Jane Roe Supervising Officers 1-10 were at all times relevant hereto officers in the City of East Orange and/or Bloomfield Township Police Department responsible for upholding and enforcing the law and maintaining the peace in the City of East Orange and/or Bloomfield Township and was also responsible for supervising and training subordinate officers and were also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices. They are sued individually and in their official capacity.

SUBSTANTIVE ALLEGATIONS

16. On September 13, 2016, plaintiff was summoned to the East Orange Police Department to which he voluntarily appeared.

17. On said date and at said location plaintiff was charged with multiple counts of armed robbery, multiple counts of unlawful weapons possession charges, multiple counts of possession of weapons for unlawful purposes, and multiple counts of conspiracy, our of the City of East Orange and Bloomfield Township and all felonies of 1st or 2nd degree.

18. Plaintiff was held in lieu of \$475,000 no 10% option bail and was lodged in the Essex County jail for the next almost two months.

19. On December 12, 2016, the Essex County Grand Jury returned a true bill under indictment number 16-12-03321-I including 12-counts covering the aforementioned felonies.

20. On September 22, 2017, the indictment was dismissed in its entirety.

21. Upon information and belief, probable cause was purportedly established through improperly and unlawfully administered photo arrays with various victims.

22. The arrest of plaintiff on September 13, 2016 was entirely unjustified and unlawful and effectuated without the establishment of probable cause.

23. The unlawful and unjustified actions of the Defendants caused plaintiff a great deal of physical and emotional pain and suffering, embarrassment, and humiliation, said injuries being permanent.

24. The actions of Defendants were violative of standard police practices and procedures and also the result of unlawful policy, practice or custom at the respective police departments.

25. At all times relevant herein, Defendants were acting under color of state law and during the scope of their employment with Defendants City of East Orange and/or Bloomfield Township.

COUNT ONE

26. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

27. Plaintiff has a right under the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 to be secure in her person, house, papers, and effects, against unreasonable searches and seizures.

28. Plaintiff has a right protected by the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 not to be deprived of life, liberty, or property, without due process of law.

29. Through the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, plaintiff has a right to be protected against false, baseless and arbitrary arrest, detention, seizure of property, seizure of person, excessive use of force, unlawful involuntary commitment, and against arbitrary deprivations of his liberty and property.

30. Defendants, under color of state law, deprived plaintiff of his aforementioned New Jersey Constitutional rights and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 by, among other things:

- a. Detaining plaintiff without probable cause;
- b. Searching and seizing the person and/or property of plaintiff without probable cause;
- c. Using excessive force and restraining plaintiff;
- d. Unlawfully and unjustifiably creating a danger and undue risk to plaintiff's life and limb;
- e. Falsely arresting plaintiff without probable cause;
- f. Falsely imprisoning plaintiff; and
- g. Denying plaintiff the Equal Protection of the Law.

31. The actions of defendants constituted a policy, practice, procedure or custom of the City of East Orange and/or Bloomfield Township and/or the lack thereof in that those actions are part of a pattern of failing to implement standard police practice and/or procedure in conducting investigations and effectuating arrests of individuals including plaintiff.

32. Because, *inter alia*, they failed to train and supervise their employees; were grossly negligent in the supervision of their subordinates; created and/or permitted a policy or custom under which unconstitutional practices occurred and/or because this problem had occurred on previous occasions and by failing to take appropriate remedial measures, defendants Bindi, City of East Orange, DeMaio, Bloomfield Township, and Jane Roe Supervising Officer 1-10, are liable to plaintiff for damages.

33. Similarly, because they created and/or failed to create and/or permitted a policy or custom under which unconstitutional practices occurred as evidenced by, *inter alia*, the affirmative conduct of defendants Bocchino, Wright, Spencer, Lantigua, Ganji, Johnson, John Doe 1-10 and Jane Roe Supervising Officer 1-10, defendants City of East Orange and Bloomfield Township are liable for plaintiff's damages.

34. As a proximate result of defendants' unlawful conduct, plaintiff has been injured in that he was deprived of his New Jersey Constitutional rights; was unlawfully searched and seized, falsely arrested, and falsely imprisoned without probable cause; and was caused to suffer physical, mental, and emotional trauma and humiliation and embarrassment.

35. Because defendants Bocchino, Wright, Spencer, Lantigua, Ganji, Johnson, John Doe 1-10 and Jane Roe Supervising Officer 1-10 engaged in willful and wanton misconduct and/or in reckless or callous indifference to plaintiff's rights, the imposition of punitive damages against these parties is warranted.

WHEREFORE, plaintiff demands judgment against defendants for (1) compensatory damages; (2) punitive damages; (3) costs and reasonable attorney's fees pursuant to N.J.S.A. 10:6-2; and (4) such other relief as this court deems just and proper.

COUNT TWO
(False Imprisonment/False Arrest)

36. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

37. Defendants are police officers employed by the City of East Orange and/or Bloomfield Township.

38. Both defendant City of East Orange and defendant Bloomfield Township, are organized and exist under the laws of the State of New Jersey.

39. On September 13, 2016, defendants wrongfully, unlawfully, maliciously, and without any warrant or pretense of legal process, detained, restrained, arrested, involuntarily committed, and confined plaintiff against his will.

40. By reason of defendants' actions, plaintiff was deprived of his liberty, denied equal protection of the law and was subjected to embarrassment and humiliation, and was otherwise injured.

41. As a result of plaintiff's false imprisonment and false arrest, he has been damaged.

42. The actions aforesaid were committed by defendants with actual malice and/or a wanton and willful disregard of persons, including plaintiff, who foreseeably might be harmed by Defendants actions.

39. Plaintiff seeks punitive damages pursuant to N.J.S.A. 2A:15-5.10, et. seq.

WHEREFORE, Plaintiff demands judgment against defendants for compensatory damages, statutory damages, punitive damages, interest, costs and reasonable attorney's fees, and such other relief as this court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all of the within issues.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, you are hereby notified that Jeffrey M. Patti, Esq. is hereby designated as trial counsel in the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any action pending in any court or of a pending arbitration proceeding and that no other action or arbitration proceeding is contemplated other than the action pending in the Superior Court of New Jersey, Sussex County, Law Division. I know of no other parties who should be joined in this action at this time.

PATTI & PATTI, LLC
Attorneys for Plaintiff

By: /s/ JEFFREY M. PATTI

Dated: September 13, 2018

Civil Case Information Statement

Case Details: ESSEX Civil Pan Docket# L-006471-18

Case Caption: GARDNER KHARI VS BOOCHINO A
Case Initiation Date: 09/13/2018
Attorney Name: JEFFREY MICHAEL PATTI
Firm Name: PATTI & PATTI LLC
Address: 265 WOODPORT ROAD
SPARTA NJ 07871
Phone:
Name of Party: PLAINTIFF : Gardner, Khari, M
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)? YES

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)

09/13/2018
Dated

/s/ JEFFREY MICHAEL PATTI
Signed

SUMMONS

Attorney(s) Eldridge Hawkins
Office Address 68 Evergreen Pl Ste 510
Town, State, Zip Code East Orange, NJ, 07018

Telephone Number (973) 676-5870

Attorney(s) for Plaintiff Deroty Etheard

Deroty Etheard

Plaintiff(s)

vs.

Township of Bloomfield, Evelyn Dygeani,
Bloomfield Police Dept, Officer D. Gray, NIP Group, Head Doe, John Doe, Ann Doe
Defendant(s)

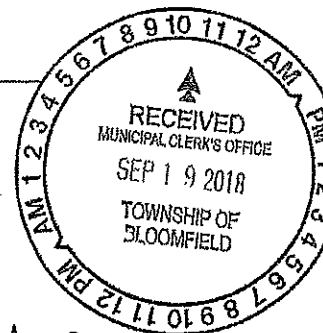
**Superior Court of
New Jersey**

Essex County

Law Division

Docket No: 6111-18

**CIVIL ACTION
SUMMONS**

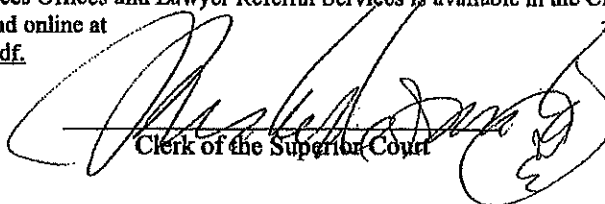


From The State of New Jersey To The Defendant(s) Named Above:

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.njcourts.gov/forms/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 \$175.00 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.njcourts.gov/forms/10153_deptyclerklawref.pdf.


Clerk of the Superior Court

DATED: 8/30/18

Name of Defendant to Be Served: Louise M. Palgano, Clerk of the Township of Bloomfield

Address of Defendant to Be Served: 214 Municipal Bldg, 1 Municipal Plaza, Bloomfield, NJ, 07003

Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-006111-18

Case Caption: ETHEARD DEROTY VS TOWNSHIP OF BLOOMFIE LD

Case Initiation Date: 08/29/2018

Attorney Name: ELDRIDGE T HAWKINS

Firm Name: ELDRIDGE HAWKINS

Address: 60 EVERGREEN PLACE STE 510

EAST ORANGE NJ 07018

Phone:

Name of Party: PLAINTIFF : Etheard, Deroly

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: CIVIL RIGHTS

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 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)*

08/29/2018

Dated

/s/ ELDRIDGE T HAWKINS

Signed

ELDRIDGE HAWKINS LLC
Attorney At Law
Attorney ID No. 214731967
60 Evergreen Place Suite 510
East Orange, New Jersey 07018
Tel: (973) 676-5070
Fax: (973) 676-7356
Attorney for: Deroty Etheard

DEROTY ETHEARD Plaintiff, vs. TOWNSHIP OF BLOOMFIELD, EVELYN OYGEANI, BLOOMFIELD POLICE DEPARTMENT, OFFICER D GREY, NIP GROUP, HEAD DOE, JOHN DOE, ANN DOE (identities unknown) Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY DOCKET NO.: <u>CIVIL ACTION</u> COMPLAINT AND JURY DEMAND WITH PRODUCTION DEMAND PURSUANT TO <u>R.4:18-2</u>
--	---

Plaintiff, Deroty Etheard, residing in the County of Essex, New Jersey, by way of
Complaint against the Defendants, herein states:

JURISDICTION

This action is brought pursuant to N.J.S.A. 10:6-2 (a), (c), et al. N.J.S.A. 10:5-12
(e), (f), New Jersey Constitution Article 1, paragraph 1, 5, 7, 9, 42 USCA 1981, 1983,
1985, 1986, 1988.

PARTIES

1. Plaintiff, Deroty Etheard is a Black male resident of the State of New Jersey,
residing in the County of Essex.

2. The Township of Bloomfield and their agents and Department and their individual police officers, D. Grey and NIP Groups, Head Doe, John Doe, Joe Doe, Ann Doe (Identities unknown) are at all times mentioned herein employees or agents of the Defendant Township of Bloomfield, State of New Jersey who were acting in the performance of their duties for Defendant Bloomfield at all times mentioned in this Complaint.
3. Plaintiff's attorney Eldridge Hawkins has ongoing conflicts with Judge's Furnari, Carey, and Vena and thus should not have his matters assigned to these Judges.

STATEMENT OF FACTS

1. Plaintiff Deroty Etheard, (by D. Grey a police officer for the Township of Bloomfield) was wrongfully stopped, detained and searched in violation of his Constitutional and Statutory Rights on June 20, 2017.
2. He was told by D. Grey he was stopped because of a light bulb not working on his vehicle's tail lights.
3. This, was not true and was maliciously and falsely stated as a reason to fraudulently justify Defendant D. Grey's unlawful stop.
4. After D. Grey engaged in the stop, search and arrested Plaintiff on June 20, 2017 and caused Plaintiff to be mugshot and fingerprinted contrary to Law and New Jersey Rules of Court, that disallow an arrest without warrant and without a specified observed felony offense.
5. Plaintiff fingerprinted, not once, but twice.

6. The second time Plaintiff was fingerprinted was on August 7, 2017, when the City says it, "mistakenly" placed him into a "Conditional Dismissal Program."
7. It is admitted in the attached August 23, 2017 letter from Juleca Correa, Defendant's Deputy Court Administrator, that an "error" was made.
8. Thus, Defendant City and its agents are guilty of negligence in violation of Title 59 in their arrest and processing of Mr. Etheard.
9. On September 1, 2017, Plaintiff's counsel forwarded to Defendant's a Notice of Claim.
10. Plaintiff Etheard is a Brown skinned Haitian
11. Plaintiff was profiled and stopped because of his "dark" color.
12. Upon information and belief, either officer D. Grey or John Doe (present unknown identity of P. O. on scene with D. Grey) made a call to supervision on the original date of the stop, to determine what should be done, and the supervisory staff directed Mr. Etheard to be so treated.
13. Both the individual Municipal agents and the Municipal Defendant, Township of Bloomfield violated Plaintiffs' rights under N.J.S.A. 10: 5-12 (f); N.J. S.A. 10:5-4 (place of public accommodation (Ptaszynski v. Uwaneme, 371 N.J. Super. 333, 333 n. 1 (App Div.), certif. denied, 182 N.J. 147 (204). Constitution; deprivation of equal protection of Peper v. Princeton, 77 N.J. 55 (1978).
14. Defendant D. Grey and police officer John Doe (present identity unknown) after the wrongful stop asked Plaintiff for his credentials.

15. When Plaintiff pulled his wallet out to present his credentials, one of the officers said

- a. Some marijuana fell out of his wallet.
- b. D. Grey and John Doe at that time took Plaintiff into custody, took him to police headquarters and booked him, taking his mug shot and fingerprints.

16. This procedure is not allowed by New Jersey's Criminal Rules of Court.

17. Defendants wrongfully and unlawfully gave Plaintiff a criminal arrest record, when only a complaint summons was allowed or issued.

18. Plaintiff Deroty Etheard was also required to appear to Bloomfield Police Headquarters where John Doe, Head Doe and Ann Doe (identities unknown) who were employee agents of the Township of Bloomfield directed and facilitated Plaintiff being "booked" a second time.

19. Julesa Correa, the Bloomfield Municipal Court Administrator, did on August 23, 2017, submit another letter acknowledging:

- a. "Deroty Etheard was fingerprinted for Conditional Dismissal Program on August 7, 2017, incorrectly."
- b. "Mr. Etheard is actually applying for the Conditional Dismissal Program which is different and would not appear in his criminal history like the Conditional Dismissal would."
- c. It was an error made by the Prosecutor and we are diligently trying to correct the problem with the appropriate party at the State Police, and apologize for any inconvenience or hardship made to Mr. Etheard.

20. Defendant, Evelyn Oygeani, Esq. or George Doe (identity unknown) was the Municipal Prosecutor assigned to prosecute Plaintiff in this matter and upon information and belief was the "prosecutor" responsible for the "error" referred in the Deputy Court Administrator's letter.
21. On October 3, 2017, Plaintiff's Counsel made a formal request to Defendant Oygeani to turn over all discovery pursuant to R3:13-3 (a)
22. Plaintiff and Plaintiffs' counsel made multiple appearances at the Municipal Court and never received the discovery requested in the October 3, 2017 letter of the undersigned attorney for Deroty Etheard.
23. On December 13, 2017, the Honorable Vincent Pirene, Judge Bloomfield Municipal Court, dismissed the charges against Plaintiff upon Ms. Etheards' attorney's motion of Dismissal because of a failure to turn over discovery and a failure to prosecute.
24. Thereafter a formal Claim form was submitted which included claims for attorney fees, loss of reputation, per se damages, false arrest and malicious prosecution.
25. Upon information and belief, an entity entitled "NIP Group" and agency of Defendants Bloomfield was also responsible, for Plaintiff being improperly being booked, and is the insurer for Defendants Township. Said NIP Group is located at 900 Route 9, North Suite 503, and Woodbridge, New Jersey 07095.
26. As a consequence of Defendants actions done individually, jointly and severally, Plaintiff has been damaged and harmed and forced to endure

humiliation, embarrassment, emotional distress and interference with his enjoyment on life.

27. Defendant's Etheard was compelled to suffer and incur money for attorney fees.

28. On January 16, 2018, Plaintiffs' counsel sent formal communications to Frank Odde, Litigation specialist NIP Group following up on Plaintiff's inquiries as to Mr. Odde's purported position that Defendants herein were not responsible for what happened to Mr. Etheard as outlined in Plaintiff's Notice of Claim.

29. No response was received from Mr. Odde or anyone from NIP Group.

30. If NIP Group is the insurer for Defendant, Township, Demand is made for the policy limits of any limits "\$1,500,000" or more (which will be accepted in full settlement) as the damages to Plaintiff with the permanent loss to his reputation can reasonably exceed same. NIP Group's failure to make settlement attempts prior to this litigation being filed, unreasonably resulted in the necessity of this litigation to which there is no legitimate defense and thus, Defendant NIP Group unreasonably refused to discuss settlement making Defendant NIP Group liable for the full amount of any judgment under the principles stated in the Rova Farms matter. (65 NJ 474) (1974) Defendant NIP Group unreasonably refused to entertain payment in this matter.

WHEREFORE, Plaintiff requests judgment against all defendants individually, jointly, conspiratorially, for monetary damages, both compensatory and punitive, both past and future with costs, interest and attorney's fees.

COUNT ONE

RECKLESS AND INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS

1. Plaintiff repeats all previous and hereafter paragraphs as if fully restated herein.
2. The individually named Defendants engaged in all actions with a malicious, purposeful. Bad faith, wanton, intentional disregard for the extreme distress and harm it would probably cause to Plaintiff and which in fact was caused.
3. Because Plaintiff was a prisoner of Defendants, Defendants owed a high degree of care to not cause Plaintiff harm.
4. Defendants breached that duty of care, violated the New Jersey Criminal Code in the process, treated and caused Plaintiff harm so severe, no reasonable male could withstand same.
5. Plaintiff filed a timely Notice of Claim under the New Jersey Tort Claim Act.
6. Defendants interfered with Plaintiff's Rights to be free and independent, to enjoy and defend life and liberty and pursuing and obtaining safety and happiness (Article I, Paragraphs 1, 5). Defendants violated Plaintiff's Rights as declared that government is instituted for the protection, security and of the people, Article 1, Paragraphs 2a).
7. The Defendants violated Plaintiff's Rights to be secure in his person, papers and effects against unreasonable searches and seizures, when they stopped him searched him and arrested him without warrant.

8. The Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 8, in that Defendants held him falsely to answer for the false offense.
9. The Judge dismissed the case inter alia for failure to turn over discovery and to prosecute. Defendants violated Plaintiff's Rights under New Jersey Constitution, under Article I, Paragraph 9 in that they never showed up for the Court legal proceedings (trial) and had the case dismissed without allowing the Plaintiff to have his Constitutional Right to trial.
10. Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 10, in that Plaintiff (the accused) had a right to a speedy trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with witnesses against him which rights were deprived to Plaintiff.
11. Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 12, in that Defendants:
 - a. Inflicted cruel and unusual punishment against Plaintiff which Defendants had no legal or Constitutional Rights to do as the constitution and due process procedures provide for a Judge to determine the punishment after a determination of guilt which proceedings were denied to Plaintiff as the Defendants herein took it upon themselves to unlawfully arrest, prosecute, inflict punishment on Plaintiff contrary to the separation of powers mandated by New Jersey's Constitution, Article III.
12. Defendants' actions violated Plaintiff's Rights under Article I, Paragraph 18 to freely assemble together and object to his treatment.

13. Defendants violated Plaintiff's Rights under New Jersey Constitution, Article I, Paragraph 22, in that:

- a. Plaintiff was the victim of Defendants actions and he was not treated as Paragraph 22 requires victims to be treated with fairness, compassion and respect, his Constitutional Rights.

14. As a consequence, Plaintiff was damaged and harmed.

WHEREFORE, Plaintiffs requests judgment against all Defendants individually, jointly and severally for monetary damages, both compensatory and punitive, both past and future with costs interest and attorney's fees.

COUNT TWO
FALSE ARREST

1. Plaintiff repeats all allegations and incorporates same fully herein.
2. Defendants had no just cause to stop Plaintiff and in bad faith under false pretenses did no because they saw a brown skinned Haitian young man they desired to stop and harass with hopes and intent in obtaining an arrest and conviction.
3. Plaintiff had committed no offense to enable or justify Defendants Grey and John Doe, to stop him.
4. Defendants had NO just cause to question or search Plaintiff. Defendants acted negligently, reckless, wantonly, intentionally and maliciously.
5. Defendants Grey and John Doe, as agents for Defendant Township of Bloomfield in bad faith falsely alleged Plaintiff had committed an offense and falsely arrested Plaintiff and caused him to be processed contrary to Rules and Law for a

HINSON SNIPES, LLP

Attorney At Law

Princeton Forrestal Village

116 Village Boulevard, Suite 307

Princeton, New Jersey 08540

Attorney ID#034542002

By: Tracey C. Hinson, Esquire

Telephone: (609) 452-7333 / Fax: (609) 452-7332

Attorney for Plaintiff, Rodolfo Crespo

RODOLFO CRESPO,

Plaintiff,

vs.

TOWNSHIP OF BLOOMFIELD, ORLANDO
TRINIDAD, in his Individual and
Official capacity, JENNIFER P.
HORN, in her Individual and
Official capacity, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-6533-14

CIVIL ACTION

SUMMONS

THE STATE OF NEW JERSEY TO THE ABOVE NAMED DEFENDANT(S):

TOWNSHIP OF BLOOMFIELD
Bloomfield Township
1 Municipal Plaza
Bloomfield, New Jersey 07003

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. (The address of each deputy clerk of the Superior Court is provided.) 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, CN-971, Trenton, NJ 08625. A \$135.00 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 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 cost 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 Service office in the county where you live. A list of these offices is provided. 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 list of these numbers is also provided.

Dated: September 30, 2014

S/ MICHELLE M. SMITH
MICHELLE M. SMITH
CLERK OF THE SUPERIOR COURT

Name of Defendant to be served: TOWNSHIP OF BLOOMFIELD

Address for Service: Bloomfield Township
1 Municipal Plaza
Bloomfield, New Jersey 07003

DIRECTORY OF CIVIL DIVISION OFFICES

Atlantic County
Civil Case Management Office
Atlantic County Civil Courthouse
1201 Bacharach Blvd.
Atlantic City, NJ 08401
609-345-6700

Gloucester County
Civil Division Case Management Office
Attn: Intake
First Floor, Court House
1 N. Broad St.
Woodbury, NJ 08069
856-853-3392

Ocean County
Superior Court Civil Intake
118 Washington Street, Room 121
P. O. Box 2191
Toms River, NJ 08754-2191
732-929-2016

Bergen County
Civil Division Case Management Office
Bergen County Justice Center
10 Main St., Room 415
Hackensack, NJ 07601
201-527-2601

Hudson County
Civil Division Case Management Office
Brennan Courthouse
583 Newark Ave.
Jersey City, NJ 07306
201-217-5162, 5163

Passaic County
Civil Division Case Management Office
Passaic County Courthouse
77 Hamilton St.
Paterson, NJ 07505
973-247-8176

Burlington County
Civil Division Case Management Office
Burlington County Courts
Facility, 1st Floor
49 Rancocas Road
Mt. Holly, NJ 08060
609-518-2815

Hunterdon County
Civil Division Case Management Office
Hunterdon County Justice Center
65 Park Ave.
Flemington, NJ 08822
908-237-5820

Salem County
Civil Division Case Management Office
Salem County Courthouse
92 Market Street
Salem, NJ 08079
856-935-7510 x8213

Camden County
Civil Division Case Management Office
Hall of Justice
101 S. 5th St.,
Suite 110(with fee)
Suite 150 (no fee)
Camden, NJ 08103-4001
856-379-2202

Mercer County
Civil Division Case Management Office
Mercer County Civil Courts Building
175 S. Broad St., P.O. Box 8068
Trenton, NJ 08650-0068
609-571-4460

Somerset County
Civil Division Case Management Office
Somerset County Courthouse
40 N. Bridge St., P.O. Box 3000
Somerville, NJ 08876-1262
908-231-7054

Cape May County
Civil Division Case Management Office
Cape May Court House
DN-203 Central Mail Room
9 N. Main Street
Cape May Court House, NJ 08210
609-463-6514

Middlesex County
Civil Division Management Office
Middlesex County Courthouse
2nd Floor Tower
56 Paterson Street
P. O. Box 2633
New Brunswick, NJ 08903-2633
732-519-3200

Sussex County
Sussex County Judicial Center
43-47 High St.
Newton, NJ 07860
973-579-0918

Cumberland County
Civil Division Case Management Office
Cumberland County Courthouse
60 West Broad Street
Bridgeton, NJ 08302
856-453-4330

Monmouth County
Civil Division Case Management Office
Monmouth County Courthouse
P.O. Box 1269
Freehold, NJ 07728-1269
732-677-4240

Union County
Civil Division Case Management Office
Union County Courthouse
2 Broad St., 1st Floor
Elizabeth, NJ 07207
Case Management (Room 107)
Assignment (Room 105)
908-659-4810

Essex County
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Blvd.
Newark, NJ 07102
973-693-5529

Morris County
Civil Division Case Management Office
Morris County Courthouse
P.O. Box 910
Morristown, NJ 07963-0910
973-656-4110

Warren County
Civil Division Case Management Office
Warren County Courthouse
413 Second St.
Belvidere, NJ 07823
908-475-6140

Lawyer Referral Service

Following is a listing of county bar associations that offer lawyer referral services. Locate your county of residence and contact the appropriate service. Do not contact referral services that are outside of your local county.

