

JS 44 (Rev. 11/15)

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

Michael Karam and Amanda Bowers

(b) County of Residence of First Listed Plaintiff New Castle, DE
(EXCEPT IN U.S. PLAINTIFF CASES)

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

Stephen T. O'Hanlon, O'Hanlon Law Firm, 1500 JFK Blvd., Suite 1850,
Philadelphia, PA 19102. (267) 546-9066

DEFENDANTSNicholas Bowen, Kirk Cooksey, Allen Cummings, Darryl Saunders,
and 14 John Doe Police Officers.

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)

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 ☐ 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 ☐ 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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983

Brief description of cause:
Police misconduct.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
400,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
05/02/2016

SIGNATURE OF ATTORNEY OF RECORD


FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

MICHAEL KARAM

-and-

AMANDA BOWERS,

Plaintiffs,

v.

DETECTIVE NICHOLAS BOWEN
(Pennsville Police Department)

-and-

LIEUTENANT KIRK COOKSEY
(Pennsville Police Department)

-and-

CHIEF ALLEN CUMMINGS
(Pennsville Police Department)

-and-

SERGEANT DARRYL SAUNDERS
(Salem County Prosecutor's Office)

-and-

14 JOHN DOE POLICE OFFICERS,

Defendants.

Civil No. _____

CAMDEN VICINAGE

JURY TRIAL DEMANDED

COMPLAINT AND JURY DEMAND

Plaintiffs, Michael Karam and Amanda Bowers, by and through their undersigned counsel, The O'Hanlon Law Firm, P.C., hereby demand a trial by jury and complain against the above-captioned Defendants as follows:

Statement of Claim and Jurisdiction

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fifth Amendments to the United States Constitution against Defendant Police Officers in their individual capacities. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343.

2. It is alleged that the individual Defendant Police Officers made an unreasonable seizure of the persons of Plaintiffs, violating their rights under the Fourth to the United States Constitution. Plaintiffs' Fourth Amendment rights were violated further by an illegal search of Plaintiffs' persons and property. It is alleged further that certain individual police officer Defendants also violated Plaintiff Karam's Fourth, Fifth, and Sixth Amendment rights to the United States Constitution by coercing an inculpatory statement from Plaintiff Karam, denying him access to an attorney, and initiating a malicious prosecution against Plaintiff Karam.

Parties

4. Michael Karam and Amanda Bowers (hereinafter "Plaintiffs" or "Plaintiff Karam" or "Plaintiff Bowers") are residents of New Castle County, Delaware and Salem County, New Jersey respectively and are citizens of their resident States and the United States of America.

5. Defendant Police Officers, Detective Nicholas Bowen, Lieutenant Kirk Cooksey, Chief Allen Cummings, Sergeant Darryl Saunders, and 14 John Doe Police Officers (hereinafter "Defendant Police Officers" or "Defendant Bowen" or "Defendant Cooksey" or "Defendant Cummings" or "Defendant Saunders") were at all times relevant to this Complaint duly appointed and acting as police officers, acting under color of law, to wit, under color of the

statutes, ordinances, regulations, policies, customs, and usages of the State of New Jersey and/or Pennsville Township and/or Salem County.

6. Pursuant to Local Rule 10.1, Defendants Bowen, Cooksey, Cummings, and 14 John Doe police officers have an address of 90 North Broadway, Pennsville, NJ 08070. Defendant Saunders has an address of 87 Market Street, Second Floor, Salem, NJ 08079.

Facts

7. On May 15, 2014, Plaintiffs were stopped in Plaintiff Karam's vehicle by Defendant Police Officers.

8. Defendant Police Officers gave a false justification for the traffic stop in that an unknown confidential informant allegedly gave Defendant Police Officers information that Plaintiff Karam would be in possession of ecstasy pills.

9. Plaintiffs were removed from the vehicle and searched and Plaintiff Karam was coerced into giving Defendant Police Officers permission to search his vehicle.

