

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

R.R.,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

**PEMBERTON TOWNSHIP POLICE
DEPARTMENT, ET AL.,**
Defendant

CASE
NUMBER: 1:16-CV-00261-JHR-AMD

TO: (Name and address of Defendant):

PEMBERTON TOWNSHIP
POLICE DEPARTMENT
500 P.B.M. ROAD
PEMBERTON NJ 08068

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:

Karpt, Karpt & Cerutti, P.C.
Two Greenwood Square
3331 Street Road - Suite 128
Bensalem, PA 19020

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

WILLIAM T. WALSH
CLERK

JAIME KASSELMAN
(By) DEPUTY CLERK



ISSUED ON 2016-01-15 09:10:01, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by (me/it)	DATE	
NAME OF SERVER (PRINT)	TITLE	
Check one box below to indicate appropriate method of service		
☐ 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 _____ Signature of Server _____		
Address of Server _____		

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

R.R., a minor child, by her
Mother and Natural Guardian:
RAHNEEMA MCCLOUD
70 Horizon Road
Browns Mills, NJ 08015

Plaintiff,

v.

PEMBERTON TOWNSHIP POLICE
DEPARTMENT
500 P.B.M. Road
Pemberton, NJ 08068
and
SERGEANT DAVID KING
c/o Pemberton Township Police Department
500 P.B.M. Road
Pemberton, NJ 08068
and
OFFICER THOMAS LUCAS
c/o Pemberton Township Police Department
500 P.B.M. Road
Pemberton, NJ 08068
and
OFFICER BRIAN SMITH
c/o Pemberton Township Police Department
500 P.B.M. Road
Pemberton, NJ 08068
and
OFFICER STEVE PRICE
c/o Pemberton Township Police Department
500 P.B.M. Road
Pemberton, NJ 08068

Defendants.

CIVIL ACTION

NO. 10-201

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

AND NOW COMES the Plaintiff, R.R., by and through her mother and natural guardian,
Rahneema McCloud, and states as follows in the instant Complaint.

JURISDICTION AND VENUE

1. This action is instituted under the United States Constitution, particularly under the provisions of the Fourth, Fifth and Fourteenth Amendments, and under federal law, particularly the Civil Rights Act of 1871, hereinafter sometimes referred to as the "Act", as amended, 42 U.S.C. Sections 1983 and 1988.

2. This Court has subject matter jurisdiction in this matter pursuant to 28 U.S.C. § 1331 because the instant lawsuit is premised upon federal civil rights laws.

3. Venue in the District of New Jersey is properly laid pursuant to 28 U.S.C. § 1391, in so far as the following alleged unlawful conduct complained of in this Complaint, which forms the factual and legal basis of the claims of the Plaintiff, arose within the geographical limits of this District.

PARTIES

4. Plaintiff R.R. (*hereinafter* referred to as "Plaintiff") is a minor child.

5. Defendant Pemberton Township Police Department (*hereinafter* referred to as "Defendant"), is a governmental entity within the State of New Jersey empowered to enforce the laws within its jurisdiction for the purpose of protecting and preserving the persons and property within the geographical and legal jurisdiction of Pemberton Township.

6. Defendant Sergeant David King (*hereinafter* referred to as "Sergeant King"), upon information and belief, is an adult *sui juris* individual who is currently serving in his capacity as a sworn officer for the Pemberton Township Police Department, and is entrusted with the power to enforce laws of this State. Defendant King is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance.

7. Defendant Officer Thomas Lucas (*hereinafter* referred to as "Officer Lucas"), upon information and belief, is an adult *sui juris* individual who is currently serving in his capacity as a sworn officer for the Pemberton Township Police Department, and is entrusted with the power to enforce laws of this State. Defendant Lucas is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance.

8. Defendant Officer Brian Smith (*hereinafter* referred to as "Officer Smith"), upon information and belief, is an adult *sui juris* individual who is currently serving in his capacity as a sworn officer for the Pemberton Township Police Department, and is entrusted with the power to enforce laws of this State. Defendant Smith is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance.

9. Defendant Officer Steve Price (*hereinafter* referred to as "Officer Price"), upon information and belief, is an adult *sui juris* individual who is currently serving in his capacity as a sworn officer for the Pemberton Township Police Department, and is entrusted with the power to enforce laws of this State. Defendant Price is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance.¹

FACTUAL BACKGROUND

10. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

¹ Sergeant King, Officer Lucas, Officer Smith and Officer Price are *hereinafter* collectively referred to as "Defendant Officers."