Atlantic County Bar Association
1201 Bacharach Boulevard
Atlantic City, NJ 08401
609-345-3444
E-Mail: Tamara.Lamb@atcobar.org
Internet: www.atcobar.org
Exec. Dir.: Tamara M. Lamb

Bergen County Bar Association
15 Bergen Street
Hackensack, NJ 07601
201-488-0044
Internet: www.bergenbar.org
Exec. Dir.: Frank O'Marra Jr.

Burlington County Bar Association
45 Grant Street
Mount Holly, NJ 08060
609-261-4862 or 609-261-4863
Email: bcba@burlicobar.org
Internet: www.burlicobar.org
Director: Kara E. Edens

Camden County Bar Association
1040 North Kings Highway, Suite 201
Cherry Hill, NJ 08034
856-482-0618
Internet: www.camdencountybar.org
Exec. Dir.: Laurence B. Pelletier

Cape May County Bar Association
9 North Main Street
Cape May Courthouse, NJ 08210
609-463-0313
E-Mail: cmcbar@comcast.net
Exec. Dir.: Michele Devine-Hartnett

Cumberland County Bar Association
PO Box 2374
Vineland, NJ 08362
856-453-7000
E-Mail: info@cumbnjbarassoc.org
Internet: www.cumbnjbarassoc.org
Exec. Dir.: Lou Ann Ferrari-Brooks

Essex County Bar Association
470 Martin Luther King Jr. Boulevard
Newark, NJ 07102
973-533-6775
E-mail: info@essexbar.com
Internet: www.essexbar.com
Exec. Dir.: Wendy E. Deer

Gloucester County Bar Association
PO Box 338
Woodbury, NJ 08096
856-848-4589
Email: baroffice@gcbanj.org
Internet: www.gcbanj.org
Exec. Dir.: Lynn Silverstein

Hudson County Bar Association
583 Newark Avenue
Jersey City, NJ 07306
201-798-4708
Internet: www.hcbalaw.com
Exec. Dir.: Lisa Burke

Hunterdon County Bar Association
PO Box 573
Annandale, NJ 08801
908-236-6109
E-mail: director@huntcolaw.org
Internet: www.huntcolaw.org
Exec. Dir.: Jeannine A. Gorman

Mercer County Bar Association
1245 White Horse Mercerville Road, Suite 420
Mercerville, NJ 08619
609-585-6200
E-mail: cbrennan@mercbar.com
Internet: www.mercbar.com
Exec. Dir.: Christine S. Brennan

Middlesex County Bar Association
87 Bayard Street
New Brunswick, NJ 08901
732-828-0053 ext. 100
E-mail: admin@mcbalaw.com
Internet: www.mcbalaw.com
Exec. Dir.: Jonathan P. Cowles

Monmouth Bar Association
Monmouth County Court House
Freehold, NJ 07728
732-431-5544
Email: tmaclewicz.monmouthbar@verizon.net
Internet: www.monmouthbarassociation.com
Exec. Dir.: Tracy A. Settipane

Morris County Bar Association
28 Schuyler Place
Morristown, NJ 07960
973-267-5882
Email: yparez@morriscountybar.com
Internet: www.morriscountybar.com
Exec. Dir.: Nancy H. Banglola

Ocean County Bar Association
PO Box 381
Toms River, NJ 08754
732-240-3666
Email: karin@oceancountybar.org
Internet: www.oceancountybar.org

Passaic County Bar Association
401 Grand Street, 3rd Floor
Paterson, NJ 07505
973-345-4585
Internet: www.passaicbar.org
Exec. Dir.: Karen A. Corsi

Salem County Bar Association
856-935-5629
Internet: www.salemcountybar.org

Somerset County Bar Association
20 North Bridge Street HCH 325
Somerville, NJ 08876
908-685-2323
Email: cavindar@somersetbar.com
Internet: www.somersetbar.com
Exec. Dir.: Carol Ann Winder

Union County Bar Association
2 Broad Street 1st Floor
Elizabeth, NJ 07207
908-353-4715
Internet: www.uclaw.com
Exec. Dir.: Jeffrey H. Clar

Warren County Bar Association
413 Second Street
Belvidere, NJ 07823

908-387-1835
Email: warrencountybar@yahoo.com

ESSEX COUNTY - CIVIL DIVISION
SUPERIOR COURT OF NJ
465 MARTIN LUTHER KING JR BLVD
NEWARK NJ 07102

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 693-5529
COURT HOURS 8:30 AM - 4:30 PM

DATE: SEPTEMBER 19, 2014
RE: CRESPO VS TOWNSHIP OF BLOOMFIELD
DOCKET: ESX L -006533 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON EDITH K. PAXNE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001

AT: (973) 693-6462 EXT 6528.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A

CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.

PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

HINSON SNIPES LLP
116 VILLAGE BLVD
STE 307
PRINCETON NJ 08540

JUGWILL3

SEP 26 2014

HINSON SNIPES, LLP

Princeton Forrestal Village
116 Village Boulevard, Suite 307
Princeton, New Jersey 08540
By: Tracey C. Hinson, Esquire
Attorney ID#: 034542002
(609) 452-7333 / Fax (609) 452-7332
Attorney for Plaintiff Rodolfo Crespo

SUPERIOR COURT OF NJ
LAW DIVISION
ESSEX COUNTY

SEP 17 10 31

RECEIVED/FILED
39

RODOLFO CRESPO,

Plaintiff,

vs.

TOWNSHIP OF BLOOMFIELD, ORLANDO
TRINIDAD, in his Individual and
official capacity, JENNIFER P. HORN, in
her Individual and Official capacity,
JOHN DOE POLICE OFFICERS 1-20, in their
Individual and Official capacity,
(names being fictitious), JOHN DOE
SGTS/CHIEFS and SUPERVISORS 21-40, in
their Individual and Official capacity
(Names being fictitious), JANE DOES 40-
60, in their Individual and Official
capacity (names being fictitious), XYZ
PUBLIC ENTITY/COMPANY/CORPORATION 1-10
(names being fictitious),

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO.: L-6533-14

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, RODOLFO CRESPO, residing at 24 Berkeley Place, in
the City of Bloomfield, County of Essex and State of New Jersey, by
way of complaint against Defendants says:

PRELIMINARY STATEMENT

1. This Complaint, arising from the egregious, outrageous,
and unlawful acts of members of the BLOOMFIELD POLICE DEPARTMENT,
seeks compensatory and punitive damages and other relief pursuant

to applicable state and federal civil rights law, specifically for the violation of Plaintiff RODOLFO CRESPO'S rights, privileges and immunities as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and in violation of U.S.C. § 1983 and § 1988. Claims on behalf of Plaintiff RODOLFO CRESPO are also brought pursuant to N.J.S.A. 59:8-1 et seq., among other common law and statutory rights. Plaintiff RODOLFO CRESPO seeks to vindicate his right to be free of the use of illegal and excessive force by Defendants.

2. On March 5, 2013, Plaintiff RODOLFO CRESPO was arrested after a traffic accident and brought to the BLOOMFIELD POLICE DEPARTMENT where he was charged with various offenses.

3. While at the BLOOMFIELD POLICE HEADQUARTERS, Plaintiff RODOLFO CRESPO was physically assaulted and severely beaten by Bloomfield Police Officers ORLANDO TRINIDAD ("TRINIDAD") and JENNIFER P. HORN ("HORN").

THE PARTIES

4. Plaintiff RODOLFO CRESPO, is a citizen of the United States. He was and is, at all times relevant hereto, a resident of the State of New Jersey, Essex County.

5. Defendant TOWNSHIP OF BLOOMFIELD ("TOWNSHIP OF BLOOMFIELD" or "TOWNSHIP"), is a municipal corporation duly incorporated and authorized under the laws of the State of New Jersey. The TOWNSHIP is authorized under the laws of the State of New Jersey to maintain a police department, the BLOOMFIELD POLICE

DEPARTMENT, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The TOWNSHIP assumes the risks incidental to the maintenance of its police force and the employment of its police officers.

6. Defendant TOWNSHIP OF BLOOMFIELD was, at all times relevant, responsible for policy making and the hiring, supervision, training, control and retention of the individually named Defendants.

7. Defendant TRINIDAD, is and was, at all times relevant, an officer, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD. He is sued in his individual and official capacity.

8. Defendant HORN, is and was, at all times relevant, an officer, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD. She is sued in her individual and official capacity.

9. Defendants JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTs/CHIEFS AND SUPERVISORS 21-40, JOHN DOE PROSECUTORS 41-60, JANE DOES 61-80 and XYZ COMPANY/CORPORATION 1-10 is and were, at all times relevant, officers, lieutenants, chiefs, captains, supervisors, directors, officers, principals, partners, employees, boards, board members, representatives or agents of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who

were acting in the capacity of agents, servants, and employees of Defendant **TOWNSHIP OF BLOOMFIELD**, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting within the scope of their employment and whose actions assisted and/or contributed to the unlawful, unconstitutional and tortious conduct that result in **RODOLFO CRESPO'S** injuries and damages. They are sued in their individual and official capacities.

10. Defendants **TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, were at all times relevant, on duty with the **BLOOMFIELD POLICE DEPARTMENT** on March 5, 2013.

11. At all times relevant herein, Defendants **TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, were acting under the color of state law in the course and scope of their duties and functions as agents, employees and officers of Defendant **TOWNSHIP OF BLOOMFIELD** in engaging in the conduct described herein.

12. At all times relevant herein, the individual Defendants acted for and on behalf of Defendant **TOWNSHIP OF BLOOMFIELD** with the power and authority vested in them as officers, agents and employees of Defendant **TOWNSHIP OF BLOOMFIELD** and incident to the pursuit of their duties as officers, employees and agents of Defendant **TOWNSHIP OF BLOOMFIELD**.

FACTUAL ALLEGATIONS

13. On March 5, 2013, at approximately 10:00 p.m., Plaintiff **RODOLFO CRESPO** was involved in a single motor vehicle accident on JFK South at Belleville Avenue in Bloomfield, New Jersey.

14. Defendants **TRINIDAD** and **HORN**, along with Bloomfield Police Officers **Sean Courter**, **James Romano**, **Sgt. Anthony Nigro**, **Sgt. Pat Spatola** and **JOHN DOE OFFICERS 1-20**, members of the **BLOOMFIELD POLICE DEPARTMENT**, responded to the scene.

15. **MR. CRESPO** was arrested, placed in handcuffs and transported to the Bloomfield Police Headquarters for processing.

16. **MR. CRESPO** was placed in a room for questioning where he was handcuffed to a metal bench.

17. After being allowed to make a phone call, **MR. CRESPO** experienced some difficulty dialing out and asked Defendant **TRINIDAD** for assistance. Without justification or provocation, Defendant **TRINIDAD** grabbed **MR. CRESPO** by the throat and threw him to the floor. Defendant **TRINIDAD** placed his knee in the small of **MR. CRESPO'S** back, pressed his hand against his face and pinned him to the floor while he and Defendant **HORN** repeatedly punched him in the head and body causing head trauma, contusions and a right ear hematoma with a posterior laceration and cartilaginous disruption.

18. Defendant **TRINIDAD** landed a brutal punch to **MR. CRESPO'S HEAD** so forcefully, **MR. CRESPO'S** right ear was practically ripped from his head.

19. **MR. CRESPO'S INJURIES** were so severe he was transported

to the hospital by ambulance from the **BLOOMFIELD POLICE DEPARTMENT** and was diagnosed with severe injuries including multiple head trauma; bruising to the head and face secondary to police beating; a large laceration to his right ear which had to be sewn back on; a thoracic spine fracture and multiple bruising to his entire body.

20. The brutal physical assault of **MR. CRESPO** was unlawful, unprovoked, and unjustified.

21. **MR. CRESPO** was unarmed and at the time of the physical assault weighed approximately 160 lbs.

22. **MR. CRESPO** presented no threat and posed no danger to Defendants **TRINIDAD** and **HORN** while in the custody of the **BLOOMFIELD POLICE DEPARTMENT**.

23. **MR. CRESPO** did not engage in any action that justified the physical beating and excessive use of any force by Defendants **TRINIDAD** and **HORN**.

24. **MR. CRESPO** was traumatized, terrified, and feared for his life.

25. The official reporting of **MR. CRESPO'S** arrest and the incident obtained to date makes no mention of the physical assault or the injuries sustained by **MR. CRESPO**. Nor does it mention that he was transported by ambulance to the hospital.

25. After assaulting **MR. CRESPO**, Defendant **TRINIDAD** walked over to a camera that was immediately in front of where the assault occurred, pointed to it and said "IA."

26. After the brutal beating, Defendant **TRINIDAD** once again handcuffed **MR. CRESPO** to the bench where he sat dazed and injured prior to being provided medical care.

27. The beating and use of excessive force used on **MR. CRESPO** by Defendants **TRINIDAD** and **HORN** and the subsequent cover up of the incident by Defendant **TOWNSHIP OF BLOOMFIELD** and the **BLOOMFIELD POLICE DEPARTMENT**, was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training, supervision and discipline of Bloomfield Police Officers, including the individual named Defendants, that began long before the physical assault of **MR. CRESPO** and continue to this day.

28. Defendant **TOWNSHIP OF BLOOMFIELD**, developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of the use of unreasonable and excessive force on citizens and coverup of these incidents.

FIRST COUNT
PATTERN AND PRACTICE ALLEGATIONS
(Municipal and Governmental Liability)

29. Police Officers employed by Defendant **TOWNSHIP OF BLOOMFIELD**, have a documented history of aggressive police practices, including falsifying reports, sham Internal Affairs investigations, engaging in coverups, unlawful arrests, malicious prosecution, and use of excessive force against the public.

30. Prior to and after the unprovoked use of excessive force against Plaintiff **RODOLFO CRESPO** on March 5, 2013, there were other incidents of unjustified use of force, false arrest, coverups, and

malicious prosecution by Police Officers employed by Defendant TOWNSHIP OF BLOOMFIELD.

31. Specifically, on June 7, 2012, prior to the incident involving MR. CRESPO, Marcus Jeter was arrested and charged by TOWNSHIP OF BLOOMFIELD Police Officers, including Defendant ORLANDO TRINIDAD and Bloomfield Police Officers Sean Courter and Albert Sutterlin with eluding, attempt to disarm a police officer, aggravated assault and resisting arrest.

32. Mr. Jeter was maliciously prosecuted and faced five years in prison until a second dash-cam video, previously concealed by the BLOOMFIELD POLICE DEPARTMENT, was discovered which completely exonerated Mr. Jeter of all charges. Defendants collectively engaged in a massive coverup of the true nature of the incident and deliberately withheld the crucial dash-cam video from Prosecutors and Mr. Jeter's criminal defense lawyer. Once the dash-cam video surfaced, all charges against Mr. Jeter were dismissed and the involved officers, including Defendant TRINIDAD, and police officer Courter were indicted on multiple charges of official misconduct and are currently awaiting trial. Albert Sutterlin pled guilty to tampering and was allowed to retire with his full pension.

33. A few days after the incident involving Marcus Jeter, Byszheir Jones and his best friend Travis Miller, were arrested and charged by Bloomfield Police Officers, again including Defendant TRINIDAD, with armed robbery, assault, conspiracy to commit robbery, theft and possession of a weapon. Both faced 17-35 years

in prison if found guilty. Several alibi witnesses swore the men had been at a pool party at the time of the incident. The charges were later mysteriously dismissed by the Essex County Prosecutor's Office.

34. On October 2, 2010, Plainfield Police Officer **Martesse Gilliam** was assaulted, beaten and arrested by several Bloomfield Police Officers in the parking lot of a Bloomfield night spot. He was later acquitted by an Essex County Grand Jury of aggravated assault on the officers and resisting arrest.

35. There have been numerous complaints of civil rights violations, including use of excessive force, false arrest and malicious prosecution filed against Defendant **TOWNSHIP OF BLOOMFIELD** and its officers.

36. In the past (10) years, Defendant **TRINIDAD** has had approximately thirty-seven (37) documented incidents involving use of force.

37. In the past (10) years, Defendant **HORN** has had approximately nine (9) documented incidents involving use of force.

38. In the past ten (10) years, there have been approximately one hundred and thirty-seven incidents wherein use of force has been documented by **BLOOMFIELD POLICE OFFICERS**.

39. Defendant **TOWNSHIP OF BLOOMFIELD**, through its internal affairs department at the **BLOOMFIELD POLICE DEPARTMENT** and its police officers, have engaged in past practices and policy of exhibiting deliberate indifference to complaints of violations of

constitutional rights by citizens such as Plaintiff **RODOLFO CRESPO**, against police officers who were employed by or act as agents of Defendant **TOWNSHIP OF BLOOMFIELD**.

40. Defendant **TOWNSHIP OF BLOOMFIELD'S** scandal plagued internal affairs department is a complete sham, and, as such, creates an environment wherein officers believe they can act unlawfully without any repercussions or discipline. Such past policy and practice are directly linked to the violation of the constitutional rights of Plaintiff **RODOLFO CRESPO** because such past policy and practice encourage violations by police officers such as the individually named Defendants.

41. Defendants, collectively and individually, while acting under the color of law, engaged in conduct that constituted a custom, policy, usage, practice, procedure or rule of Defendant and **TOWNSHIP OF BLOOMFIELD**, which is forbidden by the New Jersey State Constitution.

42. The aforementioned customs, policies, usages, practices, procedures and rules of Defendant **TOWNSHIP OF BLOOMFIELD** and its police officers included the assault and battering of Plaintiff **RODOLFO CRESPO** and other innocent citizens, conspiracy to deprive Plaintiff **RODOLFO CRESPO** of his civil rights, creation of false reports, withholding of evidence and cover up.

43. Defendant **TOWNSHIP OF BLOOMFIELD** engaged in a policy, custom and practice of inadequate screening, hiring, retaining, training and supervising its employees, which was the moving force

behind the violation of Plaintiff RODOLFO CRESPO'S rights described herein.

44. As a result of Defendant TOWNSHIP OF BLOOMFIELD'S failure to properly screen, hire, retain, train, supervise, and discipline their employees, Defendant TOWNSHIP OF BLOOMFIELD explicitly and implicitly authorized, ratified and condoned Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 illegal conduct, and has been deliberately indifferent to the acts and conduct complained of herein.

45. The foregoing customs, policies, usages, practices, procedures and rules constitute deliberate indifference to the safety, well-being and State constitutional rights of Plaintiff RODOLFO CRESPO and was the direct and proximate cause and the moving force of the constitutional violations suffered by Plaintiff RODOLFO CRESPO.

46. Defendant TOWNSHIP OF BLOOMFIELD, by and through its employees, including the Defendants named above, provided grossly deficient training and supervision to its Police Officers, including the individual named Defendants, concerning for example, the use of excessive force, despite actual and/or constructive notice that officers, including Defendant TRINIDAD and HORN were improperly trained and violating minimally accepted police practices.

47. Defendant TOWNSHIP OF BLOOMFIELD, failed to investigate

misconduct on the part of their Police Officers, prior to and including in this case.

48. Defendant TOWNSHIP OF BLOOMFIELD was negligent and/or reckless in its hiring and retention of Police Officers, including the individual named Defendants.

49. On April 30, 2013, a written Notice of Claim was served, via hand-delivery, upon Defendant TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT.

50. At least six months have elapsed since the service of the Notice of Claim, and adjustment or payment of the claim has been neglected or refused.

51. All the acts and omissions committed by Defendants described herein for which liability is claimed were done intentionally, unlawfully, maliciously, wantonly, recklessly, negligently and/or with bad faith, and said acts meet all of the standards for imposition of punitive damages.

52. All the acts and omissions committed by Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, described herein for which liability is claimed were conducted in their individual and official capacities.

SECOND COUNT

(42 U.S.C. § 1983 Unreasonable and Excessive Force)

53. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

54. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, and JANE DOES 40-60's careless, negligent, reckless and intentional acts of assaulting Plaintiff RODOLFO CRESPO and the use of unreasonable and excessive force showed deliberate indifference for the life and safety of Plaintiff RODOLFO CRESPO.

55. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60's negligent, careless, reckless and intentional acts of conspiring to use excessive force and/or their failure to intervene showed deliberate indifference for the life and safety of Plaintiff RODOLFO CRESPO.

56. By their conduct, Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 deprived Plaintiff RODOLFO CRESPO of his right to be free from excessive and unreasonable force under the Fourth and Fourteenth Amendment of the United States Constitution.

57. As a direct and proximate result of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60's misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

THIRD COUNT
(42 U.S.C. § 1983 Deliberate Indifference to
Medical Needs)

58. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

59. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, under color of state law, after physically assaulting Plaintiff RODOLFO CRESPO and being advised he had a heart condition, failed to provide prompt and medical assistance and/or interfered in the efforts of others to provide medical assistance to Plaintiff RODOLFO CRESPO while he was in their custody, with deliberate indifference to Plaintiff's medical needs and in violation of Plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution.

60. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

FOURTH COUNT
(42 U.S.C. § 1983 Conspiracy)

61. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

62. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60,

under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten, and intimidate Plaintiff RODOLFO CRESPO in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to him by the United States Constitution, including the right to be free from the intentional use of unreasonable use of force; the right to be free from the delay and denial of medical attention; the right to be free from unnecessary and wanton infliction of pain; and the right not to be deprived of his liberty without due process of law.

63. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, took numerous overt steps in furtherance of such conspiracy, as set forth above.

64. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

FIFTH COUNT
(Supervisor Liability)

65. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

66. Defendant TOWNSHIP OF BLOOMFIELD had a duty to properly supervise its employees and failed to do so.

67. Defendants JOHN DOE SGT/CHIEFS and SUPERVISORS 21-40

were, at all relevant times, supervisory personnel in the BLOOMFIELD POLICE DEPARTMENT, with oversight responsibility for Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60, and others. They were responsible for the training, instruction, supervision, and discipline of the officers who violated Plaintiff RODOLFO CRESPO'S constitutional rights in the manner described above.

68. Defendants JOHN DOE SGT/CHIEFS and SUPERVISORS 21-40, as supervisory personnel in the BLOOMFIELD POLICE DEPARTMENT, owed a duty of care to Plaintiff RODOLFO CRESPO to prevent the conduct alleged, which foreseeably caused his injuries.

69. These Defendants knew, or in the exercise of due diligence should have known, that the inappropriate, unlawful and tortuous conduct of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60, against Plaintiff was likely to occur.

70. These Defendants failed to take preventive and remedial measures to guard against the constitutional violations committed by Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60. Had they taken appropriate action, Plaintiff RODOLFO CRESPO'S would not have been physically assaulted and injured.

71. The failure of these Defendants to train, supervise and discipline Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60, amounted to gross negligence, deliberate

indifference, or intentional misconduct which directly caused the deprivations suffered by Plaintiff.

72. Defendant TOWNSHIP OF BLOOMFIELD, as employer of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent superior, the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

73. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD'S failure to supervise Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, which resulted in the use of excessive force, misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

SIXTH COUNT
(Common Law Assault and Battery)

74. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

75. In assaulting and injuring Plaintiff, Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, and JANE DOES 40-60 were acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, committed an unlawful and unwarranted assault and battery upon Plaintiff.

76. Defendant TOWNSHIP OF BLOOMFIELD, as employer of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, and JANE DOES 40-60 are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

77. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

SEVENTH COUNT

(Common Law Negligence - Provision of Medical Care)

78. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

79. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, negligently failed to provide prompt and adequate medical care to Plaintiff RODOLFO CRESPO after he was the victim of unreasonable and excessive use of force which resulted in the severe injuries described above.

80. Defendant TOWNSHIP OF BLOOMFIELD, as employer of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent

superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

81. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

EIGHTH COUNT
(Negligent Hiring)

82. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

83. Defendant TOWNSHIP OF BLOOMFIELD was responsible for the recruiting, hiring, training and ongoing supervision of the officers of the BLOOMFIELD POLICE DEPARTMENT.

84. Defendant TOWNSHIP OF BLOOMFIELD had a duty to properly ascertain its police officers' fitness to become police before they were hired as officers of the BLOOMFIELD POLICE DEPARTMENT.

85. Defendant TOWNSHIP OF BLOOMFIELD failed to properly determine the fitness of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 to be hired as police officers of the BLOOMFIELD POLICE DEPARTMENT to ensure they would not violate Plaintiff RODOLFO CRESPO'S civil rights.

86. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD'S negligent hiring of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-

40, and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

NINTH COUNT
(Negligent Training)

87. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

88. Defendant TOWNSHIP OF BLOOMFIELD was responsible for the recruiting, hiring, training and ongoing supervision of the officers of the BLOOMFIELD POLICE DEPARTMENT.

89. Defendant TOWNSHIP OF BLOOMFIELD had a duty to properly train the officers of the BLOOMFIELD POLICE DEPARTMENT to ensure they did not violate the constitutional rights of citizens.

90. Defendant TOWNSHIP OF BLOOMFIELD failed to properly train Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 to ensure they did not violate the constitutional rights of citizens, including Plaintiff RODOLFO CRESPO.

91. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD'S negligent training of the Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

TENTH COUNT
(Negligent Retention)

92. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

93. Defendant TOWNSHIP OF BLOOMFIELD knew or should have known that Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 were not qualified to act as police officers, chiefs and supervisors for the BLOOMFIELD POLICE DEPARTMENT.

94. Defendant TOWNSHIP OF BLOOMFIELD was aware of other incidents that should have alerted it to the potential unlawful conduct of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60.

95. Defendant TOWNSHIP OF BLOOMFIELD was at the very least aware of the numerous citizens' complaints of excessive force, coverup, false arrest and malicious prosecution against Defendant TRINIDAD and other members of the BLOOMFIELD POLICE DEPARTMENT. Yet, Defendant did nothing to prevent the ongoing unlawful actions of its police officers.

96. Defendant TOWNSHIP OF BLOOMFIELD failed to take reasonable steps to ensure that Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 would act appropriately and within the confines

of the law.

97. Defendant TOWNSHIP OF BLOOMFIELD had a duty to take reasonable and appropriate steps to ensure that Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 would not act unlawfully.

98. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD'S failure to take the appropriate steps to ensure Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 would not act unlawfully, which resulted in the misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

ELEVENTH COUNT
(Violation of the New Jersey Civil Rights Act
N.J.S.A. 10:6-1 to 2)

99. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

100. Defendants, under color of statute, ordinance, reputation, custom and usage have deprived and cause Plaintiff RODOLFO CRESPO to be subjected to the deprivations of rights, privileges and immunities secured by the New Jersey Constitution and law of the State of New Jersey, including his right to liberty, his right to be secure as a person against unreasonable searches and seizures, his right to be secure as a person against excessive

use of force, and his right to freedom of association secured to him by the New Jersey State Constitution.

102. Defendants, acting under color of law, intentionally deprived Plaintiff **RODOLFO CRESPO** of his civil rights by, inter alia, seizing him, using excessive force against him, failing to intervene to prevent the unlawful acts against him, failing to render timely medical aid to him, and failing to properly hire, train, retain and supervise police officers.

103. Defendant **TOWNSHIP OF BLOOMFIELD** is vicariously liable for the actions of its employees who are acting in their official capacities.

104. Defendants' acts were done in knowing violation of Plaintiff **RODOLFO CRESPO'S** legal and constitutional rights and have caused Plaintiff **RODOLFO CRESPO'S** injuries, including physical injury, humiliation, mental pain and suffering and emotional distress.

105. Defendants' deprivation of Plaintiff **RODOLFO CRESPO'S** civil rights violates the New Jersey Constitution and gives rise to Plaintiff **RODOLFO CRESPO'S** claims for redress under N.J.S.A. 10:6-1 et seq.

106. Defendant **TOWNSHIP OF BLOOMFIELD** is directly and vicariously liable for the acts of its Police Officers in the performance of their duties under the color of state, county and municipal law.

107. Based on the aforesaid conduct, Defendants, acting under

color of law, deprived and interfered with by the use of excessive force, intimidation or coercion, the exercise or enjoyment by Plaintiff RODOLFO CRESPO of the rights guaranteed to him by the New Jersey Constitution including, but not limited to:

- a) The right to enjoy and defend life and liberty;
- b) The right to pursue and obtain safety and happiness;
- c) The right to due process of law;
- d) The right to equal protection of the laws;
- e) The right to be secure from unreasonable searches and seizures;
- f) The right to any other natural and unalienable right retained by the people;
- g) The right to privacy; and
- h) The right to be free of cruel and unjust punishment.

108. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

TWELFTH COUNT
Negligent and Intentional Infliction of
Emotional Distress

109. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

110. Defendants acted intentionally or recklessly with deliberate disregard of a high degree of probability that emotional distress will follow. Defendants' conduct was extreme and so outrageous in character and degree as to go beyond all possible

bounds of decency. Defendants' conduct was so atrocious, it is utterly intolerable in a civilized community.

111. As a direct and proximate result of Defendants' actions, Plaintiff RODOLFO CRESPO has suffered and continues to suffer such severe and substantial emotional distress and mental harm which no reasonable person could be expected to endure.

NOTICE PURSUANT TO RULES 1:5-1 (A) AND 4:17

Take notice that the undersigned attorneys, counsel for the Plaintiff, hereby demands pursuant to Rules 1:5-1 (a) and 4:17 (c), that each party herein serving pleadings and interrogatories and receiving answers thereto, serves copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and take notice that this is a continuing demand.

REQUEST FOR DISCOVERY OF INSURANCE

Demand is hereby made that each Defendants respond to the Request for Discovery of Insurance attached herein.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that TRACEY C. HINSON, Esquire, is hereby designated as trial counsel in the above-captioned litigation for the firm of HINSON SNIPES, LLP.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff demands a trial by jury as to all issues so triable.

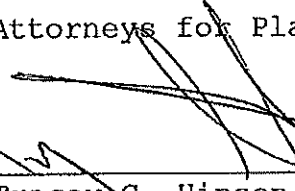
NOTICE OF UTILIZATION OF TIME-UNIT BASIS

PLEASE TAKE NOTICE Plaintiff intends to utilize the time-unit basis for calculating unliquidated damages in Plaintiff's closing statement to the jury and the Court.

HINSON SNIPES, LLP

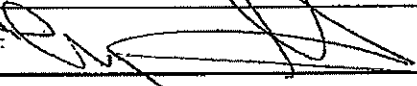
Attorneys for Plaintiff

By: 


Tracey C. Hinson, Esquire

Dated: September 16, 2014

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 TRACEY C. HINSON, ESQUIRE		TELEPHONE NUMBER (609) 452-7333	COUNTY OF VENUE Essex 	
FIRM NAME (if applicable) HINSON SNIPES, LLP		DOCKET NUMBER (when available) _____		
OFFICE ADDRESS Princeton Forrestal Village 116 Village Boulevard, Suite 307 Princeton, New Jersey 0840		DOCUMENT TYPE COMPLAINT AND JURY DEMAND		
		JURY DEMAND ☒ Yes ☐ No		
NAME OF PARTY (e.g., John Doe, Plaintiff) RODOLFO CRESPO, PLAINTIFF		CAPTION RODOLFO CRESPO v. TOWNSHIP OF BLOOMFIELD, et al.		
CASE TYPE NUMBER (See reverse side for listing) 005	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 RECEIVED 17 AUG 31 2013				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION _____		
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)
- 602 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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZYASMIN/OCELLA | 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

HINSON SNIPES, LLP

Princeton Forrestal Village
116 Village Boulevard, Suite 307
Princeton, New Jersey 08540
By: Tracey C. Hinson, Esquire
Attorney ID#: 034542002
(609) 452-7333 / Fax (609) 452-7332
Attorney for Plaintiff Rodolfo Crespo

RODOLFO CRESPO,

Plaintiff,

vs.

TOWNSHIP OF BLOOMFIELD, ORLANDO
TRINIDAD, in his Individual and
official capacity, JENNIFER P. HORN, in
her Individual and Official capacity,
SGT. JOHN SERCHIO, in his Individual
and Official capacity, LT. MICHAEL
COFONE, in his Individual and Official
capacity, CHIEF CHRIS GOUL, in his
Individual and Official capacity ,
CAPT. GLEN WIEGAND, in his Individual
and Official capacity, JOHN DOE POLICE
OFFICERS 1-20, in their Individual and
Official capacity, (names being
fictitious), JOHN DOE SGTS/CHIEFS and
SUPERVISORS 21-40, in their Individual
and Official capacity (Names being
fictitious), JANE DOES 40-60, in their
Individual and Official capacity (names
being fictitious), XYZ PUBLIC
ENTITY/COMPANY/CORPORATION 1-10 (names
being fictitious),

Defendant.

RECEIVED
FILED
OCT 10 11
ESSEX COUNTY
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO.: ESX-L-6533-14

CIVIL ACTION

**FIRST AMENDED COMPLAINT AND
JURY DEMAND**

Plaintiff, **RODOLFO CRESPO**, residing at 24 Berkeley Place, in
the City of Bloomfield, County of Essex and State of New Jersey, by
way of complaint against Defendants says:

PRELIMINARY STATEMENT

1. This Complaint, arising from the egregious, outrageous, and unlawful acts of members of the **BLOOMFIELD POLICE DEPARTMENT**, seeks compensatory and punitive damages and other relief pursuant to applicable state and federal civil rights law, specifically for the violation of Plaintiff **RODOLFO CRESPO'S** rights, privileges and immunities as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and in violation of U.S.C. § 1983 and § 1988. Claims on behalf of Plaintiff **RODOLFO CRESPO** are also brought pursuant to N.J.S.A. 59:8-1 et seq., among other common law and statutory rights. Plaintiff **RODOLFO CRESPO** seeks to vindicate his right to be free of the use of illegal and excessive force by Defendants.

2. On March 5, 2013, Plaintiff **RODOLFO CRESPO** was arrested after a traffic accident and brought to the **BLOOMFIELD POLICE DEPARTMENT** where he was charged with various offenses.

3. While at the **BLOOMFIELD POLICE HEADQUARTERS**, Plaintiff **RODOLFO CRESPO** was physically assaulted and severely beaten by Bloomfield Police Officers **ORLANDO TRINIDAD ("TRINIDAD")** and **JENNIFER P. HORN ("HORN")**.

4. The beating and use of excessive force on **MR. CRESPO** by Defendants **TRINIDAD** and **HORN** and the subsequent cover up of the incident by Defendant **TOWNSHIP OF BLOOMFIELD** and the **BLOOMFIELD POLICE DEPARTMENT**, was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training,

supervision and discipline of Bloomfield Police Officers, including Defendants **TRINIDAD** and **HORN**, that began long before the brutal physical assault of **MR. CRESPO** and continue to this day.

5. Defendant **TOWNSHIP OF BLOOMFIELD**, acting through its Police Department, developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of the use of unreasonable and excessive force on citizens and coverup of these incidents.

6. Defendant **TOWNSHIP OF BLOOMFIELD**, its police department, and the individually named Defendants engaged in a massive coverup of the incident and failed to investigate the brutal beating of **MR. CRESPO** or take appropriate disciplinary action against Defendants **TRINIDAD** and **HORN** despite their knowledge of Defendants **TRINIDAD** and **HORN'S** illegal conduct and prior allegations of misconduct and the use of excessive force against these and other officers employed by Defendant **TOWNSHIP OF BLOOMFIELD**.

THE PARTIES

7. Plaintiff **RODOLFO CRESPO**, is a citizen of the United States. He was and is, at all times relevant hereto, a resident of the State of New Jersey, Essex County.

8. Defendant **TOWNSHIP OF BLOOMFIELD** ("**TOWNSHIP OF BLOOMFIELD**" or "**TOWNSHIP**"), is a municipal corporation duly incorporated and authorized under the laws of the State of New Jersey. The **TOWNSHIP** is authorized under the laws of the State of New Jersey to maintain a police department, the **BLOOMFIELD POLICE**

DEPARTMENT, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The TOWNSHIP assumes the risks incidental to the maintenance of its police force and the employment of its police officers.

9. Defendant TOWNSHIP OF BLOOMFIELD was, at all times relevant, responsible for policy making and the hiring, supervision, training, control and retention of the individually named Defendants.

10. Defendant TRINIDAD, is and was, at all times relevant, an officer, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD. He is sued in his individual and official capacity.

11. Defendant HORN, is and was, at all times relevant, an officer, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD. She is sued in her individual and official capacity.

12. Defendant SERGEANT JOHN SERCHIO ("SERCHIO"), is and was, at all times relevant, a Sergeant, officer, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD, assigned to the Internal Affairs Division. He is sued in his individual and official capacity.

13. Defendant LIEUTENANT MICHAEL COFONE ("COFONE") is and was, at all times relevant, a Lieutenant, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD, assigned to the Internal Affairs Division.

He is sued in his individual and official capacity.

14. Defendant CHIEF CHRIS GOUL ("GOUL"), was, at all times relevant, a Chief, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD. He is sued in his individual and official capacity.

15. Defendant CAPTAIN GLEN WIEGAND ("WIEGAND") is and was, at all times relevant, a Captain, employee, and agent of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD. He is sued in his individual and official capacity.

16. Defendants JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS AND SUPERVISORS 21-40, JOHN DOE PROSECUTORS 41-60, JANE DOES 61-80 and XYZ COMPANY/CORPORATION 1-10 is and were, at all times relevant, officers, lieutenants, chiefs, captains, supervisors, directors, officers, principals, partners, employees, boards, board members, representatives or agents of the BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting in the capacity of agents, servants, and employees of Defendant TOWNSHIP OF BLOOMFIELD, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting within the scope of their employment and whose actions assisted and/or contributed to the unlawful, unconstitutional and tortious conduct that resulted in RODOLFO

CRESPO'S injuries and damages. They are sued in their individual and official capacities.

17. Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, were at all times relevant, on duty with the BLOOMFIELD POLICE DEPARTMENT on March 5, 2013.

18. At all times relevant herein, Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, were acting under the color of state law in the course and scope of their duties and functions as agents, employees and officers of Defendant TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT in engaging in the conduct described herein.

19. At all times relevant herein, the individual Defendants acted for and on behalf of Defendant TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT with the power and authority vested in them as officers, agents and employees of Defendant TOWNSHIP OF BLOOMFIELD and incident to the pursuit of their duties as officers, employees and agents of Defendant TOWNSHIP OF BLOOMFIELD.

FACTUAL ALLEGATIONS

20. On March 5, 2013, at approximately 10:00 p.m., Plaintiff RODOLFO CRESPO was involved in a single vehicle accident on JFK South at Belleville Avenue in Bloomfield, New Jersey.

21. Defendants TRINIDAD and HORN, along with Bloomfield

Police Officers Sean Courter, James Romano, Sgt. Anthony Nigro, Sgt. Pat Spatola and JOHN DOE OFFICERS 1-20, members of the BLOOMFIELD POLICE DEPARTMENT, responded to the scene.

22. MR. CRESPO was arrested, placed in handcuffs and transported to the Bloomfield Police Headquarters for processing.

23. MR. CRESPO was placed in a room for questioning where he was handcuffed to a metal bench.

24. After being allowed to make a phone call, MR. CRESPO experienced some difficulty dialing out and asked Defendant TRINIDAD for assistance. Without justification or provocation, Defendant TRINIDAD grabbed MR. CRESPO by the throat and threw him to the floor. Defendant TRINIDAD placed his knee in the small of MR. CRESPO'S back, pressed his hand against his face and pinned him to the floor while he and Defendant HORN repeatedly punched him in the head and body causing head trauma, contusions and a right ear hematoma with a posterior laceration and cartilaginous disruption.

25. Defendant TRINIDAD landed a brutal punch to MR. CRESPO'S HEAD so forcefully, MR. CRESPO'S right ear was practically ripped from his head.

26. After physically assaulting and severely injuring MR. CRESPO, Defendants TRINIDAD and HORN failed to perform first aid on MR. CRESPO and failed to take reasonable steps to provide him with prompt medical attention.

27. Instead of providing prompt first aid to MR. CRESPO, and/or seek emergency medical assistance for him, Defendants

TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, JANE DOES 40-60, along with members of the BLOOMFIELD POLICE DEPARTMENT (whose identities are currently unknown), engaged in an extensive conspiracy to cover up the misconduct of Defendants TRINIDAD and HORN.

28. MR. CRESPO'S injuries were so severe he was eventually transported to the hospital by ambulance from the BLOOMFIELD POLICE DEPARTMENT and was diagnosed with severe injuries including multiple head trauma; bruising to the head and face secondary to police beating; a large laceration to his right ear which had to be sewn back on; a thoracic spine fracture and multiple bruising to his entire body.

29. The brutal physical assault of MR. CRESPO was unlawful, unprovoked, and unjustified.

30. MR. CRESPO was unarmed and at the time of the physical assault weighed approximately 160 lbs.

31. MR. CRESPO presented no threat and posed no danger to Defendants TRINIDAD and HORN while in the custody of the BLOOMFIELD POLICE DEPARTMENT.

32. MR. CRESPO did not engage in any action that justified the physical beating and excessive use of any force by Defendants TRINIDAD and HORN.

33. MR. CRESPO was traumatized, terrified, and feared for his life.

34. The official reporting of MR. CRESPO'S arrest and the incident obtained to date makes no mention of the physical assault or the injuries sustained by MR. CRESPO. Nor does it mention that he was transported by ambulance to the hospital.

35. After physically assaulting MR. CRESPO, Defendant TRINIDAD walked over to a camera that was immediately in front of where the assault occurred, pointed to it and said "IA" referring to Internal Affairs.

36. After the brutal beating, Defendant TRINIDAD once again handcuffed MR. CRESPO to the bench where he sat dazed and injured prior to being provided medical care.

FIRST COUNT
PATTERN AND PRACTICE ALLEGATIONS
(Municipal and Governmental Liability)

37. The beating and use of excessive force used on MR. CRESPO by Defendants TRINIDAD and HORN and the subsequent cover up of the incident by TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, JANE DOES 40-60, along with members of the BLOOMFIELD POLICE DEPARTMENT (whose identities are currently unknown), was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training, supervision and discipline of Bloomfield Police Officers, including the individual named Defendants, that began long before the physical assault of MR. CRESPO and continue to this day.

38. Defendant TOWNSHIP OF BLOOMFIELD and its police

department developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of the use of unreasonable and excessive force on citizens and coverup of these incidents.

39. Members of the BLOOMFIELD POLICE DEPARTMENT and Police Officers employed by Defendant TOWNSHIP OF BLOOMFIELD, have a systematic and documented history of aggressive police practices, including falsifying reports, sham Internal Affairs investigations, engaging in coverups, unlawful arrests, malicious prosecution, and use of excessive force against the public.

40. Prior to and after the unprovoked use of excessive force against Plaintiff RODOLFO CRESPO on March 5, 2013, there were other incidents of unjustified use of force, false arrest, coverups, and malicious prosecution by Police Officers employed by Defendant TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT.

41. Specifically, on June 7, 2012, prior to the incident involving MR. CRESPO, Marcus Jeter was arrested and charged by TOWNSHIP OF BLOOMFIELD Police Officers, including Defendant ORLANDO TRINIDAD and Bloomfield Police Officers Sean Courter and Albert Sutterlin with eluding, attempts to disarm a police officer, aggravated assault and resisting arrest.

42. Mr. Jeter was maliciously prosecuted and faced five years in prison until a second dash-cam video, previously concealed by Defendant TOWNSHIP of BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT and

its Internal Affairs Division was discovered which completely exonerated **Mr. Jeter** of all charges. Defendants collectively engaged in a massive coverup of the true nature of the incident and deliberately withheld the crucial dash-cam video from Prosecutors and **Mr. Jeter's** criminal defense lawyer. Once the dash-cam video surfaced, all charges against **Mr. Jeter** were dismissed and the involved officers, including Defendant **TRINIDAD**, and police officer **Courter** were indicted on multiple charges of official misconduct and are currently awaiting trial. **Albert Sutterlin** pled guilty to tampering and was allowed to retire with his full pension.

43. A few days after the incident involving **Marcus Jeter**, **Byszheir Jones** and his best friend **Travis Miller**, were arrested and charged by Bloomfield Police Officers, again including Defendant **TRINIDAD**, with armed robbery, assault, conspiracy to commit robbery, theft and possession of a weapon. Both faced 17-35 years in prison if found guilty. Several alibi witnesses swore the men had been at a pool party at the time of the incident. The charges were later mysteriously dismissed by the Essex County Prosecutor's Office.

44. On October 2, 2010, Plainfield Police Officer **Martesse Gilliam** was assaulted, beaten and arrested by several Bloomfield Police Officers in the parking lot of a Bloomfield night spot. He was later acquitted by an Essex County Grand Jury of aggravated assault on the officers and resisting arrest.

45. In October 2010, Kearny resident **Ryan Roemer** was

physically assaulted and severely injured by Sean Courter who pursued "baseless" criminal charges against Mr. Roemer which were later dismissed.

46. There have been numerous complaints of civil rights violations, including use of excessive force, false arrest and malicious prosecution filed against Defendant **TOWNSHIP OF BLOOMFIELD** and its officers.

47. In the past (10) years, Defendant **TRINIDAD** has had approximately thirty-seven (37) documented incidents involving use of force.

48. In the past (10) years, Defendant **HORN** has had approximately nine (9) documented incidents involving use of force.

49. In the past ten (10) years, there have been approximately one hundred and thirty-seven incidents wherein use of force has been documented by **BLOOMFIELD POLICE DEPARTMENT**, including thirty (30) against Sean Courter, one of the officers involved in the Jeter case.

50. Defendant **TOWNSHIP OF BLOOMFIELD**, through its internal affairs department at the **BLOOMFIELD POLICE DEPARTMENT** and its police officers, have engaged in past practices and policy of exhibiting deliberate indifference to complaints of violations of constitutional rights by citizens such as Plaintiff **RODOLFO CRESPO**, against police officers who were employed by or act as agents of Defendant **TOWNSHIP OF BLOOMFIELD**.

51. Defendant **TOWNSHIP OF BLOOMFIELD'S** scandal plagued

internal affairs department at **BLOOMFIELD POLICE DEPARTMENT** is a complete sham, and, as such, created an environment wherein officers believe they can act unlawfully without any repercussions or discipline. Such past policy and practice are directly linked to the violation of the constitutional rights of Plaintiff **RODOLFO CRESPO** because such past policy and practice encourage violations by police officers such as the individually named Defendants.

52. Defendants, collectively and individually, while acting under the color of law, engaged in conduct that constituted a custom, policy, usage, practice, procedure or rule of Defendant **TOWNSHIP OF BLOOMFIELD** and its Police Department, which is forbidden by the New Jersey State Constitution.

53. The aforementioned customs, policies, usages, practices, procedures and rules of Defendant **TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT** and its police officers included the assault and battering of Plaintiff **RODOLFO CRESPO** and other innocent citizens, conspiracy to deprive Plaintiff **RODOLFO CRESPO** of his civil rights, creation of false reports, withholding of evidence and cover up.

54. Defendant **TOWNSHIP OF BLOOMFIELD** and its Police Department engaged in a policy, custom and practice of inadequate screening, hiring, retaining, training and supervising its employees, which was the moving force behind the violation of Plaintiff **RODOLFO CRESPO'S** rights described herein.

55. As a result of Defendant **TOWNSHIP OF BLOOMFIELD'S**

failure to properly screen, hire, retain, train, supervise, and discipline their employees, Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT explicitly and implicitly authorized, ratified and condoned Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60's illegal conduct, and has been deliberately indifferent to the acts and conduct complained of herein.

56. The foregoing customs, policies, usages, practices, procedures and rules constitute deliberate indifference to the safety, well-being and State constitutional rights of Plaintiff RODOLFO CRESPO and was the direct and proximate cause and the moving force of the constitutional violations suffered by Plaintiff RODOLFO CRESPO.

57. Defendant TOWNSHIP OF BLOOMFIELD, by and through its employees, including the Defendants named above, provided grossly deficient training and supervision to its Police Officers, including the individual named Defendants, concerning for example, the use of excessive force, despite actual and/or constructive notice that officers, including Defendant TRINIDAD and HORN were improperly trained and violating minimally accepted police practices.

58. Defendant TOWNSHIP OF BLOOMFIELD through its Internal Affairs Department at BLOOMFIELD POLICE DEPARTMENT, failed to investigate misconduct on the part of its Police Officers, prior to

and including in this case.

59. Defendant TOWNSHIP OF BLOOMFIELD and its police department were negligent and/or reckless in its hiring and retention of Police Officers, including the individual named Defendants.

60. On April 30, 2013, a written Notice of Claim was served, via hand-delivery, upon Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT.

61. At least six months have elapsed since the service of the Notice of Claim, and adjustment or payment of the claim has been neglected or refused.

62. All the acts and omissions committed by Defendants described herein for which liability is claimed were done unlawfully, maliciously, wantonly, recklessly, negligently and/or with bad faith, and said acts meet all of the standards for imposition of punitive damages.

63. All the acts and omissions committed by Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 described herein for which liability is claimed were conducted in their individual and official capacities.

SECOND COUNT

(42 U.S.C. § 1983 Unreasonable and Excessive Force)

64. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

65. Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, and JANE DOES 40-60's unlawful, careless, negligent, and reckless acts of assaulting Plaintiff RODOLFO CRESPO and the use of unreasonable and excessive force showed deliberate indifference for the life and safety of Plaintiff RODOLFO CRESPO.

66. Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 negligent, careless, reckless and wanton acts of conspiring to use excessive force and/or their failure to intervene showed deliberate indifference for the life and safety of Plaintiff RODOLFO CRESPO.

67. By their conduct, Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 deprived Plaintiff RODOLFO CRESPO of his right to be free from excessive and unreasonable use of force under the Fourth and Fourteenth Amendment of the United States Constitution.

68. As a direct and proximate result of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

THIRD COUNT
(42 U.S.C. § 1983 Deliberate Indifference to
Medical Needs)

69. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

70. Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, under color of state law, after physically assaulting Plaintiff RODOLFO CRESPO and being advised he had a heart condition, failed to provide prompt and medical assistance and/or interfered in the efforts of others to provide medical assistance to Plaintiff RODOLFO CRESPO while he was in their custody, with deliberate indifference to Plaintiff's medical needs and in violation of Plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution.

71. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

FOURTH COUNT
(42 U.S.C. § 1983 Conspiracy)

72. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

73. Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and

SUPERVISORS 21-40 and JANE DOES 40-60, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten, and intimidate Plaintiff RODOLFO CRESPO in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to him by the United States Constitution, including the right to be free from the excessive and unreasonable use of force; the right to be free from the delay and denial of medical attention; the right to be free from unnecessary and wanton infliction of pain; and the right not to be deprived of his liberty without due process of law.

74. Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 took numerous overt steps in furtherance of such conspiracy, as set forth above.

75. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

FIFTH COUNT
(Supervisor Liability)

76. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

77. Defendant TOWNSHIP OF BLOOMFIELD and its police department had a duty to properly supervise its employees and

failed to do so.

78. Defendants GOUL, WIEGAND, and JOHN DOE SGT/CHIEFS and SUPERVISORS 21-40 were, at all relevant times, supervisory personnel in the BLOOMFIELD POLICE DEPARTMENT, with oversight responsibility for Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60, and others. They were responsible for the training, instruction, supervision, and discipline of the officers who violated Plaintiff RODOLFO CRESPO'S constitutional rights in the manner described above.