11. On or about July 26, 2014 Defendant Officers arrested Plaintiff (described further *infra*).
12. At the time of the aforementioned arrest, Plaintiff was fifteen (15) years old.
13. On the day of Plaintiff's aforementioned arrest, Plaintiff was attending the Pernberton Township Annual Water Carnival approximately 2-3 blocks away from her home.
14. Plaintiff's Uncle also attended the aforementioned Carnival.
15. At the conclusion of the aforementioned Carnival, Plaintiff's Uncle tried to get Plaintiff to enter his vehicle.
16. Plaintiff refused to enter her Uncle's vehicle as to her knowledge he has previously been convicted of statutory rape, lives in a motel, uses illicit drugs, and is generally not appropriate for a fifteen (15) year-old-girl to be alone with.
17. Plaintiff's Uncle asked Defendant Officers to assist him in getting Plaintiff into his vehicle.
18. Plaintiff told Defendant Officers that she would not get in the vehicle.
19. Defendant Officers did not perform any investigation to see if Plaintiff's Uncle had any reason to take her, did not contact Plaintiff's parents, and did not check anybody's identification or criminal history.
20. Instead, Defendant Officers threw Plaintiff onto the ground, handcuffed her, and took her to the police station.
21. While at the police station, Defendant Officers still completely and utterly failed to perform any investigation, contact Plaintiff's parent, or check any identification or criminal history.
22. Defendant Officers then released Plaintiff into the custody of her Uncle.

23. Aside from the illegal seizure, arrest, and excessive force (as discussed *supra*), Defendant Officers also maliciously charged Plaintiff with false crimes, including charges under 2C:33-2a(2), and 2C:29-2a(1)(a).

24. At all times relevant herein, Defendant Officers had no reasonable suspicion or probable cause to: (a) stop Plaintiff; (b) detain / arrest / seize her; (c) to use force on Plaintiff; and to (d) falsely and maliciously charging Plaintiff with bogus crimes.

25. Plaintiff suffered injuries as a result of her unlawful and unconstitutional stop, seizure and detainment.

Count I

Violation of 42 U.S.C. Section 1983

- (1) Illegal Stop; (2) Excessive Force; (3) Illegal Seizure; and (4) Malicious Prosecution -
-Against All Defendants²-

26. The foregoing paragraphs are fully incorporated herein as though set forth at length.

27. The actions of Defendants in planning, conducting, and carrying out the search and seizure of Plaintiff deprived said Plaintiff of her constitutional rights as guaranteed by the Fourth Amendment to the Constitution, Article I of the New Jersey Constitution and 42 U.S.C. Section 1983, in inter alia, the following manners:

- (a) in the unlawful stop of the Plaintiff;
- (b) in the unlawful detention of Plaintiff;
- (c) in the unlawful restraint of the Plaintiff by Defendants;
- (d) in the unreasonable use of force or use of excessive force in the said detention of the Plaintiff at the hands of the Defendants;

² "Defendants" collectively refers to Pemberton Township Police Department and Defendant Officers.

- (e) in the unlawful assault and/or battery of the Plaintiff at the hands of the Defendants;
- (f) in the completely and utter failure to investigate the situation and to release a minor child into the custody of a known sex offender;
- (g) in the intentional or negligent infliction of emotional distress upon the Plaintiff;
- (h) in the failure of the Defendant Officers to preclude, prevent, or restrain the other Defendant Officers from effecting such deprivation of Constitutional rights;
- (i) in the development, implementation, and carrying out of a policy, practice or procedure designed to allow unlawful searches and seizures and deprivation of Constitutional rights of citizens;
- (j) in developing, implementing, and carrying out a policy, practice, procedure or custom which made no reasonable efforts to comply with standards for police encounters and the utilization of equipment and training that would have prevented the overreaction by the police to the events of that day;
- (k) in deliberately failing to train, or continue the training of, all the Defendants in the recognition of the proper techniques of responding to matters and circumstances similar to those at issue in the instant case;
- (l) in failing to oversee, monitor, control, curtail, or restrain the actions of the individual Defendants in carrying out such operations when all of the Defendants knew, or should have known, from prior operations of this

kind, and/or from prior acts of misconduct by the individual Defendants, that, if not conducted in compliance with prior training and with the utilization of proper equipment by the individual Defendants, that the likelihood of physical and psychological injury and the deprivation of the Constitutional rights of innocent citizens would be substantial;

- (m) in allowing Plaintiff to be charged with false crimes that were (and are being) prosecuted notwithstanding their lack of basis, cause, or merit; and
- (n) in perverting the legal process to achieve an objective other than its intended purpose.