79. Defendants GOUL, WIEGAND, JOHN DOE SGT/CHIEFS and SUPERVISORS 21-40, as supervisory personnel in the BLOOMFIELD POLICE DEPARTMENT, owed a duty of care to Plaintiff RODOLFO CRESPO to prevent the conduct alleged, which foreseeably caused his injuries and violation of his civil rights.

80. These Defendants knew, or in the exercise of due diligence should have known, that the inappropriate, unlawful and tortuous conduct of Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60, against Plaintiff RODOLFO CRESPO was likely to occur.

81. These Defendants failed to take preventive and remedial measures to guard against the constitutional violations committed by Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60. Had they taken appropriate action, Plaintiff RODOLFO CRESPO'S would not have been physically assaulted and injured.

82. The failure of these Defendants to train, supervise and discipline Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20 and JANE DOES 40-60, amounted to gross negligence, deliberate indifference, or reckless misconduct which directly caused and was the moving force behind the deprivations suffered by Plaintiff RODOLFO CRESPO.

83. Defendant TOWNSHIP OF BLOOMFIELD, as employer of Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent superior, the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

84. As a direct and proximate result of Defendants TOWNSHIP OF BLOOMFIELD, GOUL, WIEGAND, and JOHN DOE SGT/CHIEFS and SUPERVISORS 21-40's failure to supervise Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, which resulted in the use of excessive force, misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

SIXTH COUNT
(Common Law Assault and Battery)

85. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

86. In assaulting and injuring Plaintiff, Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, and JANE DOES 40-60 were acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, committed an unlawful and unwarranted assault and battery upon Plaintiff.

87. Defendant TOWNSHIP OF BLOOMFIELD, as employer of Defendants TRINIDAD, HORN, JOHN DOE POLICE OFFICERS 1-20, and JANE DOES 40-60 are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

88. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

SEVENTH COUNT

(Common Law Negligence - Provision of Medical Care)

89. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

90. Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, negligently failed to provide prompt and adequate medical care to Plaintiff RODOLFO CRESPO after he was the victim of the illegal, unreasonable and excessive use of force which resulted

in the severe injuries described above.

91. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, as employer of Defendants TRINIDAD, HORN, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

92. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

EIGHTH COUNT
(Negligent Hiring)

93. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

94. Defendant TOWNSHIP OF BLOOMFIELD was responsible for the recruiting, hiring, training and ongoing supervision of the officers of the BLOOMFIELD POLICE DEPARTMENT.

95. Defendant TOWNSHIP OF BLOOMFIELD had a duty to properly ascertain its police officers' fitness to become police before they were hired as officers of the BLOOMFIELD POLICE DEPARTMENT.

96. Defendant TOWNSHIP OF BLOOMFIELD failed to properly determine the fitness of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 to be hired

as police officers, chiefs, and lieutenants of the BLOOMFIELD POLICE DEPARTMENT to ensure they would not violate Plaintiff RODOLFO CRESPO'S civil rights.

97. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT knew, or in the exercise of due diligence should have known that these Defendants were not fit for duty and that the inappropriate, unlawful and tortuous conduct of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 against Plaintiff RODOLFO CRESPO was likely to occur.

98. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT failed to take preventive and remedial measures to guard against the constitutional violations committed by Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60. Had they taken appropriate action, Plaintiff RODOLFO CRESPO would not have been physically assaulted and injured.

99. The failure of these Defendants to properly ascertain Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 fitness for employment and to monitor their continued fitness for duty, amounted to gross negligence, deliberate indifference, or reckless misconduct which directly caused and was the moving force behind the deprivations suffered by Plaintiff RODOLFO CRESPO.

100. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD'S negligent hiring of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

NINTH COUNT
(Negligent Training and Supervision)

101. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

102. Defendant TOWNSHIP OF BLOOMFIELD through its police department was responsible for the recruiting, hiring, training and ongoing supervision of the officers of the BLOOMFIELD POLICE DEPARTMENT.

103. Defendant TOWNSHIP OF BLOOMFIELD and its police department had a duty to properly train and supervise the officers of the BLOOMFIELD POLICE DEPARTMENT to ensure they did not violate the constitutional rights of citizens.

104. Defendant TOWNSHIP OF BLOOMFIELD and its police department failed to properly train, supervise and discipline Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 to ensure they did not violate the

constitutional rights of citizens, including Plaintiff RODOLFO CRESPO.

105. The failure of Defendant TOWNSHIP OF BLOOMFIELD and its police department to train, supervise and discipline Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, amounted to gross negligence, deliberate indifference, or reckless misconduct which directly caused and was the moving force behind the deprivations suffered by Plaintiff RODOLFO CRESPO.

106. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD and its police department's negligent training and supervision of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

TENTH COUNT
(Negligent Retention)

107. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

108. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT knew or should have known that Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60

were not qualified to act as police officers, chiefs and supervisors for the BLOOMFIELD POLICE DEPARTMENT.

109. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT knew, or in the exercise of due diligence should have known that these Defendants were not fit for duty and that the inappropriate, unlawful and tortuous conduct of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 against Plaintiff RODOLFO CRESPO was likely to occur.

110. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT were aware of numerous prior incidents that should have alerted them to the potential unlawful conduct of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60.

111. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT were at the very least aware of the numerous citizens' complaints of excessive force, coverup, false arrest and malicious prosecution against Defendants TRINIDAD, HORN and other members of the BLOOMFIELD POLICE DEPARTMENT. Yet, Defendant did nothing to prevent the ongoing unlawful actions of its police officers or to terminate these rogue officers.

112. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT failed to take reasonable steps to ensure that Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE

POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 would act appropriately and within the confines of the law.

113. Defendant TOWNSHIP OF BLOOMFIELD had a duty to take reasonable and appropriate steps to ensure that Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 would not act unlawfully and would not violate the constitutional rights of the citizens they serve, including MR. CRESPO.

114. Defendant TOWNSHIP OF BLOOMFIELD through its police department's failure to properly discipline its police officers and monitor their continued fitness for duty coupled with its negligent retention of Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 despite actual and/or constructive knowledge that they were not fit to be police officers, chiefs or lieutenants, amounted to gross negligence, deliberate indifference, or reckless misconduct which directly caused and was the moving force behind the deprivations suffered by Plaintiff RODOLFO CRESPO.

115. As a direct and proximate result of Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT'S failure to take the appropriate steps to ensure Defendants TRINIDAD, HORN, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN

DOE SGTS/CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60 would not act unlawfully, which resulted in the misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

ELEVENTH COUNT
(Violation of the New Jersey Civil Rights Act
N.J.S.A. 10:6-1 to 2)

116. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

117. Defendants, under color of statute, ordinance, reputation, custom and usage have deprived and cause Plaintiff RODOLFO CRESPO to be subjected to the deprivations of rights, privileges and immunities secured by the New Jersey Constitution and law of the State of New Jersey, including his right to liberty, his right to be secure as a person against unreasonable searches and seizures, his right to be secure as a person against excessive use of force, and his right to freedom of association secured to him by the New Jersey State Constitution.

118. Defendants, acting under color of law, unlawfully deprived Plaintiff RODOLFO CRESPO of his civil rights by, inter alia, seizing him, using excessive force against him, failing to intervene to prevent the unlawful acts against him, failing to render timely medical aid to him, and failing to properly hire, train, retain and supervise police officers.

119. Defendant TOWNSHIP OF BLOOMFIELD is vicariously liable

for the actions of its employees who are acting in their official capacities.

120. Defendants' acts were done in knowing violation of Plaintiff RODOLFO CRESPO'S legal and constitutional rights and have caused Plaintiff RODOLFO CRESPO'S injuries, including physical injury, humiliation, mental pain and suffering and emotional distress.

121. Defendants' deprivation of Plaintiff RODOLFO CRESPO'S civil rights violates the New Jersey Constitution and gives rise to Plaintiff RODOLFO CRESPO'S claims for redress under N.J.S.A. 10:6-1 et seq.

122. Defendant TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT is directly and vicariously liable for the acts of its Police Officers in the performance of their duties under the color of state, county and municipal law.

123. Based on the aforesaid conduct, Defendants, acting under color of law, deprived and interfered with by the use of excessive force, intimidation or coercion, the exercise or enjoyment by Plaintiff RODOLFO CRESPO of the rights guaranteed to him by the New Jersey Constitution including, but not limited to:

- a) The right to enjoy and defend life and liberty;
- b) The right to pursue and obtain safety and happiness;
- c) The right to due process of law;
- d) The right to equal protection of the laws;
- e) The right to be secure from unreasonable searches and seizures;

- f) The right to any other natural and unalienable right retained by the people;
- g) The right to privacy; and
- h) The right to be free of cruel and unjust punishment.

124. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff RODOLFO CRESPO sustained the damages hereinbefore alleged.

TWELFTH COUNT
Negligent and Intentional Infliction of
Emotional Distress

125. Plaintiff RODOLFO CRESPO, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

126. Defendants acted unlawfully and recklessly with deliberate disregard of a high degree of probability that emotional distress will follow. Defendants' conduct was extreme and so outrageous in character and degree as to go beyond all possible bounds of decency. Defendants' conduct was so atrocious, it is utterly intolerable in a civilized community.

127. As a direct and proximate result of Defendants' actions, Plaintiff RODOLFO CRESPO has suffered and continues to suffer such severe and substantial emotional distress and mental harm which no reasonable person could be expected to endure.

CERTIFICATION

PLEASE TAKE NOTICE pursuant to the provisions of R.4:5-1, the undersigned attorney certifies that this matter is not the subject of any other action pending in any court or arbitration proceeding

nor is any other action or arbitration proceeding contemplated, and all known necessary parties have been joined in this action.

NOTICE PURSUANT TO RULES 1:5-1 (A) AND 4:17

Take notice that the undersigned attorneys, counsel for the Plaintiff, hereby demands pursuant to Rules 1:5-1 (a) and 4:17 ©, that each party herein serving pleadings and interrogatories and receiving answers thereto, serves copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and take notice that this is a continuing demand.

REQUEST FOR DISCOVERY OF INSURANCE

Demand is hereby made that each Defendants respond to the Request for Discovery of Insurance attached herein.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that TRACEY C. HINSON, Esquire, is hereby designated as trial counsel in the above-captioned litigation for the firm of HINSON SNIPES, LLP.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff demands a trial by jury as to all issues so triable.

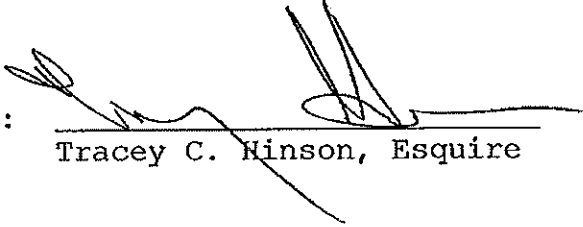
NOTICE OF UTILIZATION OF TIME-UNIT BASIS

PLEASE TAKE NOTICE Plaintiff intends to utilize the time-unit basis for calculating unliquidated damages in Plaintiff's closing statement to the jury and the Court.

HINSON SNIPES, LLP

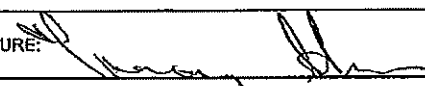
Attorneys for Plaintiff

By:


Tracey C. Ninson, Esquire

Dated: October 9, 2014

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) 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		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME TRACEY C. HINSON, ESQUIRE		TELEPHONE NUMBER (609) 452-7333	
	COUNTY OF VENUE Essex ☒		DOCKET NUMBER (when available) ESX-L-6533-14	
	FIRM NAME (if applicable) HINSON SNIPES, LLP		DOCUMENT TYPE FIRST AMENDED COMPLAINT	
OFFICE ADDRESS Princeton Forrestal Village 116 Village Boulevard, Suite 307 Princeton, New Jersey 08540		JURY DEMAND ☒ Yes ☐ No		
NAME OF PARTY (e.g., John Doe, Plaintiff) RODOLFO CRESPO, PLAINTIFF		CAPTION RODOLFO CRESPO v. TOWNSHIP OF BLOOMFIELD, et al		
CASE TYPE NUMBER (See reverse side for listing) 005	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:		
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: 				

RECEIVED
 2014 OCT 10 AM 11:49
 CIVIL DIVISION
 ESSEX COUNTY
 SUPERIOR COURT OF NJ



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)
- 606 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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETHA/AREDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 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

HINSON SNIPES, LLP

Attorney At Law

Princeton Forrestal Village, 2011 AUG 15 A 11:26
116 Village Boulevard, Suite 307

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ATTORNEYS FOR PLAINTIFF, Marcus Jeter

MARCUS JETER

Plaintiffs,

vs.

TOWNSHIP OF BLOOMFIELD, BLOOMFIELD
POLICE DEPARTMENT, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-E-004088-14

CIVIL ACTION

SUMMONS

THE STATE OF NEW JERSEY TO THE ABOVE NAMED DEFENDANT(S):

TOWNSHIP OF BLOOMFIELD

Bloomfield Township

1 Municipal Plaza

Bloomfield, NJ 07003

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. (The address of each deputy clerk of the Superior Court is provided.) 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, CN-971, Trenton, NJ 08625. A \$135.00 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 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 cost 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 Service office in the county where you live. A list of these offices is provided. 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 list of these numbers is also provided.

Dated: June 24, 2014

S/ MICHELLE M. SMITH
MICHELLE M. SMITH
CLERK OF THE SUPERIOR COURT

Name of Defendant to be served:

TOWNSHIP OF BLOOMFIELD

Address for Service:

**Bloomfield Township
1 Municipal Plaza
Bloomfield, NJ 07003**

ESSEX COUNTY - CIVIL DIVISION
SUPERIOR COURT OF NJ
465 MARTIN LUTHER KING JR BLVD
NEWARK NJ 07102

COURT TELEPHONE NO. (973) 693-5529
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: JUNE 06, 2014
RE: JETER VS TOWNSHIP OF BLOOMFIELD
DOCKET: ESX L -004088 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON PATRICK J. ARRE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (973) 693-6443 EXT 5431.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:52-2.

ATTENTION:

ATT: HINSON SNIPES
HINSON SNIPES LLP
116 VILLAGE BLVD
STE 307
PRINCETON NJ 08540

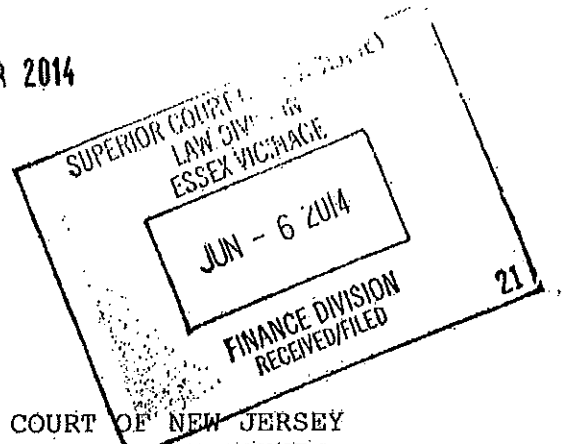
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HINSON SNIPES, LLP

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Attorney for Plaintiff Marcus Jeter



MARCUS JETER,

Plaintiff,

vs.

TOWNSHIP OF BLOOMFIELD,
BLOOMFIELD POLICE DEPARTMENT,
ORLANDO TRINIDAD, in his
Individual and Official
capacity, SEAN COURTER, in
his Individual and Official
capacity, ALBERT SUTTERLIN,
in his Individual and Official
capacity, THOMAS ICOLARI, in
his Individual and Official
capacity, DEVIA LOPEZ, in her
Individual and Official
capacity, LT. SEAN SCHWINDT,
in his Individual and Official
capacity, SGT. JOHN SERCHIO,
in his Individual and Official
capacity, LT. MICHAEL COFONE,
in his Individual and Official
capacity, CHIEF CHRIS GOUL,
in his Individual and Official
capacity, CAPT. GLEN WIEGAND,
in his Individual and Official
capacity, JOHN DOE POLICE
OFFICERS 1-20, in their
Individual and Official
capacity, (names being
fictitious) JOHN DOE CHIEFS
and SUPERVISORS 21-40, in
their Individual and Official
capacity (Names being

; SUPERIOR COURT OF NEW JERSEY
; LAW DIVISION - ESSEX COUNTY
; DOCKET NO.

L-4088-14

Civil Action

COMPLAINT AND JURY DEMAND

fictitious), JOHN DOE :
 PROSECUTORS, in their :
 Individual and Official :
 capacity (Names being :
 fictitious), JANE DOES 40-60, :
 in their Individual and :
 Official capacity (names being :
 fictitious) XYZ PUBLIC ENTITY, :
 COMPANY/CORPORATION 1-10 :
 (names being fictitious) and :
 PROGRESSIVE INSURANCE COMPANY, :
 :
Defendants. :

Plaintiff, MARCUS JETER ("MR. JETER" or PLAINTIFF"), residing at 91 Passaic Avenue, in the City of Bloomfield, County of Essex and State of New Jersey, by way of complaint against Defendants says:

PRELIMINARY STATEMENT

1. On June 7, 2012, at approximately 11:00 p.m., MR. JETER got into a heated argument with his girlfriend Tanisha Killian at their home. Defendants SEAN COURTER ("COURTER") and ALBERT SUTTERLIN ("SUTTERLIN"), members of Defendant BLOOMFIELD POLICE DEPARTMENT, responded to the home. Neither MR. JETER nor Ms. Killian was arrested and MR. JETER left their home after speaking to Defendant COURTER who made no attempt to stop him from leaving.

2. MR. JETER was traveling southbound the Garden State Parkway in the City of Bloomfield, New Jersey when he realized that his tire had gone completely flat. As he pulled to the shoulder of the roadway, he noticed flashing lights and two police cruisers behind him. Believing he was being pulled over, MR. JETER

brought his vehicle to a complete stop, turned off the ignition and rolled his driver and passenger side windows down. Defendants COURTER and SUTTERLIN had followed his vehicle after he left his home. However, COURTIER and SUTTERLIN made no attempt to pull MR. JETER over prior to MR. JETER pulling to the side of the roadway due to a flat tire. Dash-cam video of the incident clearly shows MR. JETER pulling over and stopping on the highway.

3. Upon stopping, Defendants COURTER and SUTTERLIN, exited their vehicle and ran toward MR. JETER'S vehicle with their guns drawn. Pointing their guns at him, they yelled at him to get out of the car. Shocked, confused and in fear for his life, MR. JETER immediately threw his hands into the air and repeatedly stated that he had done nothing wrong. A second dash-cam video shows another squad car, operated by Defendant ORLANDO TRINIDAD ("TRINIDAD"), cross the median into oncoming traffic and violently slammed into the front of MR. JETER'S vehicle while MR. JETER was still in the vehicle parked on the side of the highway. The force of the impact caused MR. JETER to hit his head on the steering wheel. Defendant COURTER then smashed the driver's side window of MR. JETER'S vehicle with his baton shattering glass all over MR. JETER. Defendant COURTER then unlocked the door and punched MR. JETER in the face.

4. MR. JETER'S hands remained in the air as Defendant COURTER attempted to remove his seatbelt while punching him repeatedly in his face. Upon information and belief, Defendant COURTER can be heard on the dash-cam video yelling "stop trying to take my gun, stop resisting arrest." At this time, the dash-cam video shows MR. JETER with his hands in the air. Defendants COURTER, SUTTERLIN and TRINIDAD then violently dragged MR. JETER from his vehicle and slammed him to the ground where they continued to physically beat pummel him as MR. JETER plead with the officers that he was not resisting and had done nothing wrong.

5. The unlawful stop and physical assault of MR. JETER was unprovoked, unlawful and unjustified. Dash-cam video shows MR. JETER with his hands up, not resisting as Defendants continued hitting him and shouting "do not resist." One officer can be heard yelling "stop reaching for my gun, he has my gun" while MR. JETER had his hands in the air and while he was handcuffed on the ground.

6. The beating and use of excessive force used on MR. JETER by the officers and the subsequent cover up of the incident by Defendant TOWNSHIP OF BLOOMFIELD and the Defendant BLOOMFIELD POLICE DEPARTMENT, including but not limited to the concealment of a second dash-cam video, was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training, supervision and discipline of Bloomfield Police Officers,

including the individual named Defendants, that began long before the physical assault of MR. JETER and continue to this day.

7. Upon information and belief, Defendant TOWNSHIP OF BLOOMFIELD acting through its Police Department, developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of unlawfully arresting, without reasonable suspicion or probable cause, the use of excessive force and malicious prosecution of innocents persons.

8. MR. JETER was arrested and charged with eluding, attempt to disarm a police officer, aggravated assault and resisting arrest. MR. JETER was maliciously prosecuted and faced five years in prison until the second dash-cam video surfaced which contradicted Defendants COURTER, SUTTERLIN and TRINIDAD version of the events that transpired and completely exonerated MR. JETER. No mention of the third squad car or the second dash-cam video was made in any of the official reports of the incident prepared by Defendants. Nor was the videotape turned over to Prosecutors as Defendants pursued their relentless prosecution of MR. JETER. Defendants collectively engaged in a massive coverup of the true nature of the incident and deliberately withheld the crucial dash-cam video from Prosecutors and MR. JETER'S criminal defense lawyer. Once the dash-cam video surfaced, all charges against MR. JETER were dismissed.

9. This Complaint, arising from these tragic, outrageous and

unlawful acts, seeks compensatory and punitive damages and other relief pursuant to applicable state and federal civil rights law. Claims on behalf of MS. JETER are also brought pursuant to N.J.S.A. 59:8-1 et seq., among other common law and statutory rights. MR. JETER seeks to vindicate his right to be free of unlawful search, seizure, arrest and use of illegal and excessive force by Defendants.

THE PARTIES

10. Plaintiff MARCUS JETER, is an African American male and a citizen of the United States. He was and is, at all times relevant hereto, a resident of the State of New Jersey, Essex County.

11. Defendant TOWNSHIP OF BLOOMFIELD ("TOWNSHIP OF BLOOMFIELD" or "TOWNSHIP"), is a municipal corporation duly incorporated and authorized under the laws of the State of New Jersey. The TOWNSHIP is authorized under the laws of the State of New Jersey to maintain a police department, the BLOOMFIELD POLICE DEPARTMENT, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The TOWNSHIP assumes the risks incidental to the maintenance of its police force and the employment of its police officers.

12. Defendant TOWNSHIP OF BLOOMFIELD was, at all times relevant, responsible for policy making and the hiring, supervision, training, control and retention of the individually

named Defendants.

13. Defendant **TRINIDAD**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

14. Defendant **COURTER**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

15. Defendant **SUTTERLIN**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

16. Defendant **THOMAS ICOLARI ("ICOLARLI")**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. **ICOLARI** is sued in his individual and official capacity.

17. Defendant **DEVIA LOPEZ ("LOPEZ")**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. She is sued in her individual and official capacity.

18. Defendant **LIEUTENANT SEAN SCHWINDT ("SCHWINDT")** is and

was, at all times relevant, a Lieutenant, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

19. Defendant **SERGEANT JOHN SERCHIO ("SERCHIO")**, is and was, at all times relevant, a Sergeant, officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**, assigned to the Internal Affairs Division. He is sued in his individual and official capacity.

20. Defendant **LIEUTENANT MICHAEL COFONE ("COFONE")** is and was, at all times relevant, a Lieutenant, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**, assigned to the Internal Affairs Division. He is sued in his individual and official capacity.

21. Defendant **CHIEF CHRIS GOUL ("GOUL")**, was, at all times relevant, a Chief, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

22. Defendant **CAPTAIN GLEN WIEGAND ("WIEGAND")** is and was, at all times relevant, a Captain, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

23. Defendants JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS AND SUPERVISORS 21-40, JOHN DOE PROSECUTORS 41-60, JANE DOES 61-80 and XYZ COMPANY/CORPORATION 1-10 is and were, at all times relevant, officers, lieutenants, chiefs, captains, supervisors, directors, officers, principals, partners, employees, boards, board Members, representatives or agents of Defendant BLOOMFIELD POLICE DEPARTMENT, a municipal agency of Defendant TOWNSHIP OF BLOOMFIELD, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting in the capacity of agents, servants, and employees of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting within the scope of their employment and whose actions assisted and/or contributed to the unlawful, unconstitutional and tortious conduct that result in MR. JETER'S injuries and damages. They are sued in their individual and official capacities.

24. Defendants TRINIDAD, COURTER, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, were at all times relevant, on duty with Defendant BLOOMFIELD POLICE DEPARTMENT, on June 7, 2012.

25. At all times relevant herein, Defendants TRINIDAD,

COURTER, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, were acting under the color of state law in the course and scope of their duties and functions as agents, employees and officers of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT in engaging in the conduct described herein.

26. At all times relevant herein, the individual Defendants acted for and on behalf of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT with the power and authority vested in them as officers, agents and employees of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT and incident to the pursuit of their duties as officers, employees and agents of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT.

FACTUAL ALLEGATIONS

27. On June 7, 2012, MR. JETER and his girlfriend Tanisha Killian got into a heated argument during which Ms. Jillian requested Plaintiff leave their residence. Ms. Jillian's younger sister placed a call to Defendant BLOOMFIELD POLICE DEPARTMENT.

28. MR. JETER exited his residence through the back door.

29. MR. JETER entered his green 1996 Ford Explorer and proceeded down the driveway. As he came down the driveway, he

noticed two officers, Defendants COURTER and SUTTERLIN standing at the front steps speaking to Ms. Gillian.

30. Upon information and belief, Defendant COURTER motioned for MR. JETER to stop. MR. JETER came to a complete stop and rolled his driver side window down.