28. As a direct and proximate result of the aforesaid actions and omissions of Defendants, Plaintiff has suffered injuries, losses, and/or damages including, but not limited by specification to, the following:

- a. Physical and mental pain and suffering and anguish, and embarrassment and humiliation;
- b. loss of valuable and inalienable rights to be free from unlawful search, free from illegal restraint and loss of freedom of association, as well as personal and familial privacy; and
- c. punitive damages are justified factually and legally due to the outlandish and outrageous conduct, actions, and/or omissions of Defendants as aforesaid; and
- d. costs to defendant malicious claims.

WHEREFORE, the Plaintiff, R.R., respectfully requests that this Honorable Court award a Judgment in her favor and against the named Defendants molded by the Court to maximize the

financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law.

Count II
False Imprisonment

29. The foregoing paragraphs are fully incorporated herein as though set forth at length.

30. Defendants intended to and actually confined Plaintiff without reasonable suspicion or probable cause.

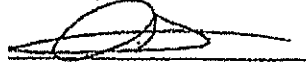
31. Plaintiff was conscious of the confinement.

32. As a direct and proximate cause of Defendants' unlawful conduct, Plaintiff has and continues to suffer the damages set forth herein.

WHEREFORE, the Plaintiff, R.R., respectfully requests that this Honorable Court award a Judgment in her favor and against Defendants, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law.

Respectfully submitted,

KARPF, KARPF & CERUTTI, P.C.



Ari R. Karpf, Esquire
3331 Street Road
Building 2, Suite 128
Bensalem, PA 19020
(215) 639-0801

Dated: January 14, 2016

CIVIL COVER SHEET

The 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

Richard Beam and Dawn Beam, husband and wife

(b) County of Residence of First Listed Plaintiff Burlington
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael S. Di Croce, Esq
276 Indian Mills Road
Shamong, NJ 08088 609.268.6331 mdicr@comcast.net

DEFENDANTS

Township of Pemberton Police Dept., Chief of Police, officers Wolf, Rossetti and Lafferty, John Does 1-10

County of Residence of First Listed Defendant Burlington
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

NOV 22 2019

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)

(For Diversity Cases Only)

	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 Veteran's 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 ☐ 690 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 ☐ 462 Naturalization Application ☐ 465 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 (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (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 (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 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 Amer. w/Disabilities - Employment ☐ 446 Amer. 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 (specify)
- ☐ 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):

Brief description of cause:

Police unlawful invasion of home / personal injury.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
500,000.CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
November 15, 2019SIGNATURE OF ATTORNEY OF RECORD
Michael S. Di Croce

Michael S. Di Croce

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD BEAM, JR, ET AL.,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWNSHIP OF PEMBERTON, ET AL.,
Defendant

CASE
NUMBER: 1:19-CV-20380-RBK-KMW

TO: (Name and address of Defendant):

Township of Pemberton
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

A lawsuit has been filed against you.

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

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

s/ WILLIAM T. WALSH

CLERK



ISSUED QN 2019-11-19 10:07:10, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by mc(1)	DATE	
NAME OF SERVER (PRINT)	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 _____ Signature of Server		
_____ Address of Server		

1 Michael S. Di Croce, Esquire | NJ Attorney Id: 0002311984
2 DI CROCE LAW OFFICE, P.C.
3 276 Indian Mills Road
4 Shamong, New Jersey 08088
5 Telephone: (609) 268-6331 | Fax: (609) 388-5673
6 mdclegal@comcast.net
7 Attorney For Plaintiff's, Richard and Dawn Beam

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEW JERSEY

10 RICHARD BEAM, DAWN BEAM

11 Plaintiffs,

12 vs.

13 TOWNSHIP OF PEMBERTON, TOWNSHIP
14 OF PEMBERTON POLICE
15 DEPARTMENT, TOWNSHIP OF
16 PEMBERTON CHIEF OF POLICE, POLICE
17 OFFICERS WOLF, JOHN ROSSETTI AND
18 LAFFERTY; AND JOHN DOES 1-10

19 Defendants.

DOCKET NO.:

Civil Action - Jury Trial Demanded

COMPLAINT AND JURY DEMAND

1. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
2. BATTERY
3. MALICIOUS TRESPASS
4. ABUSE OF PROCESS
5. FALSE ARREST AND IMPRISONMENT
6. VIOLATION OF CONSTITUTIONAL RIGHTS