31. After inquiring if MR. JETER was okay, to which MR. JETER responded yes, Defendant COURTER inquired about a noise coming from the vehicle. MR. JETER explained his tire was going flat and he was leaving to fix it.

32. Defendant COURTER turned away toward the doorstep where Ms. Killian was standing. MR. JETER asked if it was "okay" to leave to which Defendant COURTER responded "okay."

33. MR. JETER proceeded out the driveway and made a left turn onto West Passaic Avenue. He then made a right onto Broad Street then drove through the McDonald's entrance and entered the Garden State Parkway south.

34. As he drove south, MR. JETER realized his tire was now completely flat so he pulled over to the shoulder of the parkway.

35. MR. JETER then noticed flashing lights and observed two police cruisers behind his vehicle. Believing he was being pulled over, MR. JETER placed his car in park, turned off the ignition, rolled the two front windows down and waited for the officers to approach his vehicle.

36. Defendants **COURTER** and **SUTTERLIN** exited their vehicle and ran toward **MR. JETER'S** vehicle with guns drawn.

37. Defendant **COURTER**, approached the driver's side of **MR. JETER'S** vehicle with his handgun pointed at **MR. JETER**.

38. Defendant **SUTTERLIN**, approached the passenger side of **MR. JETER'S**, with a shotgun and pointed at **MR. JETER**.

39. Caught by surprise and fearing he was going to be shot, **MR. JETER** immediately threw his hands in the air, dropping his phone on the center console in the process.

40. Defendants **COURTER** and **SUTTERLIN**, in a loud and aggressive manner yelled at Plaintiff to "get the fuck out the car now." "Get out of the fucking car."

41. Terrified for his life, **MR. JETER** repeatedly stated he had done nothing wrong and repeatedly begged the officers "not to shoot."

42. **MR. JETER** then observed another police cruiser, operated by Defendant **TRINIDAD**, traveling on the northbound side of the Garden State Parkway.

43. Without warning, provocation or justification, Defendant **TRINIDAD** crossed the median between the north and south bound lanes, swerved into oncoming traffic, and, at a high rate of speed, violently slammed into the front of Plaintiff's vehicle, injuring Plaintiff and causing Plaintiff's head to strike the steering wheel.

44. Defendant COURTER busted the driver's side of Plaintiff's vehicle shattering glass all over Plaintiff's and Plaintiff's face and arms.

45. MR. JETER sat dazed, confused and in shock while Defendant COURTER unlocked and opened the driver's side door. Without provocation or justification, Defendant COURTER reached in and punched MR. JETER on the left side of his face busting Plaintiff's lip and causing him to become dizzy.

46. Defendant COURTER reached over to unlock MR. JETER'S seatbelt and in the process used his elbow to continuously strike MR. JETER in his jaw while MR. JETER cried for help and ask "why are you hitting me"? Defendant COURTER told him to "shut the fuck up" as he continued to strike him with his elbow.

47. As Defendant COURTER continued to strike MR. JETER and, amidst his cries for help, he looked up and observed that Defendant SUTTERLIN was still standing outside the passenger side door watching with his shotgun pointed at Plaintiff.

48. The Defendant Officers targeted, followed and assaulted Plaintiff in part based on racial animus and racial profiling.

49. MR. JETER committed no crime.

50. MR. JETER was an unarmed and innocent person.

52. MR. JETER presented no threat and posed no danger to Defendants or the public.

53. MR. JETER did not engage in any action that justified the unlawful stop and excessive use of any force by Defendants COURTER, SUTTERLIN OR TRINIDAD.

54. MR. JETER was traumatized, terrified, feared for his life, and thought he was going to die.

55. Defendant COURTER drew his firearm without provocation or cause.

56. Defendant SUTTERLIN drew his weapon without provocation or cause.

57. Defendant COURTER, SUTTERLIN and TRINIDAD continued to strike MR. JETER without warning, provocation or cause.

58. Defendant TRINIDAD struck MR. JETER'S vehicle with his patrol car without warning, provocation or cause.

59. Defendants LOPEZ and ICOLARI were secondary officers who were present at the scene and who conspired with Defendants COURTER, SUTTERLIN and TRINIDAD to violate MR. JETER'S constitutional rights. These officers failed to prevent the unwarranted and illegal arrest and use of excessive force on MR. JETER.

60. While clearly not resisting arrest and obeying the officers commands, MR. JETER was struck multiple times all over his body, including but not limited to his head, face and back and sustained multiple injuries which required medical attention.

61. Before the physical assault on MR. JETER, Defendants COURTER, SUTTERLIN and TRINIDAD failed to give proper commands or any warning that they were ready to use excessive force.

62. The unlawful stopping, assault and arrest of MR. JETER was without provocation, legal authority or justification.

63. The unlawful stopping, assault, arrest and malicious prosecution by Defendants COURTER, SUTTERLIN, TRINIDAD, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT caused severe, disabling, and permanent physical injuries which required the care and treatment of physicians, hospitalization and medication, have and will in the future require medical treatment, and have and will in the future cause MR. JETER to refrain from his daily activities and normal pursuits.

64. The unlawful arrest, assault and malicious prosecution by Defendants COURTER, SUTTERLIN, TRINIDAD, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT caused MR. JETER to suffer severe and permanent psychological and emotional distress, mental anguish, degradation and public humiliation.

65. The unlawful arrest, assault and malicious prosecution by Defendants COURTER, SUTTERLIN, TRINIDAD, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT caused MR. JETER to suffer economic damages.

66. Plaintiff MARCUS JETER was deprived of his liberty.

67. After physically assaulting and injuring MR. JETER,

Defendants COURTER, SUTTERLIN and TRINIDAD, failed to perform first aid on Plaintiff.

68. After the physical assault that injured MR. JETER, Defendants COURTER, SUTTERLIN, TRINIDAD, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT refused to provide medical care or take reasonable steps to ensure prompt medical attention for MR. JETER.

69. Instead of being rendered medical aid, MR. JETER, an innocent person, was handcuffed and unlawfully arrested without justification or probable cause.

70. Instead of providing prompt first aid to MR. JETER and/or seek emergency medical assistance for him, Defendants COURTER, SUTTERLIN, TRINIDAD, LOPEZ, and ICOLARI, along with members of Defendant BLOOMFIELD POLICE DEPARTMENT (whose identities are currently unknown), conspired to cover up the misconduct by Defendants COURTER, SUTTERLIN and TRINIDAD.

71. MR. JETER was eventually transported to Clara Maas Medical Center under arrest more than 14 hours after he was unlawfully arrested and assaulted by Defendants COURTER, SUTTERLIN and TRINIDAD.

72. Despite knowing of the existence of the second dash-cam video completely exonerating MR. JETER, Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE,

GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, unlawfully withheld the existence of the videotaped from Prosecutors and MR. JETER'S criminal counsel and continued to maliciously prosecute MR. JETER.

73. Despite knowing of the existence of the second dash-cam video Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, conspired to conceal the true nature of the incident by unlawfully creating false reports of the incident and withholding the existence of the videotape from Prosecutors and MR. JETER'S criminal defense counsel.

74. Despite knowing of the existence of the second dash-cam video an Internal Affairs investigation into the incident conducted by Defendants SERCHIO, COFONE and BLOOMFIELD POLICE DEPARTMENT found no wrong doing by Defendants COURTER, SUTTERLIN and TRINIDAD. Upon information and belief, these officers were suspended without pay.

75. On April 5, 2013, all charges were dismissed against MR. JETER by the Essex County Prosecutor once the second dash-cam video was provided to Prosecutors. The footage from the dash-cam contradicted the officers version of events and completely

exonerated MR. JETER.

76. Upon information and belief, Defendants COURTER, SUTTERLIN and TRINIDAD were charged with official misconduct, tampering with public records, false documents and false swearing by the Essex County Prosecutor.

77. Upon information and belief, Defendant SUTTERLIN pled guilty to tampering and was allowed to retire with his full pension and benefits.

78. Upon information and belief, Defendants COURTER and TRINIDAD were indicted by an Essex County Grand on charges of conspiracy and official misconduct. Defendant TRINIDAD was also indicted on assault charges.

PATTERN AND PRACTICE ALLEGATIONS

79. Members of Defendant BLOOMFIELD POLICE DEPARTMENT and Police Officers employed by Defendant TOWNSHIP OF BLOOMFIELD, have a documented history of aggressive police practices and the use of excessive force against the public and minorities.

80. Prior to and after the unprovoked use of excessive force against MR. JETER on June 7, 2012, there were other incidents of unjustified use of force, false arrest and malicious prosecution by Police Officers employed by Defendants BLOOMFIELD POLICE DEPARTMENT and the TOWNSHIP OF BLOOMFIELD.

81. Specifically, a few days after the incident involving MR.

JETER, Byszheir Jones and his best friend Travis Miller, African-American males, were arrested and charged by Bloomfield Police Officers, including Defendant **TRINIDAD**, with armed robbery, assault, conspiracy to commit robbery, theft and possession of a weapon. Both faced 17-35 years in prison if found guilty. Several alibi witnesses swore the men had been at a pool party at the time of the incident. The charges were later mysteriously dismissed by the Essex County Prosecutor's Office.

82. On October 2, 2010, Plainfield Police Officer Martesse Gilliam, who upon information and belief is an African-American male, was assaulted, beaten and arrested by several Bloomfield Police Officers in the parking lot of a Bloomfield night spot. He was later acquitted by and Essex County Grand Jury of aggravated assault on the officers and resisting arrest.

83. Defendants **TOWNSHIP OF BLOOMFIELD** and **BLOOMFIELD POLICE DEPARTMENT**, by and through its employees, including the Defendants named above, provided grossly deficient training and supervision to its Police Officers, including the individual named Defendants, concerning for example, the use of excessive and deadly force, despite actual and/or constructive notice that officers were improperly trained and violating minimally accepted police practices.

84. Defendants **TOWNSHIP OF BLOOMFIELD** and **BLOOMFIELD POLICE DEPARTMENT** failed to investigate misconduct on the part of their

Police Officers, prior to and including in this case.

85. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT were negligent and/or reckless in its hiring and retention of Police Officers, including the individual named Defendants.

86. On August 31, 2012, a written Notice of Claim were served, via hand-delivery, upon Defendants TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT.

87. At least six months have elapsed since the service of the Notice of Claim, and adjustment or payment of the claim has been neglected or refused.

88. All the acts and omissions committed by Defendants described herein for which liability is claimed were done intentionally, unlawfully, maliciously, wantonly, recklessly, negligently and/or with bad faith, and said acts meet all of the standards for imposition of punitive damages.

89. All the acts and omissions committed by Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, described herein for which liability is claimed were conducted in their individual and official capacities.

FIRST COUNT

(42 U.S.C. § 1983 Unreasonable and Excessive Force)

90. Plaintiff **MARCUS JETER**, repeats and re-alleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

91. Defendants **COURTER**, **SUTTERLIN** and **TRINIDAD'S** careless, negligent, reckless and intentional acts of assaulting Plaintiff and the use of unreasonable and excessive force against Plaintiff without justification or provocation, showed deliberate indifference for the life and safety of Plaintiff.

92. Defendants **LOPEZ** and **ICOLARI'S** negligent, careless, reckless and intentional act of conspiring with Defendants **COURTER**, **SUTTERLIN** and **TRINIDAD** to use excessive force and their failure to prevent the unlawful arrest and use of excessive force, showed deliberate indifference for the life and safety of Plaintiff **MARCUS JETER**.

93. By their conduct, Defendants **COURTER**, **SUTTERLIN**, **TRINIDAD**, **LOPEZ** and **ICOLARI'S** deprived **MR. JETER** of his right to be free from excessive and unreasonable force under the Fourth and Fourteenth Amendment of the United States Constitution.

94. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

SECOND COUNT
(42 U.S.C. § 1983 False Imprisonment)

95. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

96. Defendants **COURTER**, **SUTTERLIN**, and **TRINIDAD**, acted recklessly and/or intentionally by falsely imprisoning Plaintiff, who was innocent of any wrongdoing, and preventing him from receiving prompt medical attention.

97. By their conduct, Defendants **COURTER**, **SUTTERLIN**, and **TRINIDAD**, under color of state law, deprived Plaintiff of his right to be free from unreasonable seizure under the Fourth and Fourteenth Amendments to the United States Constitution.

98. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

THIRD COUNT
(42 U.S.C. § 1983 Deliberate Indifference to
Medical Needs)

99. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

100. Defendants **COURTER**, **SUTTERLIN**, **TRINIDAD**, **ICOLARI**, **LOPEZ**, **SCHWINDT**, **SERCHIO**, **COFONE**, **GOUL**, **WIEGAND**, **TOWNSHIP OF BLOOMFIELD**,

BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, under color of state law, failed to provide medical assistance and/or interfered in the efforts of others to provide medical assistance to Plaintiff **MARCUS JETER**, while he was in their custody, with deliberate indifference to Plaintiff's medical needs and in violation of Plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution.

101. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

FOURTH COUNT

(42 U.S.C. § 1981, 1983 Racial Discrimination)

102. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

103. By reason of the foregoing, Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI and LOPEZ**, violated 42 U.S.C. §§ 1981, 1983 and the Fourteenth Amendment of the United States Constitution by depriving Plaintiff of his constitutional rights with racial animus.

104. Because of Plaintiff's race, Defendants **COURTER, SUTTERLIN and TRINIDAD**, under color of state law, improperly racially profiled, targeted, approached and assaulted Plaintiff,

violating his constitutional rights in the manner previously alleged.

105. Defendants COURTER, SUTTERLIN and TRINIDAD conduct was knowingly undertaken with the intent to deny Plaintiff his right to full and equal protection of the law.

106. As a direct and proximate result of Defendants COURTER, SUTTERLIN and TRINIDAD misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

FIFTH COUNT
(42 U.S.C. § 1983 Conspiracy)

107. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

108. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to injure, oppress, threaten, and intimidate Plaintiff in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to him by the United States Constitution, including the rights: to be free from the intentional

use of unreasonable force; and to be free from the delay and denial of medical attention; to be free from unnecessary and wanton infliction of pain; to be free from malicious prosecution, and not to be deprived of life without due process of law.

109. Defendants **ARRINGTON, CRUZ, CASTERLINE** and **WILSON** took numerous overt steps in furtherance of such conspiracy, as set forth above.

102. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

SIXTH COUNT

(42 U.S.C. § 1985(3) Conspiracy with Racial Animus)

110. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

111. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to injure, oppress, threaten and intimidate Plaintiff in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to her by the United States

Constitution.

112. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, took numerous overt steps in furtherance of such conspiracy, as set forth above.

113. The conduct of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 was motivated by racial animus and by their desire to injure, oppress, threaten, and intimidate Plaintiff because of his race.

115. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

SEVENTH COUNT
(42 U.S.C. § 1983 Supervisor Liability)

116. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

117. Defendants SCHWINDT, GOUL, WIEGRAND, JOHN DOE CHIEFS and SUPERVISORS 21-40 was, at all relevant times, supervisory personnel in the TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT,

with oversight responsibility for Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, COFONE, and others. They were responsible for the training, instruction, supervision, and discipline of officers who violated Plaintiff's constitutional rights in the manner described above.

118. These Defendants knew, or in the exercise of due diligence should have known, that the inappropriate, unlawful and tortuous conduct of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, and COFONE, against Plaintiff was likely to occur.

119. These Defendants failed to take preventive and remedial measures to guard against the constitutional violations committed by Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO and COFONE. Had they taken appropriate action, Plaintiff would not have been falsely arrested, assaulted, injured and maliciously prosecuted.

120. The failure of these Defendants to train, supervise and discipline Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, COFONE, and the other officers of the BLOOMFIELD POLICE DEPARTMENT amounted to gross negligence, deliberate indifference, or intentional misconduct which directly caused the deprivations suffered by Plaintiff.

121. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

EIGHTH COUNT
(Common Law Assault and Battery)

122. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

123. In assaulting and injuring Plaintiff, Defendants COURTER, SUTTERLIN and TRINIDAD, acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, committed an unlawful; unwarranted, and intentional assault and battery upon Plaintiff.

124. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, as employer of Defendants COURTER, SUTTERLIN and TRINIDAD, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

125. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

NINTH COUNT
(Malicious Prosecution)

126. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

127. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN

DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 and within the scope of their employment, maliciously and injure Plaintiff.

128. Defendants SCHWINDT, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, and JOHN DOE CHIEFS and SUPERVISORS 21-40, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

129. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

TENTH COUNT

(Common Law Negligence - Provision of Medical Care)

130. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

131. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, negligently failed to provide prompt and adequate medical care to Plaintiff after he was illegall arrested, beaten and injured.

132. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, as employer of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE

POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

133. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

ELEVENTH COUNT
(Common Law False Arrest/Imprisonment)

134. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

135. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, acting in their individual and official capacity as **BLOOMFIELD POLICE OFFICERS** and within the scope of their employment, wrongfully and without justification or probable cause, arrested, detained, and/or imprisoned Plaintiff against his will.

136. Defendants' wrongful detention of Plaintiff prevented him from seeking and obtaining timely medical attention resulting in pain and suffering.

137. Defendants **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, as employer of Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND,**

JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

138. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

TWELFTH COUNT

(New Jersey Law Against Discrimination (LAD),
N.J. S. A 10:5-2, et seq.)

139. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

140. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, discriminated against Plaintiff on the basis of his race by, among other things, engaging in unlawful racial profiling.

141. Through this conduct, Defendants violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-2, et seq.

142. Defendants **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, as employers of Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and**

JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent superior, LAD, and the New Jersey Tort Claims Act, N.J.S.A. 59-2-2, et seq.

143. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

THIRTEENTH COUNT
**(Negligent Hiring/Training/Supervision/Retention
of Employment Services)**

144. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

145. Defendants **SCHWINDT, GOUL, WIEGRAND, JOHN DOE CHIEFS and SUPERVISORS 21-40**, as supervisory personnel in the **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, owed a duty of care to Plaintiff to prevent the conduct alleged, which foreseeably caused his injuries.

146. Upon information and belief, the supervisory Defendants, acting in their individual and official capacities as employees of **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, and within the scope of their employment, through their negligence, recklessness and deliberate indifference in screening, hiring, training, disciplining, supervising, and retaining the individual Defendants, proximately caused Plaintiff **MARCUS JETER'S** injuries.

147. Defendants **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, as employer of Defendants **COURTER, SUTTERLIN, TRINIDAD**,

ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent superior, and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

148. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

FOURTEENTH COUNT

(Violation of the New Jersey Civil Rights Act
- N.J.S.A. 10:6-1 to 2)

149. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

150. Based on the aforesaid conduct, Defendants **TRINIDAD, COURTER, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, JANE DOES 41-60, and XYZ COMPANY/CORPORATION 1-10**, acting under color of law, deprived and interfered with by the use of excessive and deadly force, intimidation or coercion, the exercise or enjoyment by Plaintiff **MARCUS JETER** of the rights guaranteed to him by the New Jersey Constitution including, but not limited to:

- a) The right to enjoy and defend life and liberty;
- b) The right to pursue and obtain safety and happiness;

- c) The right to due process of law;
- d) The right to equal protection of the laws;
- e) The right to be secure from unreasonable searches and seizures;
- f) The right to any other natural and unalienable right retained by the people;
- g) The right to privacy; and
- h) The right to be free of cruel and unjust punishment.

151. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

FIFTEENTH COUNT
(Negligence - Defendant Trinidad)

152. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

153. At the same time and place, Defendant **TRINIDAD**, was the operator of the vehicle owned by Defendant **TOWNSHIP OF BLOOMFIELD** and/or **BLOOMFIELD POLICE DEPARTMENT**.

154. Defendant **TRINIDAD**, operated, controlled, and maintained his vehicle in such a reckless, careless and negligent manner as to cause a collision in which Plaintiff was injured.

155. The accident in question occurred as a direct, proximate result of the careless, inattentive, reckless and negligent conduct of Defendant **TRINIDAD**.

156. Defendant **TRINIDAD** operated said vehicle on said occasion in violation of the motor vehicle laws of the State of New Jersey.

Defendant **PROGRESSIVE INSURANCE COMPANY** for Personal Injury Protection ("PIP") benefits and reimbursement of his lost wages plus cost of suit and attorney's fees.

NOTICE PURSUANT TO RULES 1:5-1 (A) AND 4:17

Take notice that the undersigned attorneys, counsel for the Plaintiff, hereby demands pursuant to Rules 1:5-1 (a) and 4:17 ©, that each party herein serving pleadings and interrogatories and receiving answers thereto, serves copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and take notice that this is a continuing demand.

REQUEST FOR DISCOVERY OF INSURANCE

Demand is hereby made that each Defendants respond to the Request for Discovery of Insurance attached herein.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that attorneys Maurice Snipes, Esquire and Tracey C. Hinson, Esquire, are hereby designated as trial counsel in the above-captioned litigation for the firm of Hinson Snipes, LLP.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff demands a trial by jury as to all issues so triable.

157. As a direct and proximate result of the negligence of the Defendant **TRINIDAD**, Plaintiff, **MARCUS JETER**, suffered and sustained serious, severe, disabling and permanent injuries which required the care and treatment of physicians, hospitalization and medication, have and will in the future be caused to obtain medical treatment, and have will in the future be caused to refrain from his daily activities and normal pursuits.

SIXTEENTH COUNT

158. Plaintiff, **MARCUS JETERS**, repeats the allegations contained in the First, and Second Counts as though more fully set forth at length.

159. At the time of the accident, **MR. JETER**, was the driver of a vehicle owned by Tanisha Killian, which maintained automobile insurance with Defendant **PROGRESSIVE INSURANCE COMPANY**, under policy number 66426520-3, which provided for payment of Personal Injury Protection ("PIP") Benefits as well as payment for lost wages.

160. Demand has been made of Defendant **PROGRESSIVE INSURANCE COMPANY** for payment of Plaintiff's continuing medical expenses and lost wages.

161. In direct breach of its contractual obligations, Defendant **PROGRESSIVE INSURANCE COMPANY** has failed to provide PIP coverage to Plaintiff and has failed to pay Plaintiff's continuing medical bills and lost wages.

WHEREFORE, Plaintiff **MARCUS JETER** demands judgment against

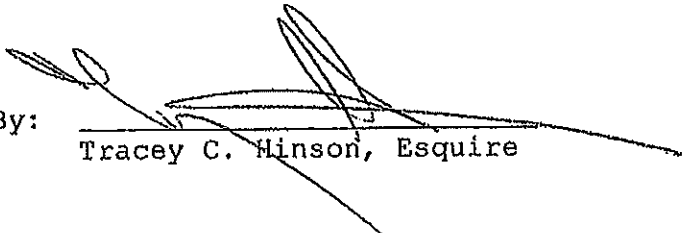
NOTICE OF UTILIZATION OF TIME-UNIT BASIS

PLEASE TAKE NOTICE Plaintiff intends to utilize the time-unit basis for calculating unliquidated damages in Plaintiff's closing statement to the jury and the Court.

HINSON SNIPES, LLP

Attorneys for Plaintiff

By:


Tracey C. Minson, Esquire

Dated: June 5, 2014

JUN 13 2014

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for Initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA	CHG/CK NO.
ATTORNEY / PRO SE NAME TRACEY HINSON, ESQUIRE		TELEPHONE NUMBER (609) 452-7333	COUNTY OF VENUE Essex ☒
FIRM NAME: (if applicable) HINSON SNIPES, LLP		DOCKET NUMBER (when available) ESX-L- 4088-14- ~~15~~	
OFFICE ADDRESS 116 VILLAGE BLVD., SUITE 307 PRINCETON, NJ 08540		DOCUMENT TYPE COMPLAINT	
		JURY DEMAND ☒ YES ☐ NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) MARCUS JETTER		CAPTION MARCUS JETER V. TOWNSHIP OF BLOOMFIELD	
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-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 FOR WARRANT, INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY REQUESTED ACCOMMODATION	
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 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA OHS/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____		
	Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed				
	ATTORNEY / PRO SE NAME TRACEY C. HINSON, ESQUIRE		TELEPHONE NUMBER (609) 452-7333	COUNTY OF VENUE Essex ☒	
	FIRM NAME (if applicable) HINSON SNIPES, LLP		DOCKET NUMBER (when available) ESX-L-4088-14		
OFFICE ADDRESS PRINCETON FORRESTAL VILLAGE 116 VILLAGE BLVD. SUITE 307 PRINCETON, NJ 08540			DOCUMENT TYPE AMENDED COMPLAINT JURY DEMAND ☒ YES ☐ NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) MARCUS JETER		CAPTION MARCUS JETER V. TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT ET. AL.			
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-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			
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 Rule 1:38-7(b).					
ATTORNEY SIGNATURE: _____					

HINSON SNIPES, LLP
Princeton Forrestal Village
116 Village Boulevard, Suite 307
Princeton, New Jersey 08540
By: Tracey C. Hinson, Esquire
Attorney ID#: 034542002
(609) 452-7333 - Fax (609) 452-7332
Attorney for Plaintiff Marcus Jeter

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX COUNTY
2014 JUN 24 P 12:14
RECEIVED
JUL 1 2014
FILED

MARCUS JETER, : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION - ESSEX COUNTY
Plaintiff, : DOCKET NO. ESX-L-4088-14
 :
vs. : Civil Action
 :
TOWNSHIP OF BLOOMFIELD, BLOOMFIELD: AMENDED COMPLAINT AND JURY
POLICE DEPARTMENT, ORLANDO : DEMAND
TRINIDAD, in his Individual and :
Official capacity, SEAN COURTER, :
in his Individual and Official :
capacity, ALBERT SUTTERLIN, in his :
Individual and Official capacity, :
THOMAS ICOLARI, in his Individual :
and Official capacity, DEVIA LOPEZ: :
in her Individual and Official :
capacity, LT. SEAN SCHWINDT, in :
his Individual and Official :
capacity, SGT. JOHN SERCHIO, in :
his Individual and Official :
capacity, LT. MICHAEL COFONE, in :
his Individual and Official :
capacity, CHIEF CHRIS GOUL, in his: :
Individual and Official capacity :
capacity, CAPT. GLEN WIEGAND, in :
his Individual and Official :
capacity, JOHN DOE POLICE OFFICERS: :
1-20, in their and Official :
capacity, (names being fictitious) :
JOHN DOE CHIEFS and SUPERVISORS :
21-40, in their Individual and :
Official capacity (Names being :
fictitious), JOHN DOE PROSECUTORS,: :
in their Individual and Official :
capacity (Names being fictitious), :
JANE DOES 40-60, in their :
Individual and Official capacity :
(names being fictitious) XYZ :
PUBLIC ENTITY, COMPANY/CORPORATION: :
1-10 (names being fictitious) and :
PROGRESSIVE INSURANCE COMPANY, :
 :
 :
Defendants. :

Plaintiff, **MARCUS JETER** ("MR. JETER" or **PLAINTIFF**"), residing at 91 Passaic Avenue, in the City of Bloomfield, County of Essex and State of New Jersey, by way of complaint against Defendants says:

PRELIMINARY STATEMENT

1. On June 7, 2012, at approximately 11:00 p.m., **MR. JETER** got into a heated argument with his girlfriend Tanisha Killian at their home. Defendants **SEAN COURTER** ("COURTER") and **ALBERT SUTTERLIN** ("SUTTERLIN"), members of Defendant **BLOOMFIELD POLICE DEPARTMENT**, responded to the home. Neither **MR. JETER** nor Ms. Killian was arrested and **MR. JETER** left their home after speaking to Defendant **COURTER** who made no attempt to stop him from leaving.