23 Plaintiff's, RICHARD and DAWN BEAM, (herein after BEAM) by and through
24 their attorney, Michael S. Di Croce, Esq., of the DiCroce Law Office, P.C., for their complaint
25 allege as follows:
26

27
28 COMPLAINT AND JURY DEMAND 1. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS 2.
BATTERY 3. MALICIOUS TRESPASS 4. ABUSE OF PROCESS 5. FALSE ARREST AND IMPRISONMENT 6.
VIOLATION OF CONSTITUTIONAL RIGHTS - 1

PRELIMINARY STATEMENTS

1
2 1. This is a civil rights action in which the plaintiff 's seek relief for false arrest,
3 intentional infliction of emotional distress, battery, wrongful arrest and imprisonment, malicious
4 trespass, abuse of process, defamation, harassment, loss of wages, personal injury, property
5 damage and the violations of his rights secured by 42 USC § 1983, 42 USC § 1988, the Fourth
6 and Fourteenth Amendments to the United States Constitution and N.J.S.A. 59 et seq.
7

8 2. The claims arise from the various dates beginning on February 10, 2018, the
9 incidents in which Patrolmen of the Township of Pemberton's Police Department, unjustifiably,
10 intentionally and willfully subjected plaintiff to inter alia, malicious trespass, abuse of
11 process, false arrest, invasion of their home, personal injury and false imprisonment.
12

13 3. Plaintiff's seek monetary damages (special, compensatory, and punitive) against
14 defendants, as well as an award of costs and attorney's fees, and such other and further relief as
15 the Court deems just and proper.
16

JURISDICTION

17
18 4. This action is brought pursuant to 28 USC § 1331, 42 USC § 1983, and the Fourth
19 and Fourteenth Amendments of the constitution.
20

21 5. The amount in controversy exceeds \$75,000.00 excluding interest and costs.
22

VENUE

23 6. Venue is laid within the United States District Court for the District of New
24 Jersey (Camden) in that Defendant Township of Pemberton of New Jersey is located within, and
25 a substantial part of the events giving rise to the claim occurred within the boundaries of the
26 Camden District of New Jersey.

PARTIES

27 COMPLAINT AND JURY DEMAND 1. INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS 2.
28 BATTERY 3. MALICIOUS TRESPASS 4. ABUSE OF PROCESS 5. FALSE ARREST AND IMPRISONMENT 6.
VIOLATION OF CONSTITUTIONAL RIGHTS - 2

1 7. Plaintiff's, RICHARD BEAM and DAWN, husband and wife, are legal residents
2 of the United States and at all times here relevant resided at 220 Haddon Road, Township of
3 Pemberton, located in Burlington County and State of New Jersey.

4 8. The Township of Pemberton, New Jersey (or "the Township" or "City") is a
5 municipal corporation organized under the laws of the State of New Jersey. At all times relevant
6 hereto, Defendant City, acting through the New Jersey Police Department (or "Pemberton
7 Township Police"), was responsible for the policy, practice, supervision, implementation, and
8 conduct of Township of Pemberton Police matters and was responsible for the appointment,
9 training, supervision, discipline and retention and conduct of all Township of Pemberton Police
10 personnel. In addition, at all times here relevant, Defendant Township of Pemberton was
11 responsible for enforcing the rules of the Township of Pemberton Police, and for ensuring that the
12 Township Police personnel obey the laws of the United States and the State of New Jersey.

13 9. Police officers, Wolf and Rossetti, and other participating police officers John
14 Does 1-10 were, at all times here relevant, police officers of the Township of Pemberton
15 Township Police Department, and as such were acting in the capacity of agents, servants and
16 employees of the Township of Pemberton. On information and belief, at all times relevant
17 hereto, Officer's Wolf and Rossetti, and John Doe Officers, were the "arresting officers" and
18 were under the command of the of the Pemberton Township Police and Chief of Police with
19 actual knowledge that Defendant Officers illegally entered Plaintiff's home without lawful
20 reason and caused Plaintiff to sustain a serious personal injury to his arm, hands and body when
21 they unlawfully invaded Plaintiff's home causing Richard Beam to sustain personal injuries.
22 Defendants are sued in their official and individual capacities.

23 10. All other individual defendants ("the officers and employees of Defendant"),
24 including John Doe's #1-10, and all others involved in the harassment, false arrest, personal
25 injuries are individuals whose names are currently unknown to plaintiff, were employees of the
26 Township of Pemberton Police or agents of the Burlington County and State of New Jersey, and
27 are sued in their official and individual capacities.

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11. At all times here mentioned defendants were acting under color of state law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Township of Pemberton and State of New Jersey.

NOTICE OF CLAIM

Against all Defendant's

12. Within 90 days of the incident, plaintiff filed written Notice of Claim with the Township of Pemberton and Township Police, the terms of which are incorporated herein at length. (Attached hereto as Exhibit "1"). Over 30 days have elapsed since the filing of that notice, and this matter has not been settled or otherwise disposed of.

FACTUAL ALLEGATIONS

13. Plaintiff is an American citizen, legally residing in the United States entitled to all of the rights and citizens of an American citizen. (Photograph of Plaintiff is attached hereto as Exhibit "2").

14. On the evening of February 10, 2018, Officers of the Township of Pemberton Township Police Department, under the direction of the Chief of Police, unjustifiably entered the residence of Richard and Dawn BEAM at 220 Haddon Road, Pemberton, NJ 08015.

15. Based on information and belief, on the evening of February 10th, 2018, Brooklyn Beam, Plaintiff's youngest minor daughter, accidentally dialed 9-1-1 while playing with the house phone.

16. Plaintiff, Richard Beam, realizing what happened, waited out front of his house for responding Officers to advise them of the accidental call and communicated this to them..

17. Pemberton Township Police Department's Officers, Wolf and Rossetti, responded to the Beam residence at 220 Haddon Road, Pemberton, NJ 08015 in response to the dropped call.

18. Officers allegedly suspected potential domestic violence and conducted an investigation. After being advised by Plaintiff Richard Beam that there was no domestic violence issue he then asked the police to leave his private property.

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1 19. The police then ordered Plaintiff, Richard Beam, to go inside residence while they
2 spoke with his wife, Dawn Beam. He complied with the officer's instructions while they
3 continued to speak with spouse Dawn Beam.

4 20. Plaintiff, Dawn Beam, then advised the Officers on several occasions that no
5 domestic violence had occurred and that there was no issue that needed a police response.

6 21. Plaintiff Richard Beam stood in the house, behind a closed screen door, while Officer
7 Wolf continued to speak with spouse, Dawn Beam, who confirmed the non-issue.

8 22. Unprompted and unprovoked, Officer Rossetti, unlawfully entered Beam's private
9 residence without cause, during which time Richard Beam, as a result of being physically
10 assaulted, caused injuries to Plaintiff's arm, hands and body.

11 23. Plaintiff, Richard Beam, has been irreparably harmed and required hand surgery
12 on May 4, 2018 and follow-up treatments and pain and suffering which are continuing. Said
13 damage includes, but is not limited to: substantial injuries to his hand, arms, back. The exact
14 monetary amount for the damages is to be determined and proved at time of trial.

15 24. Plaintiff, Richard Beam, was treated at Lourdes Brown Mills and Will Surgical
16 Center Cherry Hill.

17 25. During this time, Plaintiff's lost sleep, fearing for their safety, and have sustained
18 serve emotional trauma.

19 26. On November 6, 2018, in a pattern of harassment, Plaintiff Richard Beam's
20 motorcycle was unlawfully taken from private property 214 Cherokee Drive, Browns Mills, NJ
21 impounded and he incurred the responsibility of the tow and storage expense in the amount of
22 \$600. as well the loss of use for nearly two years until its eventual return in February of 2019,
23 having been told repeatedly that the "Craig's Auto Tow Yard" did not have the motorcycle, it not
24 being recently returned until the threat of lawsuit.

25 27. BEAM's motorcycle was damaged and he was unlawfully deprived of its usage
26 for many months.

27 28. On November 1, 2018 Plaintiff Beam, while lawfully walking on Lakehurst Road in
28 Pemberton Township, was unlawfully stopped, detained and arrested by Officer Lafferty despite

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1 being advised by Plaintiff that he was on his way to court and that there were no open warrants
2 against him.

3 29. An officer from Pemberton later telephoned Dawn Beam saying that Richard was
4 arrested by mistake and "we thought he was somebody else".

5 30. BEAM has been irreparably harmed. Said harms include, but are not limited to: a
6 deprivation of freedom; loss of property, mental anguish; severe emotional distress and
7 impairment; violation of his constitutional protections; and, other damages yet to be determined.

8 31. At all times during the events described above, the defendants were engaged in a
9 joint venture and formed an agreement to violate plaintiffs' rights. The individual officers
10 assisted each other in performing the various actions described and lent his physical presence
11 and support and the authority of his office to each other during said events.

12 32. During all of the events above described, defendants acted maliciously and with
13 intent to injure plaintiffs.