2. **MR. JETER** was traveling southbound on the Garden State Parkway in the City of Bloomfield, New Jersey when he noticed flashing lights and two police cruisers behind him. Believing he was being pulled over, **MR. JETER** brought his vehicle to a complete stop, turned off the ignition and rolled his driver and passenger side windows down. Defendants **COURTER** and **SUTTERLIN** had followed his vehicle after he left his home. However, **COURTIER** and **SUTTERLIN** made no attempt to pull **MR. JETER** over prior to when **MR. JETER** noticed the flashing lights behind him. Dash-cam video of the incident clearly shows **MR. JETER** pulling over and stopping on the highway.

3. Upon stopping, Defendants **COURTER** and **SUTTERLIN**, exited their vehicles and ran toward **MR. JETER'S** vehicle with their guns drawn. Pointing their guns at him, they yelled at him to get out of the car. Shocked, confused and in fear for his life, **MR. JETER** immediately threw his hands into the air and repeatedly stated that he had done nothing wrong. A second dash-cam video shows another squad car, operated by Defendant **ORLANDO TRINIDAD ("TRINIDAD")**, drive across the median into oncoming traffic and violently slammed into the front of **MR. JETER'S** vehicle while **MR. JETER** was still in the vehicle parked on the side of the highway. The force of the impact caused **MR. JETER** to hit his head on the steering wheel. Defendant **COURTER** then smashed the driver's side window of **MR. JETER'S** vehicle with his baton shattering glass all over **MR. JETER**. Defendant **COURTER** then unlocked the door and punched **MR. JETER** in the face.

4. **MR. JETER'S** hands remained in the air as Defendant **COURTER** attempted to remove his seatbelt while punching him repeatedly in his face. Upon information and belief, Defendant **COURTER** can be heard on the dash-cam video yelling "stop trying to take my gun, stop resisting arrest." At this time, the dash-cam video shows **MR. JETER** with his hands in the air. Defendants **COURTER**, **SUTTERLIN** and **TRINIDAD** then violently dragged **MR. JETER** from his vehicle and slammed him to the ground where they continued to physically assault him as **MR. JETER** pleaded with the officers that he was not resisting and had done nothing wrong.

5. The unlawful stop and physical assault of MR. JETER was unprovoked, unlawful and unjustified. Dash-cam video shows MR. JETER with his hands up, not resisting, as Defendants continued hitting him and shouting "stop resisting." One officer can be heard yelling "stop reaching for my gun, get your hands off my gun, he has my gun." All this while MR. JETER had his hands in the air and while he was handcuffed on the ground.

6. The beating and use of excessive force used on MR. JETER by the officers and the subsequent cover up of the incident by Defendant TOWNSHIP OF BLOOMFIELD and the Defendant BLOOMFIELD POLICE DEPARTMENT, including but not limited to the concealment of a second dash-cam video, was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training, supervision and discipline of Bloomfield Police Officers, including the individual named Defendants, that began long before the physical assault of MR. JETER and continue to this day.

7. Upon information and belief, Defendant TOWNSHIP OF BLOOMFIELD acting through its Police Department, developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of unlawfully arresting individuals, without reasonable suspicion or probable cause, and the use of excessive force and malicious prosecution of innocents persons.

8. MR. JETER was arrested and charged with eluding, attempt to disarm a police officer, aggravated assault and resisting arrest. MR. JETER was maliciously prosecuted and faced five years

in prison until the second dash-cam video surfaced which contradicted Defendants **COURTER**, **SUTTERLIN** and **TRINIDAD** version of the events that transpired and completely exonerated **MR. JETER**. No mention of the third squad car or the second dash-cam video was made in any of the official reports of the incident prepared by Defendants. Nor was the videotape turned over to Prosecutors as Defendants pursued their relentless prosecution of **MR. JETER**. Defendants collectively engaged in a massive coverup of the true nature of the incident and deliberately withheld the crucial dash-cam video from Prosecutors and **MR. JETER'S** criminal defense lawyer. Once the dash-cam video surfaced, all charges against **MR. JETER** were dismissed.

9. This Complaint, arising from these tragic, egregious, outrageous and unlawful acts, seeks compensatory and punitive damages and other relief pursuant to applicable state and federal civil rights law, specifically for the violation of **MR. JETER'S** rights, privileges and immunities as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and in violation of U.S.C. § 1983 and § 1988. Claims on behalf of **MR. JETER** is also brought pursuant to N.J.S.A. 59:8-1 et seq., among other common law and statutory rights. **MR. JETER** seeks to vindicate his right to be free of unlawful search, seizure, arrest, malicious prosecution and use of illegal and excessive force by Defendants.

THE PARTIES

10. Plaintiff **MARCUS JETER**, is an African American male and

a citizen of the United States. He was and is, at all times relevant hereto, a resident of the State of New Jersey, Essex County.

11. Defendant **TOWNSHIP OF BLOOMFIELD** ("**TOWNSHIP OF BLOOMFIELD**" or "**TOWNSHIP**"), is a municipal corporation duly incorporated and authorized under the laws of the State of New Jersey. The **TOWNSHIP** is authorized under the laws of the State of New Jersey to maintain a police department, the **BLOOMFIELD POLICE DEPARTMENT**, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The **TOWNSHIP** assumes the risks incidental to the maintenance of its police force and the employment of its police officers.

12. Defendant **TOWNSHIP OF BLOOMFIELD** was, at all times relevant, responsible for policy making and the hiring, supervision, training, control and retention of the individually named Defendants.

13. Defendant **TRINIDAD**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

14. Defendant **COURTER**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

15. Defendant **SUTTERLIN**, is and was, at all times

relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

16. Defendant **THOMAS ICOLARI ("ICOLARLI")**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

17. Defendant **DEVIA LOPEZ ("LOPEZ")**, is and was, at all times relevant, an officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. She is sued in her individual and official capacity.

18. Defendant **LIEUTENANT SEAN SCHWINDT ("SCHWINDT")** is and was, at all times relevant, a Lieutenant, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

19. Defendant **SERGEANT JOHN SERCHIO ("SERCHIO")**, is and was, at all times relevant, a Sergeant, officer, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**, assigned to the Internal Affairs Division. He is sued in his individual and official capacity.

20. Defendant **LIEUTENANT MICHAEL COFONE ("COFONE")** is and was, at all times relevant, a Lieutenant, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of

Defendant **TOWNSHIP OF BLOOMFIELD**, assigned to the Internal Affairs Division. He is sued in his individual and official capacity.

21. Defendant **CHIEF CHRIS GOUL ("GOUL")**, was, at all times relevant, a Chief, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

22. Defendant **CAPTAIN GLEN WIEGAND ("WIEGAND")** is and was, at all times relevant, a Captain, employee, and agent of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**. He is sued in his individual and official capacity.

23. Defendants **JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS AND SUPERVISORS 21-40, JOHN DOE PROSECUTORS 41-60, JANE DOES 61-80** and **XYZ COMPANY/CORPORATION 1-10** is and were, at all times relevant, officers, lieutenants, chiefs, captains, supervisors, directors, officers, principals, partners, employees, boards, board members, representatives or agents of Defendant **BLOOMFIELD POLICE DEPARTMENT**, a municipal agency of Defendant **TOWNSHIP OF BLOOMFIELD**, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting in the capacity of agents, servants, and employees of Defendants **TOWNSHIP OF BLOOMFIELD** and **BLOOMFIELD POLICE DEPARTMENT**, and any other individual, entity, company, or corporation, whose actual identities are presently unknown, who were acting within the scope of their employment and whose actions assisted and/or contributed

to the unlawful, unconstitutional and tortious conduct that result in MR. JETER'S injuries and damages. They are sued in their individual and official capacities.

24. Defendants TRINIDAD, COURTER, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, were at all times relevant, on duty with Defendant BLOOMFIELD POLICE DEPARTMENT, on June 7, 2012.

25. At all times relevant herein, Defendants TRINIDAD, COURTER, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, were acting under the color of state law in the course and scope of their duties and functions as agents, employees and officers of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT in engaging in the conduct described herein.

26. At all times relevant herein, the individual Defendants acted for and on behalf of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT with the power and authority vested in them as officers, agents and employees of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT and incident to the pursuit of their duties as officers, employees and agents of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT.

FACTUAL ALLEGATIONS

27. On June 7, 2012, MR. JETER and his girlfriend Tanisha

Killian got into a heated argument during which Ms. Jillian requested Plaintiff leave their residence. Ms. Jillian's younger sister placed a call to Defendant BLOOMFIELD POLICE DEPARTMENT.

28. MR. JETER exited his residence through the back door.

29. MR. JETER entered his green 1996 Ford Explorer and proceeded down the driveway. As he came down the driveway, he noticed two officers, Defendants COURTER and SUTTERLIN standing at the front steps speaking to Ms. Killian.

30. Upon information and belief, Defendant COURTER motioned for MR. JETER to stop. MR. JETER came to a complete stop and rolled his driver's side window down.

31. After inquiring if MR. JETER was okay, to which MR. JETER responded yes, Defendant COURTER inquired about a noise coming from the vehicle. MR. JETER explained his tire was going flat and he was leaving to fix it.

32. Defendant COURTER turned away toward the doorstep where Ms. Killian was standing. MR. JETER asked if it was "okay" to leave to which Defendant COURTER responded "okay."

33. MR. JETER proceeded out the driveway and made a left turn onto West Passaic Avenue. He then made a right onto Broad Street then drove through the McDonald's entrance and entered the Garden State Parkway south.

34. As he drove south, MR. JETER noticed flashing lights and observed two police cruisers behind his vehicle. Believing he was being pulled over, MR. JETER pulled over to the shoulder of the

parkway, placed his car in park, turned off the ignition, rolled the two front windows down and waited for the officers to approach his vehicle. In the process of pulling over, MR. JETER'S tire went completely flat.

35. Defendants COURTER and SUTTERLIN exited their vehicle and ran toward MR. JETER'S vehicle with guns drawn.

36. Defendant COURTER approached the driver's side of MR. JETER'S vehicle with his handgun pointed at MR. JETER.

37. Defendant SUTTERLIN approached the passenger side of MR. JETER'S vehicle with a shotgun pointed at MR. JETER.

38. Caught by surprise and fearing he was going to be shot, MR. JETER immediately threw his hands in the air, dropping his phone on the center console in the process.

39. Defendants COURTER and SUTTERLIN, in a loud and aggressive manner yelled at Plaintiff to "get the fuck out the car now." "Get out of the fucking car."

40. Terrified for his life, MR. JETER repeatedly stated he had done nothing wrong and repeatedly begged the officers "not to shoot."

41. MR. JETER then observed another police cruiser, operated by Defendant TRINIDAD, traveling on the northbound side of the Garden State Parkway.

42. Without warning, provocation or justification, Defendant TRINIDAD crossed the median between the north and south bound lanes, swerved into oncoming traffic, and, at a high rate of speed,

violently slammed into the front of Plaintiff's vehicle, injuring Plaintiff and causing Plaintiff's head to strike the steering wheel.

43. Defendant COURTER busted the driver's side window of Plaintiff's vehicle shattering glass all over MR. JETER face and arms.

44. MR. JETER sat dazed, confused and in shock while Defendant COURTER unlocked and opened the driver's side door. Without provocation or justification, Defendant COURTER reached in and punched MR. JETER on the left side of his face busting MR. JETER'S lip and causing him to become dizzy.

45. Defendant COURTER reached over to unlock MR. JETER'S seatbelt and in the process used his elbow to continuously strike MR. JETER in his jaw while MR. JETER cried for help and ask "why are you hitting me"? Defendant COURTER told him to "shut the fuck up" as he continued to strike him with his elbow.

46. As Defendant COURTER continued to strike MR. JETER and, amidst his cries for help, he looked up and observed that Defendant SUTTERLIN was still standing outside, watching with his shotgun pointed at Plaintiff.

47. The Defendant Officers targeted, followed and assaulted MR. JETER in part based on racial animus and racial profiling.

48. MR. JETER committed no crime.

49. MR. JETER was an unarmed and innocent person.

50. MR. JETER presented no threat and posed no danger to

Defendants or the public.

51. MR. JETER did not engage in any action that justified the unlawful stop and excessive use of any force by Defendants COURTER, SUTTERLIN OR TRINIDAD.

52. MR. JETER was traumatized, terrified, feared for his life, and thought he was going to die.

53. Defendant COURTER drew his firearm without provocation or cause.

54. Defendant SUTTERLIN drew his weapon without provocation or cause.

55. Defendant COURTER, SUTTERLIN and TRINIDAD continued to strike MR. JETER without warning, provocation or cause.

56. Defendant TRINIDAD struck MR. JETER'S vehicle with his patrol car without warning, provocation or cause.

57. Defendants LOPEZ and ICOLARI were secondary officers who were present at the scene and who conspired with Defendants COURTER, SUTTERLIN and TRINIDAD to violate MR. JETER'S constitutional rights. These officers had a duty to intervene but failed to prevent the unwarranted and illegal arrest and use of excessive force on MR. JETER.

58. While clearly not resisting arrest and obeying the officers commands, MR. JETER was struck multiple times all over his body, including but not limited to his head, face and back and sustained multiple injuries which required medical attention.

59. Before the physical assault on MR. JETER, Defendants

COURTER, SUTTERLIN and TRINIDAD failed to give proper commands or any warning that they were ready to use excessive force.

60. The unlawful stopping, assault and arrest of MR. JETER was without provocation, legal authority or justification.

61. The unlawful stopping, assault, arrest and malicious prosecution of MR. JETER and resulting coverup by Defendants COURTER, TRINIDAD, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, JANE DOES 40-60, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, caused severe, disabling, and permanent physical injuries which required the care and treatment of physicians, hospitalization and medication, have and will in the future require medical treatment, and have and will in the future cause him to refrain from his daily activities and normal pursuits.

62. The unlawful stopping, assault, arrest, and malicious prosecution by Defendants COURTER, TRINIDAD, SUTTERLIN, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, JANE DOES 40-60, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT caused MR. JETER to suffer severe and permanent psychological and emotional distress, mental anguish, degradation and public humiliation.

63. The unlawful arrest, assault and malicious prosecution of MR. JETER by Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI,

LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, JANE DOES 40-60, TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT caused MR. JETER to suffer economic damages and resulted in MR. JETER having to hire a lawyer to defend himself against the false charges

64. Plaintiff MARCUS JETER was deprived of his liberty.

65. After physically assaulting and injuring MR. JETER, Defendants COURTER, SUTTERLIN and TRINIDAD, failed to perform first aid on Plaintiff.

66. After the physical assault that injured MR. JETER, Defendants refused to provide medical care or take reasonable steps to ensure prompt medical attention for MR. JETER.

67. Instead of being rendered medical aid, MR. JETER, an innocent person, was handcuffed and unlawfully arrested without justification or probable cause.

68. Instead of providing prompt first aid to MR. JETER and/or seek emergency medical assistance for him, Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, along with members of Defendant BLOOMFIELD POLICE DEPARTMENT (whose identities are currently unknown), engaged in a massive conspiracy to cover up the misconduct of Defendants COURTER, SUTTERLIN and TRINIDAD.

69. MR. JETER was eventually transported to Clara Maas Medical Center under arrest more than 14 hours after he was unlawfully arrested and assaulted by Defendants COURTER, SUTTERLIN

and TRINIDAD.

70. Despite knowing of the existence of the second dash-cam video completely exonerating MR. JETER, Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, unlawfully withheld the existence of the videotaped from Prosecutors and MR. JETER'S criminal counsel and continued to maliciously prosecute MR. JETER.

71. Despite knowing of the existence of the second dash-cam video Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, conspired to conceal the true nature of the incident by unlawfully creating false reports of the incident and withholding the existence of the videotape from Prosecutors and MR. JETER'S criminal defense counsel.

72. Despite knowing of the existence of the second dash-cam video which completely exonerated and which clearly showed official misconduct by Defendants COURTER, SUTTERLIN, and TRINIDAD, an Internal Affairs investigation into the incident conducted by Defendants SERCHIO, COFONE and BLOOMFIELD POLICE DEPARTMENT Internal Affairs department found no wrong doing by Defendants COURTER, SUTTERLIN and TRINIDAD. Upon information and belief, these officers were suspended without pay.

73. On April 5, 2013, all charges were dismissed against MR. JETER by the Essex County Prosecutor once the second dash-cam video was provided to Prosecutors. The Prosecutor found the footage from the dash-cam contradicted the officers version of events and completely exonerated MR. JETER.

74. Upon information and belief, Defendants COURTER, SUTTERLIN and TRINIDAD were charged with official misconduct, tampering with public records, false documents and false swearing by the Essex County Prosecutor.

75. Upon information and belief, Defendant SUTTERLIN pled guilty to tampering and was allowed to retire with his full pension and benefits.

76. Upon information and belief, Defendants COURTER and TRINIDAD were indicted by an Essex County Grand Jury on charges of conspiracy and official misconduct. Defendant TRINIDAD was also indicted on assault charges.

FIRST COUNT
PATTERN AND PRACTICE ALLEGATIONS
(Municipal and Governmental Liability)

77. Members of Defendant BLOOMFIELD POLICE DEPARTMENT and Police Officers employed by Defendant TOWNSHIP OF BLOOMFIELD, have a documented history of aggressive police practices, including falsifying reports, sham Internal Affairs investigations, engaging in coverups, unlawful arrests, malicious prosecution, and use of excessive force against the public and minorities.

78. Prior to and after the unprovoked use of excessive force

against MR. JETER on June 7, 2012, there were other incidents of unjustified use of force, false arrest, coverups, and malicious prosecution by Police Officers employed by Defendants BLOOMFIELD POLICE DEPARTMENT and the TOWNSHIP OF BLOOMFIELD.

79. Specifically, a few days after the incident involving MR. JETER, Byszheir Jones and his best friend Travis Miller, African-American males, were arrested and charged by Bloomfield Police Officers, including Defendant TRINIDAD, with armed robbery, assault, conspiracy to commit robbery, theft and possession of a weapon. Both faced 17-35 years in prison if found guilty. Several alibi witnesses swore the men had been at a pool party at the time of the incident. The charges were later mysteriously dismissed by the Essex County Prosecutor's Office.

80. On October 2, 2010, Plainfield Police Officer Martesse Gilliam, an African-American male, was assaulted, beaten and arrested by several Bloomfield Police Officers in the parking lot of a Bloomfield night spot. He was later acquitted by an Essex County Grand Jury of aggravated assault on the officers and resisting arrest.

81. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, through its internal affairs department and its police officers, has engaged in past practices and policy of exhibiting deliberate indifference to complaints of violations of constitutional rights by citizens such as MR. JETER, against police officers who were employed by or act as agents of Defendants

TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT. Defendants' scandal plagued internal affairs department is a complete sham, and, as such, creates an environment wherein officers believe they can act unlawfully without any repercussions or discipline. Such past policy and practice are directly linked to the violation of the constitutional rights of MR. JETER because such past policy and practice encourage violations by police officers such as the individually named Defendants.

82. Defendants, collectively and individually, while acting under the color of law, engaged in conduct that constituted a custom, policy, usage, practice, procedure or rule of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, which is forbidden by the New Jersey State Constitution.

83. The aforementioned customs, policies, usages, practices, procedures and rules of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT and its police officers included the assault, battering, false arrest and malicious prosecution of MR. JETER and other innocent citizens, conspiracy to deprive MR. JETER of his civil rights, creation of false reports, withholding of evidence and cover up.

84. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT engaged in a policy, custom and practice of inadequate screening, hiring, retaining, training and supervising its employees, which was the moving force behind the violation of MR. JETER'S rights described herein.

85. As a result of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT failure to properly screen, hire, retain, train, supervise, and discipline their employees, Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT explicitly and implicitly authorized, ratified and condoned Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 illegal conduct, and has been deliberately indifferent to the acts and conduct complained of herein.

86. The foregoing customs, policies, usages, practices, procedures and rules constitute deliberate indifference to the safety, well-being and State constitutional rights of MR. JETER and was the direct and proximate cause and the moving force of the constitutional violations suffered by MR. JETER.

87. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, by and through its employees, including the Defendants named above, provided grossly deficient training and supervision to its Police Officers, including the individual named Defendants, concerning for example, the use of excessive force, false arrest and malicious prosecution, despite actual and/or constructive notice that officers were improperly trained and violating minimally accepted police practices.

88. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, failed to investigate misconduct on the part of their

Police Officers, prior to and including in this case.

89. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT were negligent and/or reckless in their hiring and retention of Police Officers, including the individual named Defendants.

90. On August 31, 2012, a written Notice of Claim was served, via hand-delivery, upon Defendants TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT.

91. At least six months have elapsed since the service of the Notice of Claim, and adjustment or payment of the claim has been neglected or refused.

92. All the acts and omissions committed by Defendants described herein for which liability is claimed were done intentionally, unlawfully, maliciously, wantonly, recklessly, negligently and/or with bad faith, and said acts meet all of the standards for imposition of punitive damages.

93. All the acts and omissions committed by Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, described herein for which liability is claimed were conducted in their individual and official capacities.

SECOND COUNT

(42 U.S.C. § 1983 Unreasonable and Excessive Force)

94. Plaintiff MARCUS JETER, repeats and re-alleges the foregoing paragraphs of the Complaint as if same were fully set

forth at length herein.

95. Defendants COURTER, SUTTERLIN and TRINIDAD'S careless, negligent, reckless and intentional acts of assaulting MR. JETER and the use of unreasonable and excessive force against him without justification or provocation, showed deliberate indifference for the life and safety of Plaintiff MARCUS JETER.

96. Defendants LOPEZ and ICOLARI'S negligent, careless, reckless and intentional act of conspiring with Defendants COURTER, SUTTERLIN and TRINIDAD to use excessive force and/or their failure to intervene and prevent the unlawful arrest and use of excessive force, showed deliberate indifference for the life and safety of Plaintiff MARCUS JETER.

97. By their conduct, Defendants COURTER, SUTTERLIN, TRINIDAD, LOPEZ and ICOLARI deprived MR. JETER of his right to be free from excessive and unreasonable force under the Fourth and Fourteenth Amendment of the United States Constitution.

98. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

THIRD COUNT

(42 U.S.C. § 1983 False Arrest/Imprisonment)

99. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

100. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ,

SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 acted recklessly and/or intentionally by falsely arresting and imprisoning MR. JETER, who was innocent of any wrongdoing, and preventing him from receiving prompt medical attention.

101. By their conduct, Defendants, under color of state law, deprived MR. JETER of his right to be free from unreasonable seizure under the Fourth and Fourteenth Amendments to the United States Constitution.

102. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

FOURTH COUNT

(42 U.S.C. § 1983 Deliberate Indifference to
Medical Needs)

103. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

104. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, under color of state law, failed to provide medical assistance and/or interfered in the efforts of others to provide medical assistance to Plaintiff MARCUS JETER, while he was in their custody, with deliberate indifference to Plaintiff's medical needs and in

violation of Plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution.

105. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

FIFTH COUNT

(42 U.S.C. § 1981, 1983 Racial Discrimination)

106. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

107. By reason of the foregoing, Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, violated 42 U.S.C. § 1981, § 1983 and the Fourteenth Amendment of the United States Constitution by depriving Plaintiff of his constitutional rights with racial animus.

108. Because of Plaintiff's race, Defendants **COURTER, SUTTERLIN** and **TRINIDAD**, under color of state law, improperly racially profiled, targeted, approached, assaulted and falsely arrested Plaintiff, violating his constitutional rights in the manner previously alleged.

109. Defendants **COURTER, SUTTERLIN** and **TRINIDAD** conduct was knowingly undertaken with the intent to deny Plaintiff his right to

full and equal protection of the law.

110. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

SIXTH COUNT
(42 U.S.C. § 1983 Conspiracy)

111. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

112. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten, and intimidate Plaintiff in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to him by the United States Constitution, including the right to be free from the intentional use of unreasonable force; the right to be free from the delay and denial of medical attention; the right to be free from unnecessary and wanton infliction of pain; the right to be free from malicious prosecution, and the right not to be deprived of his liberty without due process of law.

113. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ,**

SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 took numerous overt steps in furtherance of such conspiracy, as set forth above.

114. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

SEVENTH COUNT

(42 U.S.C. § 1985(3) Conspiracy with Racial Animus)

115. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

116. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten and intimidate Plaintiff in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to him by the United States Constitution.

117. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN**

DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, took numerous overt steps in furtherance of such conspiracy, as set forth above.

118. The conduct of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 was motivated by racial animus and by their desire to injure, oppress, threaten, and intimidate Plaintiff because of his race.

119. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

EIGHTH COUNT

(42 U.S.C. § 1983 Supervisor Liability)

120. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

121. Defendants TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT had a duty to properly supervise their employees and failed to do so.

122. Defendants SCHWINDT, GOUL, WIEGRAND, JOHN DOE CHIEFS and SUPERVISORS 21-40 was, at all relevant times, supervisory personnel in the TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, with oversight responsibility for Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, COFONE, JOHN DOE POLICE OFFICERS

1-20, and others. They were responsible for the training, instruction, supervision, and discipline of the officers who violated MR. JETER'S constitutional rights in the manner described above.

123. Defendants SCHWINDT, GOUL, WIEGRAND, JOHN DOE CHIEFS and SUPERVISORS 21-40, as supervisory personnel in the TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, owed a duty of care to Plaintiff to prevent the conduct alleged, which foreseeably caused his injuries.

124. These Defendants knew, or in the exercise of due diligence should have known, that the inappropriate, unlawful and tortuous conduct of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, COFONE, and JOHN DOE POLICE OFFICERS 1-20, against Plaintiff was likely to occur.

125. These Defendants failed to take preventive and remedial measures to guard against the constitutional violations committed by Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, COFONE and JOHN DOE POLICE OFFICERS 1-20. Had they taken appropriate action, Plaintiff would not have been falsely arrested, assaulted, injured and maliciously prosecuted.

126. The failure of these Defendants to train, supervise and discipline Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SERCHIO, COFONE and JOHN DOE POLICE OFFICERS 1-20, amounted to gross negligence, deliberate indifference, or intentional misconduct which directly caused the deprivations suffered by

Plaintiff.

127. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, as employer of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40 and JANE DOES 40-60, is responsible for their wrongdoing under the doctrine of respondent superior, and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

128. As a direct and proximate result of Defendants TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT failure to supervise Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

NINTH COUNT

(Common Law Assault and Battery)

129. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

130. In assaulting and injuring Plaintiff, Defendants COURTER, SUTTERLIN and TRINIDAD, acting in their individual and official capacity as BLOOMFIELD POLICE OFFICERS and within the scope of their employment, committed an unlawful and unwarranted

assault and battery upon Plaintiff.

131. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT, as employer of Defendants COURTER, SUTTERLIN and TRINIDAD, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

132. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

TENTH COUNT
(Malicious Prosecution)

133. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

134. Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 acting in their individual and official capacity as employees of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT and, within the scope of their employment, falsely arrested and maliciously prosecuted MR. JETER, an innocent person.

135. Defendants SCHWINDT, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, and JOHN DOE CHIEFS and SUPERVISORS 21-40, are responsible for the officers' wrongdoing

under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

136. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

ELEVENTH COUNT

(Common Law Negligence - Provision of Medical Care)

137. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

138. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, acting in their individual and official capacity as **BLOOMFIELD POLICE OFFICERS** and within the scope of their employment, negligently failed to provide prompt and adequate medical care to **MR. JETER** after he was illegally arrested, beaten and injured.

139. Defendants **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, as employer of Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

140. As a direct and proximate result of Defendants'

misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

TWELFTH COUNT
(Common Law False Arrest/Imprisonment)

141. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

142. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, acting in their individual and official capacity as **BLOOMFIELD POLICE OFFICERS** and within the scope of their employment, wrongfully and without justification or probable cause, falsely arrested, detained, and/or imprisoned **MR. JETER** against his will.

143. Defendants' false arrest and imprisonment of Plaintiff prevented him from seeking and obtaining timely medical attention resulting in pain and suffering.

144. Defendants **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, as employer of Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, are responsible for their wrongdoing under the doctrine of respondent superior and the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

145. As a direct and proximate result of Defendants'

misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

THIRTEENTH COUNT
(New Jersey Law Against Discrimination (LAD),
N.J. S. A 10:5-2, et seq.)

146. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

147. Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, discriminated against Plaintiff on the basis of his race by, among other things, engaging in unlawful racial profiling.

148. Through this conduct, Defendants violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-2, et seq.

149. Defendants **TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT**, as employers of Defendants **COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE POLICE OFFICERS 1-20, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60**, is responsible for their wrongdoing under the doctrine of respondent superior, LAD, and the New Jersey Tort Claims Act, N.J.S.A. 59-2-2, et seq.

150. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS**

JETER sustained the damages hereinbefore alleged.

FOURTEENTH COUNT
(Negligent Hiring)

151. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

152. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT were responsible for the recruiting, hiring, training and ongoing supervision of the officers of Defendant BLOOMFIELD POLICE DEPARTMENT.

153. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT had a duty to properly ascertain their police officers' fitness to become police before they were hired as officers of Defendant BLOOMFIELD POLICE DEPARTMENT.

154. Upon information and belief, Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT failed to properly determine the fitness of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 to be hired as police officers of Defendant BLOOMFIELD POLICE DEPARTMENT to ensure they would not violate MR. JETER'S civil rights.

155. As a direct and proximate result of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT negligent hiring of

Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

FIFTEENTH COUNT
(Negligent Training)

156. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

157. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT were responsible for the recruiting, hiring, training and ongoing supervision of the officers of Defendant BLOOMFIELD POLICE DEPARTMENT.

158. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT had a duty to properly train the officers of Defendant BLOOMFIELD POLICE DEPARTMENT to ensure they did not violate the constitutional rights of citizens.

159. Upon information and belief, Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT failed to properly train Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 to ensure

they did not violate the constitutional rights of citizens.

160. As a direct and proximate result of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT'S negligent training of the Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60, which resulted in the misconduct and abuse of authority detailed above, Plaintiff MARCUS JETER sustained the damages hereinbefore alleged.

SIXTEENTH COUNT
(Negligent Retention)

161. Plaintiff MARCUS JETER, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

162. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT knew or should have known that Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 were not qualified to act as police officers for Defendant BLOOMFIELD POLICE DEPARTMENT.

163. Upon information and belief, Defendants TOWNSHIP OF BLOOMFIELD and the BLOOMFIELD POLICE DEPARTMENT were aware of other incidents that should have alerted them to the potential unlawful conduct of Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ,

SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60.

164. Upon information and belief, Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT failed to take reasonable steps to ensure that Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 would act appropriately.

165. Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT had a duty to take reasonable and appropriate steps to ensure that Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 would not act unlawfully.

166. As a direct and proximate result of Defendants TOWNSHIP OF BLOOMFIELD and BLOOMFIELD POLICE DEPARTMENT'S failure to take the appropriate steps to ensure Defendants COURTER, SUTTERLIN, TRINIDAD, ICOLARI, LOPEZ, SCHWINDT, SERCHIO, COFONE, GOUL, WIEGAND, JOHN DOE POLICE OFFICERS 1-20, TOWNSHIP OF BLOOMFIELD, BLOOMFIELD POLICE DEPARTMENT, JOHN DOE CHIEFS and SUPERVISORS 21-40, and JANE DOES 40-60 would not act unlawfully,

which resulted in the misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

SEVENTEENTH COUNT
(Violation of the New Jersey Civil Rights Act
- N.J.S.A. 10:6-1 to 2)

167. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

168. Defendants, under color of statute, ordinance, reputation, custom and usage have deprived and cause **MR. JETER** to be subjected to the deprivations of rights, privileges and immunities secured by the New Jersey Constitution and law of the State of New Jersey, including his right to liberty, his right to be secure as a person against unreasonable searches and seizures, his right to be secure in his property against unreasonable searches and seizures, his right to be free from unlawful detention and imprisonment and his right to freedom of association secured to him by the New Jersey State Constitution.

169. At no time did Defendants have probable cause or any ground to believe **MR. JETER** had committed a crime.

170. Defendants, acting under color of law, intentionally deprived **MR. JETER** of his civil rights by, inter alia, seizing him, falsely arresting and imprisoning him, using excessive force against him, failing to intervene to prevent the unlawful acts against him, failing to render timely medical aid to him,

maliciously prosecuting him and failing to properly hire, train, retain and supervise police officers.

171. Defendants **TOWNSHIP OF BLOOMFIELD** and the **BLOOMFIELD POLICE DEPARTMENT** are vicariously liable for the actions of its employees who are acting in their official capacities.

172. Defendants' acts were done in knowing violation of **MR. JETER'S** legal and constitutional rights and have caused **MR. JETER'S** injuries, including physical injury, humiliation, mental pain and suffering and emotional distress.

173. Defendants' deprivation of **MR. JETER'S** civil rights violates the New Jersey Constitution and gives rise to **MR. JETER'S** claims for redress under N.J.S.A. 10:6-1 et seq.

174. Defendants **TOWNSHIP OF BLOOMFIELD** and the **BLOOMFIELD POLICE DEPARTMENT** are directly and vicariously liable for the acts of its Police Officers in the performance of their duties under the color of state, county and municipal law.

175. Based on the aforesaid conduct, Defendants, acting under color of law, deprived and interfered with by the use of excessive force, intimidation or coercion, the exercise or enjoyment by Plaintiff **MARCUS JETER** of the rights guaranteed to him by the New Jersey Constitution including, but not limited to:

- a) The right to enjoy and defend life and liberty;
- b) The right to pursue and obtain safety and happiness;
- c) The right to due process of law;
- d) The right to equal protection of the laws;

- e) The right to be secure from unreasonable searches and seizures;
- f) The right to any other natural and unalienable right retained by the people;
- g) The right to privacy; and
- h) The right to be free of cruel and unjust punishment.

176. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff **MARCUS JETER** sustained the damages hereinbefore alleged.

EIGHTEENTH COUNT
Negligent and Intentional Infliction of
Emotional Distress

177. Plaintiff **MARCUS JETER**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

178. Defendants acted intentionally or recklessly with deliberate disregard of a high degree of probability that emotional distress will follow. Defendants' conduct was extreme and so outrageous in character and degree as to go beyond all possible bounds of decency. Defendants' conduct was so atrocious, it is utterly intolerable in a civilized community.

179. As a direct and proximate result of Defendants' actions, Plaintiff **MARCUS JETER** has suffered and continues to suffer such severe and substantial emotional distress and mental harm which no reasonable person could be expected to endure.

NINETEENTH COUNT
(Negligence - Defendant Trinidad)

180. Plaintiff **MARCUS JETER**, repeats and realleges the

foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

181. At the same time and place, Defendant **TRINIDAD**, was the operator of the vehicle owned by Defendant **TOWNSHIP OF BLOOMFIELD** and/or **BLOOMFIELD POLICE DEPARTMENT**.

183. Defendants **TOWNSHIP OF BLOOMFIELD** and/or **BLOOMFIELD POLICE DEPARTMENT** was negligent and careless in entrusting their vehicle to Defendant **TRINIDAD** to be operated in a negligent, careless and reckless manner.

184. Defendant **TRINIDAD**, operated, controlled, and maintained his vehicle in such a reckless, careless and negligent manner as to cause a collision in which Plaintiff was injured.

185. The accident in question occurred as a direct, proximate result of the careless, reckless and negligent conduct of Defendant **TRINIDAD**.

186. Defendant **TRINIDAD** operated said vehicle on said occasion in violation of the motor vehicle laws of the State of New Jersey.

187. As a direct and proximate result of the negligence of the Defendant **TRINIDAD**, Plaintiff, **MARCUS JETER**, suffered and sustained serious, severe, disabling and permanent injuries which required the care and treatment of physicians, hospitalization and medication, have and will in the future be caused to obtain medical treatment, and have will in the future be caused to refrain from his daily activities and normal pursuits.

WHEREFORE, Plaintiff, **MARCUS JETER**, demands judgment against

all Defendants, jointly and severally for:

- A. General damages;
- B. Compensatory damages;
- C. Punitive Damages;
- D. Cost and interest;
- E. Attorneys' fees;
- F. Pre-judgment and post-judgment interest against all Defendants;
- F. Any other relief the Court deems just and equitable.

TWENTIETH COUNT

188. Plaintiff, **MARCUS JETERS**, repeats the allegations contained in the First, and Second Counts as though more fully set forth at length.

189. At the time of the accident, **MR. JETER**, was the driver of a vehicle owned by Tanisha Killian, which maintained automobile insurance with Defendant **PROGRESSIVE INSURANCE COMPANY**, under policy number 66426520-3, which provided for payment of Personal Injury Protection ("PIP") Benefits as well as payment for lost wages.

190. Demand has been made of Defendant **PROGRESSIVE INSURANCE COMPANY** for payment of Plaintiff's continuing medical expenses and lost wages.

191. In direct breach of its contractual obligations, Defendant **PROGRESSIVE INSURANCE COMPANY** has failed to provide PIP coverage to Plaintiff and has failed to pay Plaintiff's continuing medical bills and lost wages.

WHEREFORE, Plaintiff MARCUS JETER demands judgment against Defendant PROGRESSIVE INSURANCE COMPANY for Personal Injury Protection ("PIP") benefits and reimbursement of his lost wages plus cost of suit and attorney's fees.

NOTICE PURSUANT TO RULES 1:5-1 (A) AND 4:17

Take notice that the undersigned attorneys, counsel for the Plaintiff, hereby demands pursuant to Rules 1:5-1 (a) and 4:17 (c), that each party herein serving pleadings and interrogatories and receiving answers thereto, serves copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and take notice that this is a continuing demand.

REQUEST FOR DISCOVERY OF INSURANCE

Demand is hereby made that each Defendants respond to the Request for Discovery of Insurance attached herein.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that attorneys Maurice Snipes, Esquire and Tracey C. Hinson, Esquire, are hereby designated as trial counsel in the above-captioned litigation for the firm of Hinson Snipes, LLP.

JURY DEMAND

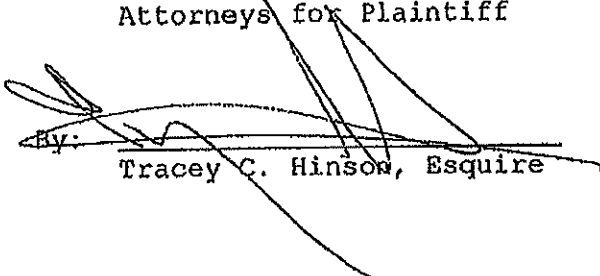
PLEASE TAKE NOTICE that the Plaintiff demands a trial by jury as to all issues so triable.

NOTICE OF UTILIZATION OF TIME-UNIT BASIS

PLEASE TAKE NOTICE Plaintiff intends to utilize the time-unit basis for calculating unliquidated damages in Plaintiff's closing statement to the jury and the Court.

HINSON SNIPES, LLP

Attorneys for Plaintiff

By: 
Tracey C. Hinson, Esquire

Dated: June 24, 2014

DAVID WILSON 233532-B

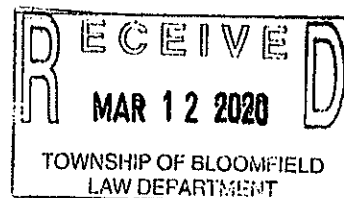
UNITED STATES DISTRICT
COURT

DAVID WILSON .

CIVIL ACTION

DOCKET 19CV-19128

VS.



THOMAS LUTZ BADGE # 464

ACKNOWLEDGMENT SERVICE OF
COMPLAINT

This notice serves as acknowledgment of complaint filed by the plaintiff David Wilson, received by defendant Thomas Lutz, to answer complaint presently before the United States District Court, Judges Arleo and Hammer.



David Wilson

Thomas Lutz



DATE

ATTORNEY FOR DEFENDANT

DAVID WILSON 233521-B

D.O.C.

UNITED STATES DISTRICT COURT

NEWARK N.J.

DAVID WILSON

PLAINTIFF

Vs.

CIVIL DIVISION

DOCKET # ~~19CV-19182~~

19CV-19128

AMENDED COMPLAINT

NEW JERSEY STATE POLICE,

DETECTIVE THOMAS LUTZ # (464),

JOHN DOE 1 TO 10

DEFENDANTS

JURISDICTION

This is a civil action being brought pursuant to title 42 U.S.C. sections 1981, 1983, 1985, 1986, under titles 28 U.S.C. 1331, 1343, 1367; And New Jersey Civil Rights Act Rule 10:6-2, whereas the United States District Court shall maintain jurisdiction for constitutional violations committed by the above name defendants under the color of law, against the above name plaintiff under the 1st, 4th, 6th, 8th, 9th, and 14th amendments and substantive due process. All the defendants are being sued in their individual and official capacities.

PARTIES

PLAINTIFF: David Wilson is the plaintiff in this matter and is presently housed under the care of N.J.D.O.C.

DEFENDANT: New Jersey State Police is a defendant in this matter, for violating the plaintiff's civil rights for deliberate indifference, failure to protect, train and act. Their address is 686 Nye Ave Irvington N.J. 07111.

DEFENDANT: Thomas Lutz is a Bloomfield police officer, that was assign to the New Jersey State Police auto Task Force and he violated the plaintiff's rights by using unlawful Excessive force, Official Misconduct, Conspiracy, Discrimination and racial profiling and Abuse of Process. He can be found at 686 Nye Ave Irvington N.J. 07111

DEFENDANT: John Doe 1 to 10 are members of the New Jersey State Police Auto Task force and defendants in this matter, for violating the plaintiff's civil rights for Official misconduct, Abuse of Process, Conspiracy, Deliberate Indifference, Failure to Protect, Train and act. Their address is 686 Nye Ave Irvington N.J. 07111.

AT ALL TIMES RELEVANT TO THE COMPLAINT THE DEFENDANTS NEW JERSEY STATE POLICE, THOMAS LUTZ AND JOHN DOE'S 1 TO 10 COMMITTED THE FOLLOWING VIOLATIONS UNDER THE 1st, 4th, 6th, 8th, 9th AND 14TH AMENDMENTS AND SUBSTANTIVE DUE PROCESS:

FIRST CAUSE OF ACTION: UNLAWFUL EXCESSIVE FORCE /OFFICIAL MISCONDUCT:

1. That, on **Feb 8, 2019** around **12:P.M.** in **Newark New Jersey** on the corner of **Mead Street** and **Commend Wealth**, the plaintiff **Wilson** was the victim of **unlawful Excessive Force and Official Misconduct** by the hands and minds of defendants **Lutz, John Doe's 1 to 10 and New Jersey State Police**.
2. That, on **Feb 8, 2019** after the plaintiff **Wilson** was handcuffed on the ground with his hands behind his back, while being held down on the ground by detective **John Doe**; Defendant **Lutz** ran over to the plaintiff **Wilson** screaming and yelling over and over at plaintiff **Wilson**, cock sucker, scum bag mother fucker and kick the plaintiff **Wilson** in the head.
 - (a). **Lutz** maliciously went into a road rage and started running around like a chicken with his head cut off, kick **Wilson** in his head while he was handcuffed on the ground and **Lutz** had to be calmed down by a **John Doe** Supervisor, all captured on video surveillance on the houses in the area, patrol cars and a body camera on a **Newark Police** officer and also observed by several **John Doe State Police Auto Task force** members.
 - (b). **John Doe Supervisor** witness **Lutz** assault **Wilson** and ordered another **John Doe** officer to get **Wilson** medical treatment and neither supervisor or any **State Police Task Force** member whom in fact witnessed the assault made no report of assault on **Wilson** by the hands of **Lutz**.

3. That, the plaintiff Wilson had to be taken to a hospital in Newark by ambulance for head trauma and a laceration over his left eye as a result of defendant Lutz malicious, vicious unlawful use of excessive force.

(a). Wilson also received mental health treatment in relation to his injuries sustained for emotional stress at Essex County jail in 2019.

(b). Video Surveillance taken into evidence from Feb 8, 2019, reveals Wilson exiting his vehicle with no injuries. Afterwards the evidence shows Wilson was injured to his head as a result of Lutz assaulting Wilson after he was handcuffed.

4. That, defendant's John Doe Supervisor failed to act and discipline defendant Lutz assaultive behavior and worked in concert with defendant Lutz and did not report defendant Lutz unlawful behavior against plaintiff Wilson.

SECOND CAUSE OF ACTION: SELECTIVE DISCRIMINATION/ ABUSE OF PROCESS:

5. That, in 2018-2019 defendant Lutz abused the process leading up to the arrest of plaintiff Wilson and discriminated against the plaintiff Wilson, because he was **African American, a convicted felon and lived in his town.**
6. That, in 2018-2019 defendant Lutz individually and in concert with defendant's John Doe 1 to 10, used a confidential informant name **Yusef Dunbar aka C-I** to give the plaintiff Wilson some burglary tools defendant Lutz took out the East Orange Police station property room on **Jan 28, 2019**, to give to the plaintiff Wilson and to take the plaintiff Wilson out to steal cars and vans, to motivate the plaintiff Wilson to commit a second degree crime to enhance and promote his **(Lutz) State Police** career.

7. That, defendant Lutz told a grand jury in 2019 around or about April - May that, he would not arrest the plaintiff Wilson, even though he knew plaintiff Wilson committed several so called third degree crimes, until he committed a second or first degree crime, so he could lock the plaintiff Wilson up and he won't be able to get out of jail; Defendant Lutz did this all to enhance and promote his career as a State Police Auto Task force member.

(a). Shockingly, in 2019 Lutz told a grand jury in the Superior court that he gave Wilson burglary tools out the East Orange N.J. police dept. property room.

(b). Lutz also lied during grand jury and said that Wilson ran into a pole and beforehand based on his investigation Wilson allegedly stole several vehicles and Lutz didn't arrest Wilson for such thefts to promote and enhance his career as a State Police Auto Task Force member.

(c). Lutz also lied to the grand jury in Wilson's case and said that Wilson had not unloaded tools from stolen van and Lutz and John Doe detectives 1 to 10 were waiting for Wilson to come back to van; when the truth of the matter was that, there was no tools in van because the informant Dunbar had stolen the van and the tools already. And the evidence rest within the owner of the van recovery reports, after van was unlawfully used without owner's permission in unlawful sting to arrest Wilson.

(d). Base on investigatory information, Lutz told C-I Dunbar to drive to Wilson's house in Bloomfield N.J. and bring Wilson to Mead Street in Newark N.J. (driving recklessly, breaking the speed limit on the Garden State Parkway and running red lights), to van C-I Dunbar had already stole; And after arrest, Wilson was not charged with stealing van as a result.

8. That, defendant Lutz discriminated against the plaintiff Wilson, by way of breaking numerous laws to seek a conviction of the plaintiff Wilson, to

enhance and promote defendant Lutz career from a Bloomfield Police officer to a State Police officer at the expense of the plaintiff Wilson's constitutional rights.

(a). Lutz wantonly went outside his job description to give Wilson burglary tools to steal a vehicle with.

(b). Lutz wantonly acted in the roll of a prosecutor and broke the law by giving Wilson burglary tools to steal cars and vans with, to promote and enhance his career and endangered Wilson's life, due to his drug disease, which Lutz had constructive knowledge of and allowed and wantonly authorized C-I Dunbar, to drive Wilson around, to buy drugs and get high, sometimes in a stolen car, or a car or van Dunbar would buy from an auction, with no driver's license, fake license plates and no insurance.

(c). In 2018 Lutz knew and met Wilson in the town of Bloomfield N.J. and Lutz obtain and had constructive knowledge about Wilson's drug disease and officiously obstructively- pretended to help Wilson get some substance abuse treatment in 2018, by way of e-mails and phones calls, all to promote his career in law enforcement at the expense of Wilson's civil rights.

(d). Lutz wantonly used a C-I name Dunbar to charge Wilson with numerous fake burglary and theft charges, to arrest Wilson to promote his career as a State Police; And the evidence rest within the contents of numerous police reports and the grand jury transcript and testimony of Lutz in April - May 2019.

9. That, defendant Lutz worked in concert with defendant's John Doe 1 to 10 detectives and they individually and together went as far as allowing a C-I name **C-I Dunbar** to drive the plaintiff Wilson around all day and night, sometimes in a car and sometimes in a van, with no license, no insurance and fake license plates to steal a van with the burglary tools defendant **Lutz** took out the East Orange Police Station property room on 1/28/2019.

10. That, defendant Lutz and defendant's John Doe's 1 to 10 State Police Auto Task Force members all had constructive knowledge that, C-I Dunbar had no license and authorized him to steal a car only to drive the plaintiff Wilson around all night before plaintiff Wilson was arrested on Feb 8, 2019, to steal vehicles to get money to support his drug habit, to accumulate enough stolen property to be charged with a second degree crime, for the sole purpose of enhancing and promoting defendant Lutz career as a State Police, and to punish the plaintiff Wilson for allegedly stealing cars out of Bloomfield N.J. in the past where the plaintiff Wilson and defendant Lutz lived.

(a) . In Feb 2019 Lutz and John Doe's officers 1 to 10 worked in concert and did a wanton warrantless search on Wilson's mothers house in Bloomfield NJ , several days after Wilson's arrest to try and retrieve the tools back Lutz took out the East Orange police station and gave the informant to give to Wilson to commit theft crimes to promote, and enhance Lutz career as a State Police; And Lutz didn't find any burglary tools in Wilson's mothers house, instead he wantonly took two pair of Wilson's paints and a gray hoody jacket.