14 33. The false arrest and incarceration caused him to be defamed and the crimes he
15 was wrongfully accused of were of such high profile and notoriety that they were quickly
16 discussed throughout the community and communicated to his neighbors and others in the
17 community.

18 34. BEAM lost his employment and wages as a result of the injuries he had great
19 difficulty finding re-employment.

20 35. The harm caused to BEAM's reputation has taken a substantial toll on his
21 emotional health and esteem and he has been seeking professional counseling.

22 DAMAGES

23 36. As a direct and proximate result of the acts of defendants, plaintiff suffered
24 the following injuries and damages:

- 25 a. Violation of his civil rights pursuant to the Fourth and Fourteenth Amendments
26 to the United States Constitution to be free from an unreasonable search
27 and seizure of his person;
- b. Violation of his right to Due Process of Law under the Fourteenth
Amendments to the United States Constitution;
- c. Violation of his New Jersey State Constitutional rights under Article 1,

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1 Section 12 to be free from an unreasonable search and seizure;
2 d. Violation of his New Jersey State Constitutional rights under Article 1,
3 Section 6 to Due Process;
4 e. Physical pain and suffering;
5 f. Emotional trauma and suffering, including fear, embarrassment, humiliation,
6 emotional distress, frustration, extreme inconvenience, anxiety; and,
7 g. Loss of liberty.

FIRST CAUSE OF ACTION

Against all Defendant's

8 (42 USC § 1983)

9 37. The preceding paragraphs are here in incorporated by reference.

10 38. Defendants have deprived plaintiff of his civil, constitutional and statutory rights
11 under color of law and have conspired to deprive his of such rights and are liable to plaintiff
12 under 42 USC § 1983 and N.J.S.A. 59 et seq.

13 39. Defendants conduct deprived plaintiff of his right to be free of
14 unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the
15 United States Constitution. Defendants' conduct also deprived plaintiffs of his right to due
16 process of law, pursuant to the Fourteenth Amendment of the United States Constitution.

17 40. Defendants unlawfully entered the Beam home, falsely arrested plaintiff, caused
18 personal injuries and failed to intervene in each other's obviously illegal actions despite having
19 actual knowledge that no criminal behavior was afoot.

20 41. Plaintiff has been substantially damaged as a result of Defendants' wrongful acts.

SECOND CAUSE OF ACTION

21 (MUNICIPAL & SUPERVISORY LIABILITY)

22 42. The above paragraphs are here in incorporated by reference.

23 43. The Township of Pemberton, the Chief of Police and individual officers are liable
24 for the damages suffered by plaintiff as a result of the conduct of their employees, agents, and
25 servants, in that, after learning of their employees' violation of plaintiff's constitutional rights,
26 they failed to remedy the wrong; they have created a policy or custom under which
27

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1 unconstitutional practices occurred and allowed such policies or customs to continue, and they
2 have been grossly negligent in managing subordinates who caused the unlawful condition or
3 event. The Township of Pemberton has been alerted to the regular use of excessive force and false
4 arrests by its police officers, but has nevertheless exhibited deliberate indifference to
5 such excessive force and false arrests; that deliberate indifference caused the violation of
6 plaintiffs' constitutional rights in this case.

7 44. The aforesaid event was not an isolated incident. The Township of Pemberton,
8 and its Chief of Police and employees, have been aware for some time, from lawsuits, notices of
9 claim, complaints previously filed, and judicial rulings suppressing evidence and finding officers
10 incredible as a matter of law, that a disturbing number of his police officers use excessive force,
11 unlawfully search and seize citizens, bring charges against citizens with no legal basis, perjure
12 themselves in charging instruments and testimony, and fail to intervene in and report the
13 obviously illegal actions of his fellow officers. Nevertheless, the Township of Pemberton has
14 allowed policies and practices that allow the aforementioned to persist.

15 45. For example, the well documented failures of the Township and Police
16 Department, to substantiate obviously citizen complaints have gone uncorrected. The Township
17 of Pemberton regularly finds complainants lack credibility based on the fact that such
18 complainants have also brought lawsuits to remedy the wrongs they have experienced, a practice
19 that often results in not substantiating the most serious charges brought to them. In addition, the
20 Township of Pemberton virtually never initiates his own findings of false statements against
21 officers who have made false statements to the Township of Pemberton in his own defense, nor
22 do they initiate findings that officers have failed to report his fellow officers' misconduct; thus,
23 officers have no real incentive to come forward, or to testify truthfully. The Township of
24 Pemberton has no enforcement mechanisms once making a finding against an officer; it can only
25 make recommendations to the Pemberton Township Police, once finding misconduct by an
26 officer.

27 46. The Pemberton Township Police, once receiving a substantiated complaint by the
28 City, fails to adequately discipline officers for misconduct. The Township Police Department
29 Advocate or Investigator, which is endowed with the responsibility of following up on

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1 substantiated Township of Pemberton charges, is understaffed and under-utilized. Furthermore, in
2 the extraordinarily rare event that a complaint the Township of Pemberton is substantiated and it
3 has been in an internal trial against an officer, the police chief still maintains the power to reduce
4 the discipline against such an officer.

5 47. Further, the Township of Pemberton has no procedure to notify individual officers
6 or his supervisor of unfavorable judicial review of his conduct. Without this notification,
7 improper search and seizure practices and incredible testimony go uncorrected. The Township of
8 Pemberton has isolated its law department from the discipline of police officers, so that civil suits
9 against police officers for actions taken in their capacity as police officers have no impact on the
10 officers' careers, regardless of the outcome of the civil actions, creating a "total disconnect"
11 between the settlements of even substantial civil claims and police department action against
12 officers.

13 48. The Township of Pemberton is aware that all of the aforementioned has resulted in
14 violations of citizens' constitutional rights. Despite such notice, the Township of Pemberton has
15 failed to take corrective action. This failure and these policies caused the officers in the present
16 case to violate plaintiff's civil rights, without fear of reprisal.

17 49. Plaintiff has been damaged as a result of the deliberate indifference of the
18 Township to the constitutional rights of the City's inhabitants.

19 50. The Township of Pemberton is liable for the damages suffered by plaintiffs as a
20 result of the conduct of their employees, agents, and servants, in that, after learning of his
21 employees' violation of plaintiffs' constitutional rights, they failed to remedy the wrong; they
22 have created a policy or custom under which unconstitutional practices occurred and allowed
23 such policies or customs to continue; and, they have been grossly negligent in managing
24 subordinates who caused the unlawful condition or event. The Township of Pemberton has been
25 alerted to the regular use of excessive force and false arrests by its police officers, but has
26 nevertheless exhibited deliberate indifference to such excessive force and false arrests; that
27 deliberate indifference caused the violation of plaintiffs' constitutional rights in this case.

28 **THIRD CAUSE OF ACTION**

Against all Defendant's

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(CONSPIRACY)

51. The above paragraphs are here in incorporated by reference.

52. Defendants agreed to violate the plaintiffs' rights in the manner described above. Further defendants made an agreement to attempt to cover up the false arrest, wrongful treatment and unlawful incarceration of Plaintiff.

53. Defendants took action in furtherance of this agreement by subsequently arresting plaintiff in retribution for filing the Notice of Tort Claims and attempting to bring charges against him for another unrelated matter(s).

54. Plaintiff was injured as a result of defendants' conspiracy.

FOURTH CAUSE OF ACTION

Against all Defendant's

(CONSTITUTIONAL TORT)

55. The above paragraphs are here in incorporated by reference.

56. Defendants, acting under color of law, intentionally or recklessly violated plaintiff's rights pursuant to §§ 5, 6 and 12 of the New Jersey State and U.S. Constitution's.

57. A damages remedy here is necessary to effectuate the purposes of §§ 5, 6 and 12 of the New Jersey State and U.S. Constitution and appropriate to ensure full realization of plaintiff's rights under those sections and protections offered to citizens.

FIFTH CAUSE OF ACTION

(NEGLIGENT HIRING & RETENTION)

58. The above paragraphs are here in incorporated by reference.

59. Defendant City, through the Pemberton Township Police, owed a duty of care to plaintiff to prevent the loss of liberty and enjoyment of life, loss of personal property and mental abuse suffered by plaintiff.

60. Defendant City, through the Pemberton Township Police, owed a duty of care to plaintiff because under the same or similar circumstances a reasonable, prudent and careful

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1 person should have anticipated an injury to plaintiff or those in a position similar to plaintiff's as a
2 result of this intentional, knowing, unlawful conduct.

3 61. Upon information and belief, the Chief of Police and defendant officers were
4 incompetent and unfit for their positions.

5 62. Upon information and belief, defendant Township of Pemberton knew or should
6 have known through exercise of reasonable diligence that the officer defendants were potentially
7 dangerous and had previously falsely arrested and caused physical injuries to civilians without
8 probable or just cause.

9 63. Defendant City's negligence in hiring and retaining the officer defendants
10 proximately caused plaintiff's injuries

11 64. Because of the defendant City's negligent hiring and retention of defendant
12 officers, plaintiff incurred damages described above.