11. That, charges of burglary in Essex County Superior Court that the tools Lutz gave plaintiff Wilson to steal cars and vans with where dismissed on Oct 21, 2019 and those charges were fruits of the tree of selective discrimination and abuse of process.

(a). Defendant Lutz sought several unlawful conviction of burglary and theft at the expense of the plaintiff Wilson's rights by wanton use of a C-I name Dunbar.

(b). Lutz in question told a Superior Court Grand Jury that Wilson was the primary in his investigation in support of his selective discrimination.

THIRD CAUSE OF ACTION: FAILURE TO ACT, TRAIN AND PROTECT:

12. That, defendants John Doe **1 to 10** and the New Jersey State police was responsible for assuring the safety of plaintiff Wilson's arrested by their agency and they failed to train, act and protect.
13. That, the defendant's John Doe supervisor and the New Jersey State Police was responsible for the training of defendant Lutz as a Blcomfield police officer to work as a New Jersey State Police; And they were deliberate indifferent, **heedless** of defendant Lutz anger problem and **recklessly disregard-fully, knowingly** allowed a vicious man (**Lutz**) without proper Auto Task Force training, to assault the plaintiff Wilson on Feb 8, 2019 while he was handcuffed behind his back, and give plaintiff Wilson burglary tools out the East Orange N.J. police dept. property room to go out and steal vehicles with.
 - (a). While Wilson was at the hospital in Newark N.J. on Feb 8, 2019, with escorting State Police detective John Doe, John Doe detective told Wilson that Lutz has a anger problem, and Wilson ask why does he say that, and the State Police detective told Wilson because Lutz be throwing things around at the police station in Irvington N.J.
14. That, the defendant's John Doe supervisor and the New Jersey State Police Dept. acquiescence in the defendant Lutz unlawful behavior against the plaintiff Wilson's person, **failed to act, train, protect and endangered** Wilson and the public, due to their discriminatory custom to only seek second degree crime arrest against plaintiff Wilson and their failure to monitor members of their Irvington N.J. State Police Auto Task Force that come from other law enforcement agencies, from different cities and towns in N.J. like defendant Lutz.

(a). On several occasions, in 2018-2019 defendant John Doe supervisor worked in concert and maliciously, wantonly with full knowledge allowed defendant Lutz to authorize a C-I name Dunbar, to drive the Wilson around for hours during the night numerous times, with no driver's license, no registration, and fake license plates, with burglary tools Lutz took out the East Orange N.J. Police department property room to give to the Wilson to steal vans with.

15. That, defendant Lutz had no training on how to use a confidential informant while acting as a State Police Auto Task force member and endangered plaintiff Wilson's life, by wantonly authorizing C-I Dunbar to operate an unregistered vehicle with no license, and fake plates recklessly driving speeding and running red lights, with the plaintiff Wilson inside the vehicle in Jan-Feb 2019.

(a). The defendant's Auto Task force ("INFORMANT CONTRACT" DO'S AND DON'T) guidelines, policies and customs fail to protect Wilson from cruel and unusual punishment and the endangering of his life; and was the moving force of the defendants in this suits wrong doing.

(b). The defendants New Jersey State Police Auto Task Force C-I contract and policies don't have enough rules or information in the policy paperwork to make it clear that a "C-I" cannot break the law to make an arrest and the defendants knew that the insufficient rules and policies would be confronted due to officers past illegally mishandling of confidential informants like here in Wilson's case.

(c). Defendants John Doe and New Jersey State Police acknowledged and foreseen that their Irvington N.J. State Police Auto Task Force members would confront a particular C-I situation like in Wilson's case but, did not give the rules or policy the attention it needed to prevent laws being broken, motor vehicle violations occurring, endangerment of Wilson's life and the public.

16. That, defendant Lutz gave a sworn testimony to a grand jury in **April- May 2019**, regarding the State Police custom to ignore third degree crimes until the plaintiff Wilson had committed second degree crimes, and this particular custom was and is unconstitutional.

(a). John Doe 1 to 10 all had constructive knowledge of Lutz unlawful acts abuse of process and assault on Wilson stated in this complaint at (2-4) and failed to act by not reporting Lutz vicious, malicious actions nor tried to stop Lutz unlawful actions.

(b). New Jersey State Police lack of training of Lutz and several John Doe members of the State Police Auto Task Force in Irvington N.J., on how to use an Informant without putting Wilson or the public in danger contributed to the intrusion upon Wilson's protected rights.

(c). The John Doe 1 to 10 and the New Jersey State Police abusive practice by way of wanton use of confidential informant and second degree tactic (complaint at 7 #) was the moving force and encouragement of Lutz to assault Wilson in violation of Wilson's protected civil rights.

FOURTH CAUSE OF ACTION/ RACIAL PROFILE AND SELECTIVE ENFORCMENT:

17. That, based upon investigatory and public information, defendant Lutz, as a State Police Auto Task force member, only arrested African and Latino Americans.

18. That, based upon investigatory and public information defendant Lutz as a State police Auto Task force member, only use African and Latino American confidential informers.

19. That, defendant Lutz wantonly racially broke numerous laws stated in this complaint, to arrest the plaintiff Wilson on a second degree charge, instead of a third degree charge because, the plaintiff Wilson is African American.

(a). Lutz used the third and second degree tactics (complaint at 7#) that led to the arrest of Wilson on Feb 8, 2019.

(b). The (second degree tactic custom complaint at 7#), was only used against Wilson and never against similarly situated individuals or any other race.

(c). Public information indicates evidence that the Irvington New Jersey State Police Auto Task force located at 686 Nye Ave, don't arrest Caucasian people, only African and Latino Americans for auto theft crimes or even go after Caucasian's for such crimes, nor do they use the (second degree tactic complaint at 7#) on anyone other than African and Latino Americans.

20. That, defendant Lutz knowingly, maliciously charge the plaintiff Wilson with a burglary in Newark, although it was dismissed on 10-21-2019, when defendant Lutz knew for a fact that it was not the plaintiff Wilson, only charged plaintiff Wilson with burglary because he was an African American and the person in the video surveillance had on all black with a black hoody jacket.

(a). Lutz had constructive knowledge that man in the City of Newark video use to make second degree tactic case against Wilson was not Wilson because Wilson is 6 feet tall and man in video was 5-7 feet tall.

(b). Lutz also, withheld surveillance evidence that Wilson was home during the time of alleged crime in Newark N.J. on 11th street, on Jan 30, 2019.

21. That, the violation stated in this complaint constitute the following:

1. AGGRAVATED ASSAULT,
2. ASSAULT.
3. UNLAWFUL EXCESSIVE FORCE.
4. ROAD RAGE.
5. SILENCE IN THE FACE OF THE DUTY TO SPEAK.
6. OFFICIAL MISCONDUCT.
7. SELECTIVE DISCRIMINATION
8. SELECTIVE ENFORCMENT.
9. FAILURE TO TRAIN.
10. FAILURE TO ACT
11. FAILURE TO PROTECT.
12. DELIBERATE INDIFFERENCE.
13. RACIAL PROFILE.
14. ACTING IN THE ROLL OF A PROSECUTOR.
15. SUBSTANTIVE DUE PROCESS.
16. ACCOMPLICE.
17. ENTRAPMENT.
18. ABUSE OF PROCESS.
19. MALICIOUS ABUSE OF PROCESS.
20. CONSPIRACY.
21. UNLAWFUL USE OF AN INFORMANT.
22. FRAUD.
23. OBSTRUCTION OF LAW.
24. WITH HOLDING OF EVIDENCE.
25. ILLEGAL AUTHORIZATION.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HVT, INC.,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWNSHIP OF BLOOMFIELD,
Defendant

**CASE
NUMBER: 2:19-CV-20707-WJM-MF**

TO: (Name and address of Defendant):
Township of Bloomfield
c/o Michael J. Venezia, Mayor
1 Municipal Plaza
Bloomfield, NJ 07003

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:

Nicholas A. Duston, Esq.
Norris McLaughlin, P.A.
400 Crossing Blvd., 8th Floor
Bridgewater, NJ 08807
Telephone number: 908-252-4208
Attorney for Plaintiff, HVT, Inc.

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.

s/ WILLIAM T. WALSH
CLERK



ISSUED ON 2019-11-27 11:32:09, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by mc(1)	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>		

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

This JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

HVT, INC.

(b) County of Residence of First Listed Plaintiff Delaware
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Norris McLaughlin, PA, 400 Crossing Blvd., 8th Floor, Bridgewater, NJ
08807; (908) 722-0700

DEFENDANTS

THE TOWNSHIP OF BLOOMFIELD, NEW JERSEY

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veterans' Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 600 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 162 Naturalization Appointments ☐ 165 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395m) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSJ (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS - Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 830 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Aimer w/Disabilities - Employment ☐ 446 Aimer w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS ☐ Habeas Corpus ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ Other ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (42 USC 4352)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

42 U.S.C. Section 1983 and 1988

Brief description of cause

Deprivation of property without due process of law in violation of constitution

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S)

IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

11-29-19

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICIAL USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HVT, INC.,

Plaintiff,

v.

THE TOWNSHIP OF BLOOMFIELD,

Defendant.

CIVIL ACTION NO:

COMPLAINT

Plaintiff, HVT, Inc. ("Plaintiff" or "Honda") alleges as follows:

1. Plaintiff brings this action to remedy a deprivation of its long-settled and fundamental rights to be free from unreasonable seizures and to due process of law under the United States Constitution. It is beyond debate that the government cannot deprive Plaintiff (or anyone) of property by unreasonable seizure and/or without first providing for notice and a hearing. Here, defendant Bloomfield ("Defendant" or "Bloomfield") seized, detained without warrant or exception to the warrant requirement, and ultimately disposed of, a motor vehicle in which Plaintiff held a duly titled ownership interest without notice or a hearing, thereby extinguishing Plaintiff's property interest. Plaintiff, therefore, brings this declaratory judgment/civil rights action pursuant to 42 U.S.C. §1983 and §1988 for deprivation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

2. Jurisdiction is conferred on this Court by 28 U.S.C. §§1343(a)(3) and 1343(a)(4), which provide for original jurisdiction in the Court for all suits brought pursuant to 42 U.S.C. §1983.

3. Jurisdiction is conferred on this Court by 28 U.S.C. §1331 because the cause of action arises under the Constitution and laws of the United States.

4. The supplemental jurisdiction of the District Court is invoked pursuant to 28 U.S.C. §1367 for inter-related state law claims which arise from the occurrences giving rise to the Federal claims and which have a common nucleus of operative fact.

5. Venue lies in the Court pursuant to 28 U.S.C. §1391.

PARTIES

6. Plaintiff HVT, Inc. ("Honda" or "Plaintiff") is a corporation organized and existing by virtue of laws of the State of California and the holder of the duly perfected and recorded ownership interest in a 2015 Honda Crosstour vehicle identification number 5J6TF2H58FL004502 ("the Subject Vehicle"). Honda's regular business includes providing leasing and financing for the purchase or lease of Honda manufactured and other automobiles.

7. Defendant, The Township of Bloomfield, New Jersey (hereinafter "Bloomfield") is a municipal corporation organized and existing under the laws of the State of New Jersey.

INTRODUCTION

8. Bloomfield summarily deprived Honda of its rights in the Subject Vehicle when Bloomfield seized the Subject Vehicle pursuant to its police powers, detained it without notice to Honda and without a warrant or exception to the warrant requirement and then disposed of it without notice to Honda and without affording Honda the opportunity for a hearing with respect to the legitimacy of these actions, either before or after their occurrence.

9. Bloomfield, by its Police Department, submitted an application to the New Jersey Motor Vehicle Commission ("MVC") to acquire title in its name by alleging that the Police Department had "completed all notice requirements."

10. The Bloomfield Police Department knows that it had not actually "completed all notice requirements."

11. The Bloomfield Police Department did not notify Honda of the seizure of the Subject vehicle, Bloomfield's possession of the Subject Vehicle, or any other facts at issue in this action. In fact, no one notified Honda.

12. The summary deprivation of Honda's interest occurred in furtherance of Bloomfield's standard practices for taking custody of vehicles as part of an arrest or investigation and as part of Bloomfield's standard practice for detaining and disposing of vehicles subsequent to seizing them.

13. Bloomfield violated Honda's rights to Procedural Due Process because Bloomfield has no procedure whereby a person with an ownership interest in a seized vehicle is afforded the opportunity for a hearing before an impartial decision-maker with adequate notice, whereat the interested person can protect its interest by challenging the seizure, detention or disposal of the impacted vehicle.

14. Bloomfield violated Honda's rights to be free from unreasonable seizures and to Procedural Due Process when it failed to give Honda any notice of the initial seizure or hold a hearing related to the propriety of that seizure.

15. Bloomfield again violated Honda's rights to be free from unreasonable seizures and to Procedural Due Process when it detained and disposed of the Subject Vehicle after it was no longer needed for investigation, and by failing to provide Honda with constitutionally adequate notice of procedures for the recovery of the Subject Vehicle or protection of property interests in the Subject Vehicle prior to its disposal.

FACTS COMMON TO ALL COUNTS

16. On or about September 25, 2015, Honda recorded its ownership interest in the Subject Vehicle through The New York State Department of Motor Vehicles.

17. On September 25, 2015, the Subject Vehicle was officially titled in the State of New York with Honda recorded as the owner.

18. On or about 2016, Bloomfield took possession and custody of the Subject Vehicle pursuant to Bloomfield's police officers acting in the course of their duties as law enforcement officers.

19. On or about September 25, 2016, Bloomfield, through its police officers acting in the course of their duties as law enforcement officers, and pursuant to laws enacted to further official state interests, directed ECRB Towing and Recovery to tow and detain the Subject Vehicle.

20. On or about September 25, 2016, ECRB Towing and Recovery towed the Subject Vehicle and retained the Subject Vehicle on behalf of Bloomfield.

21. Bloomfield did not notify Honda that the Subject Vehicle had been seized.

22. Bloomfield, upon information and belief, held the Subject Vehicle pursuant to an investigation. However, Bloomfield to this day has refused to provide Honda with information related to the reason for the Subject Vehicle's seizure.

23. Bloomfield thereafter concluded its need to hold the vehicle (whatever it was).

24. Upon concluding its need to hold the Vehicle, Bloomfield did not return the Subject Vehicle to Honda or anyone else. Instead, Bloomfield proceeded to dispose of the vehicle.

25. Bloomfield did not notify Honda that after its need to hold the vehicle ended or that Bloomfield intended to dispose of the Subject Vehicle.

26. Bloomfield did not ensure that its agent, ECRB Towing and Recovery notified Honda that Bloomfield had authorized detention and disposal of the Subject Vehicle.

27. On or about April 24, 2017, Bloomfield sold the Subject Vehicle.

28. On April 24, 2017, Bloomfield, through its Police Department, applied for title to the Subject Vehicle as the "buyer" of the Subject Vehicle. See Exhibit 1 (Application for Certificate of Title).

29. At no time prior to the sale or retitling of the Subject Vehicle did Bloomfield or any person provide any notice to Honda relating to the Subject Vehicle.

30. Bloomfield's disposal of the Subject Vehicle by sale was consistent with and/or part a Bloomfield's regular practice for disposing of a vehicle that is seized by Police.

31. Bloomfield's application for title to the Subject Vehicle in its name was consistent with and/or part of Bloomfield's regular practice for disposing of a vehicle following the seizure thereof pursuant to its police powers.

32. Bloomfield has no procedure for affording the owner of a seized vehicle the opportunity to be heard before a vehicle is disposed of by sale.

33. Bloomfield has no procedure for affording the owner of a seized vehicle the opportunity to be heard either before or after the time when Bloomfield authorizes seizure, detention and disposal of a vehicle which was taken into custody by Bloomfield for investigation.

COUNT I

Violation of Civil Rights Pursuant to title 42 U.S.C. §1983 (Deprivation of Property by Unreasonable Seizure *and* Without Due Process of Law)

34. Honda realleges and incorporates herein by reference the allegations set forth in the above paragraphs of the complaint.

35. Prior to Bloomfield's involvement with the Subject Vehicle Honda held the duly recorded ownership interest in the Subject Vehicle.

36. Honda had the right to have its ownership interest remain recorded on the Subject Vehicle title and the immediate right to take possession of the Subject Vehicle pursuant to the terms of Honda's lease agreement.

37. Bloomfield acted under color of state law to deprive Honda of valuable property interests in the Subject Vehicle in the following ways:

- a. Bloomfield did not at any time notify Honda that Bloomfield had seized, detained or intended to dispose of the Subject Vehicle; and
- b. Bloomfield imposed a *de facto* a lien on the Subject Vehicle for towing and storage fees;
- c. Bloomfield continued to detain the Subject Vehicle after it was no longer needed for law enforcement purposes without additional justification for an ongoing seizure;
- d. Bloomfield continued to detain the Subject Vehicle after it was no longer needed for law enforcement purposes without providing any notice of procedures whereby Honda could protect its lien interest from loss and/or protect the value of its property interest in the Subject Vehicle from loss;
- e. Bloomfield authorized sale of the Subject Vehicle without having provided Honda with any notice of such sale which sale extinguished Honda's property interest in the Subject Vehicle; and
- f. Bloomfield retained the sales proceeds for its own benefit.

38. Bloomfield's conduct in causing such deprivations violated Honda's right to Due Process under the Fourteenth Amendment of the United States Constitution because:

- a. Bloomfield has no procedure whereby Honda (or any owner) could have been afforded the opportunity for a hearing before an impartial decision-maker, with adequate notice, whereat Honda or any other owner could protect its interest by challenging the deprivation of property or by recovering the impacted vehicle;
- b. Bloomfield has no procedure for notifying Honda (or any owner) of methods which could be utilized to recover the impacted vehicle or protects its lien therein from loss; and
- c. Bloomfield's detention and authorization for sale and concomitant extinguishment of Honda's title ownership interest in the Subject Vehicle

without any notice to Honda was without any reasonably acceptable justification.

39. Bloomfield's conduct in seizing the Subject Vehicle without providing any post-seizure notice to Honda of the initial seizure and in detaining and in authorizing sale of the Subject Vehicle after it was no longer needed for law enforcement purposes without any notice to Honda, violated Honda's right to be free from unreasonable seizures under the Fourth Amendment to the United States Constitution because seizure without any post-seizure notice is unreasonable and once the Subject Vehicle was no longer needed for investigation and Bloomfield had no warrant and no exception to the prohibition against warrantless seizures allowing detention and disposal of the Subject Vehicle.

40. Bloomfield knew or should have known that it was unlawful and unconstitutional to deny possession, seize and detain without warrant or exception to the warrant requirement, and assert a lien for towing and storage fees, sell the vehicle, extinguish Honda's lien and keep the proceeds, where notice and a hearing upon the validity of such deprivations had not been afforded to Honda, the owner of the Subject Vehicle.

41. As a direct and proximate result of Bloomfield's violation of Honda's rights under the Fourth and Fourteenth Amendments to the United States Constitution Honda has suffered general and special monetary damages based upon the lost value of the Subject Vehicle, the loss of use thereof, the income stream due to Honda relative thereto, and the sales proceeds, and Honda is accordingly entitled to relief under 42 U.S.C. §1983 and 42 U.S.C. 1988.

42. The conduct of Bloomfield in not seeking to have a prompt impartial review of its seizure, detention, lien creation, sale, extinguishment of Honda's lien and conversion of proceeds of such sale was consistent with and part of the standard procedure and policy utilized by Bloomfield

for vehicles seized held for law enforcement purposes and subsequent disposal of those vehicles of once the investigation is concluded.

43. The conduct of Bloomfield in not notifying Honda of Bloomfield's actions relative to the Subject Vehicle is consistent with and part of the standard procedure and policy utilized by Bloomfield for vehicles seized, held for law enforcement purposes and subsequent disposal of those vehicles of once the investigation is concluded.

44. Bloomfield does not maintain any procedural mechanism for any review by an impartial decision-maker of its actions in seizing, detaining, and disposing of vehicles.

45. Bloomfield does not maintain any procedural mechanism for providing hearings to vehicles owners.

46. The failure by official Bloomfield policy makers to properly train or supervise subordinates regarding the constitutional requirements due in conjunction with the seizure, detention and assertion of charges and liens against vehicles, and sales thereof, and extinguishment of ownership interests therein is contrary to well-settled constitutional law.

47. Bloomfield policy makers' failure to train or supervise subordinates in the face of this law amounts to deliberate indifference to the rights of persons who own vehicles that are seized, detained, subjected to charges and lien by and sold under the authority of Bloomfield.

48. But for Bloomfield's deprivational policy, decisions, practices and failures above described, Honda would have had the right to recover and would have recovered the Subject Vehicle without delay or with minimal delay by reason of measures that preserve legitimate interests but are less intrusive than continued detention or disposal of the vehicle, and extinguishment of Honda's ownership interest, without incurring liability for or loss due to towing and storage charges impressed *ex parte*, and without incurring liability for or loss due to further

storage charges continually accruing daily, and without loss by extinguishment of its ownership interest in the Subject Vehicle.

49. Bloomfield's constitutional violations as indicated caused Honda actual damages, including reasonable attorney's fees.

COUNT II

**Violation of New Jersey's Constitution
(Deprivation of Property by Unreasonable Seizure *and* Without Due Process of Law)**

50. Honda realleges and incorporates herein by reference the allegations set forth in the above paragraphs of the complaint.

51. Bloomfield's violations of the Fourteenth Amendment to the U.S. Constitution as aforesaid constitute violations under the New Jersey State Constitution.

52. Bloomfield's violations of the Fourth Amendment to the U.S. Constitution aforesaid constitute violations under the New Jersey State Constitution.

53. Bloomfield's constitutional violations as indicated caused Honda actual damages, including reasonable attorney's fees.

COUNT III

Declaratory Relief

54. Honda realleges and incorporates herein by reference the allegations set forth in the above paragraphs of the complaint.

55. An actual controversy has arisen and now exists between Honda and Bloomfield warranting declaratory relief pursuant to 28 U.S.C. § 2201.

56. Honda seeks a declaration that Bloomfield's conduct as detailed herein violated Honda's rights to be free from unreasonable seizures and Due Process under the Constitutions of the United States and New Jersey.

57. Honda seeks a declaration that Bloomfield is liable to Honda pursuant to 42 U.S.C. 1983 and 42 U.S.C. 1988 for all damages and attorney's fees suffered and incurred by Honda.

58. Honda seeks a declaration that N.J.S.A. § 39:10A-1 *et. seq.* is unconstitutional in that it authorizes an unreasonable seizure without warrant or exception to the warrant requirement and in that it authorizes the deprivation of the property rights of a party owning a vehicle without any notice and without any hearing before a neutral decision maker.

59. The towing, seizure and detention and sale of motor vehicles, and extinguishment of ownership interests and liens therein when carried out in accordance with N.J.S.A. § 39:10A-1 *et. seq.*'s provisions, deprives affected vehicle owners and lienholders of property in violation of the Fourth and Fourteenth Amendments to the United States Constitution and the New Jersey Constitution.

60. Section 39:10A-1 *et. seq.* allows an unreasonable warrantless seizure and does not grant an affected owner or lienholder the right to a hearing with respect to the legitimacy of these acts, either before or after their occurrence. Nor does any other provision of New Jersey law. Honda seeks a declaration that Section 39:10A-1 *et. seq.* is so grossly and flagrantly unconstitutional—in that it fails to recognize that a duly titled ownership interest in a vehicle is a constitutionally protected property right—that any person of reasonable prudence would be bound to see this flaw.

61. Honda seeks a declaration that Bloomfield's conduct constituting the deprivations described herein was null and void ab initio.

COUNT IV Conversion Under New Jersey Common Law

62. Honda realleges and incorporates herein by reference the allegations set forth in the above paragraphs of the complaint.

63. Bloomfield exercised unlawful dominion and control of the Subject Vehicle to the exclusion of Honda's rights when it authorized and participated in the creation of a lien for towing and storage fees for the Subject Vehicle which supposedly took priority over Honda's lien without notice to Honda.

64. Bloomfield exercised unlawful dominion and control over the Subject Vehicle to the exclusion of Honda's rights when Bloomfield seized and detained the Subject Vehicle after Bloomfield's investigation ended without notice to Honda.

65. Bloomfield exercised unlawful dominion and control over the Subject Vehicle when it disposed of the Subject Vehicle.

66. Bloomfield exercised unlawful dominion and control over the sale proceeds derived from sale of the Subject Vehicle when Bloomfield retained said proceeds and failed to remit said funds to Honda.

67. Bloomfield's acts of conversion as indicated caused Honda actual damages, as well as attorney's fees.

PRAYERS FOR RELIEF

WHEREFORE, Honda requests that this Court:

- a. Grant judgment in favor of Honda and against Bloomfield on all causes of action asserted herein;
- b. Declare that Bloomfield violated Honda's rights to be free from unreasonable searches and seizures and Honda's rights to Due Process under the United States and New Jersey Constitutions;
- c. Declare that NJSA 39:10A-1 is unconstitutional in that it fails to recognize that an ownership interest in a vehicle is a constitutionally protected property right in violation of the Fourth and Fourteenth Amendments to the United State Constitution;

- d. Award Honda nominal damages and actual damages, including damages based upon the lost value of the Subject Vehicle, the loss of use thereof, the income stream due to Honda relative thereto, and the sales proceeds;
- e. Award Honda the cost of prosecuting this action together with attorney's fees pursuant to 42 U.S.C. §1988;
- f. Declare a permanent injunction against Bloomfield prohibiting the above-described unconstitutional practices; and
- g. Award such other and different relief that the Court, in the exercise of its discretion, deems just and proper.

Dated: November 25, 2019

Norris McLaughlin, P.A.

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