13 SIXTH CAUSE OF ACTION

14 (RESPONDEAT SUPERIOR)

15 65. The above paragraphs are here incorporated by reference.

16 66. Defendants' intentional tortious acts were undertaken within the scope of their
17 employment by defendant Township of Pemberton of New Jersey and in furtherance of the
18 defendant Township of Pemberton's interest.

19 67. As a result of defendants' tortious conduct in the course of his employment and
20 in furtherance of the business of defendant Township of Pemberton of New Jersey, Plaintiffs were
21 damaged.

22 SEVENTH CAUSE OF ACTION

23 (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

24 (Against all Defendants for damages)

25 68. Plaintiff's incorporate by reference the allegations of the original Complaint as
26 though set forth herein.

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1 69. All Defendants engaged in, instigated, and directed a course of extreme and
2 outrageous conduct with the intention of causing, or reckless disregard of the Plaintiff.

3 70. As a proximate result of the acts alleged herein Plaintiffs suffered severe or
4 extreme emotional distress, entitling them to damages in an amount to be proven at trial.

5 **EIGHTH CAUSE OF ACTION**

6 (BATTERY, Against all Defendant's)

7 71. Plaintiff incorporates by reference the allegations of the original Complaint as
8 though set forth herein.

9 72. Defendants caused Plaintiff, Richard Beam, to be touched without his consent and
10 with the intent to harm him.

11 73. Plaintiff did not consent to the touching.

12 74. As a proximate result of the acts alleged herein Plaintiff suffered harm, entitling
13 him to damages in an amount to be proven at trial.
14

15 **NINTH CAUSE OF ACTION**

16 **FALSE IMPRISONMENT**
17 **(Against the Defendants for damages)**

18 75. Plaintiff incorporates by reference the allegations of the original Complaint as
19 though set forth herein.

20 76. Through actions described herein, Defendants and John Does 1-10 intentionally
21 injured and confined Plaintiff without lawful justification.

22 77. Plaintiff did not consent to such confinement.

23 78. As a proximate result of the acts alleged herein Plaintiff is entitled to damages in
24 an amount to be proven at trial.
25

26 **TENTH CAUSE OF ACTION**

27 COMPLAINT AND JURY DEMAND1. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS2.
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1 ABUSE OF PROCESS
2 (Against all Defendants for damages)

3 79. Plaintiff incorporates by reference the allegations of the original Complaint as
4 though set forth herein.

5 80. Defendants willfully and wrongfully entered Plaintiff's marital home and
6 confined and injured Plaintiff, and arrested and detained him to retaliate against Plaintiff for his
7 activities and otherwise to harass and harm him.

8 81. As a proximate result of the acts alleged herein, Plaintiff is entitled to damages in
9 an amount to be proven at trial.

10
11 ELEVENTH CAUSE OF ACTION

12 MALICIOUS TRESPASS
13 (Against all Defendants for damages)

14 82. Plaintiff incorporates by reference the allegations of the original Complaint as
15 though set forth herein.

16 83. Defendants entered Plaintiffs' property and falsely arrested and removed his
17 personal property without legal authorization and with the malicious intent to search, detain,
18 arrest and injure Plaintiff.

19 84. As a proximate result of the acts alleged herein Plaintiff is entitled to damages in an
20 amount to be proven at trial.

21
22 PRAYER FOR RELIEF

23
24 WHEREFORE, plaintiffs demand judgment against the defendants, jointly and severally, as
follows:

- 25 A. In favor of plaintiff in an amount in excess of \$500,000. and to be determined by a
26 jury for each of plaintiff's causes of action;
27 B. Awarding plaintiff punitive damages in an amount to be determined by a jury;
C. Awarding plaintiff reasonable attorneys' fees, costs and disbursements of this

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1 action; and,
2 D. Granting such other and further relief as this Court deems just and proper.

3
4 **JURY DEMAND**

5 Plaintiffs demand a trial by jury.

6 Respectfully submitted,

7 November 15, 2019.
8
9

10 /s/ Michael S. Di Croce, Esq.
11 **LAW OFFICE OF MICHAEL S. DI CROCE, P.C.**
12 **ATTORNEY FOR PLAINTIFF**
13 **By: Michael S. Di Croce, ESQ.**
14 **NJ Attorney Id: 0002311984**
15 **276 INDIAN MILLS ROAD**
16 **SHAMONG, NJ 08088**
17 **(609) 268-6331 Telephone**
18 **(609) 388-5672 Fax**
19 **mdclegal@comcast.net**

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