10. Defendant Police Officers allegedly recovered 35 ecstasy pills from the spare wheel well of the vehicle.

11. Plaintiffs were transported to the Pennsville Police Department.

12. Plaintiff Karam was handcuffed for three hours and Plaintiff with his hands behind his back.

13. Plaintiff Bowers was also cuffed to a cuff bar and was placed on a bench.

14. Plaintiffs were then threatened by Defendant Police Officers about relatives losing their homes if Plaintiff Karam did not make a statement, that Plaintiff Bowers would be taken to jail and her life ruined if Plaintiff Karam did not make a statement, and other similar threats.

15. Following similar threats and coercion by Defendant Police Officers, Plaintiff Karam eventually gave a tape recorded confession to Defendant Police Officers.

16. On May 15, 2015, the Honorable Timothy G. Farrell of the Superior Court of New Jersey, Salem County suppressed all physical and confession evidence against Plaintiff Karam.

17. At all times during the events described above, Defendant Police Officers were engaged in a joint venture. The individual Defendant Police Officers assisted each other in performing the various actions described and lent their physical presence and support and the authority of their office to each other during the said events.

18. As a direct and proximate result of the said acts of Defendant Police Officers, Plaintiffs suffered the following injuries and damages:

- a. Violation of their Constitutional rights under the Fourth, Fifth, and Sixth Amendments to the United States Constitution;
- b. Loss of physical liberty and illegal search and seizure of all Plaintiffs;
- c. Emotional injury to all Plaintiffs;
- d. A coerced confession by Plaintiff Karam without requested access to counsel;
- e. Malicious prosecution to Plaintiff Karam;

19. The actions violated the following clearly established and well-settled federal constitutional rights of Plaintiffs:

- a. Freedom from unreasonable search and seizure of their persons;
- b. Freedom from coerced confession and deprivation of access to counsel in relation to Plaintiff Karam;
- c. Malicious prosecution in relation to Plaintiff Karam.

Causes of Action

**COUNT ONE: 42 U.S.C. § 1983 – FOURTH AMENDMENT
ILLEGAL SEARCH AND SEIZURE BY ALL PLAINTIFFS
AGAINST ALL DEFENDANTS**

20. Paragraphs 1 through 19 are incorporated herein by reference as though fully set forth.

21. Plaintiffs claim damages for the injuries set forth above under 42 U.S.C. § 1983 against all Defendants for infringing upon their Fourth Amendment rights to be free from unreasonable and illegal search and seizure of their persons and property.

22. Plaintiffs were illegally searched and seized by Defendant Police Officers, acting in concert and under color of law, when Defendant Police Officers fabricated information regarding an alleged confidential informant.

23. Each Defendant Police Officer had personal involvement in the infringement of Plaintiffs' Fourth Amendment rights and each officer was acting under color of state law.

24. Defendant Police Officers searched Plaintiff's persons and property without reasonable suspicion or probable cause and by eliciting coerced consent from Plaintiff Karam. Plaintiff Karam's car and grandmother's home were also searched without proper legal justification or voluntary consent.

25. Plaintiff Bowers was arrested for no reason whatsoever.

26. Plaintiffs were not in possession of ecstasy and any recovery thereof was a result of the planting of same by Defendant Police Officers and/or their confidential informant.

27. Accordingly, Plaintiffs should be compensated for the violation of their Fourth Amendment rights to be free from illegal and unreasonable search and seizure.

**COUNT TWO: 42 U.S.C. § 1983 – FIFTH AMENDMENT
COERCED CONFESSION BY PLAINTIFF KARAM AGAINST
DEFENDANTS BOWEN, COOKSEY, AND SAUNDERS**

28. Paragraphs 1 through 27 are incorporated herein by reference as though fully set forth.

29. Defendants Bowen, Cooksey, and Saunders, acting in concert and under color of state law, coerced a confession from Plaintiff Karam and, thus, compelled Plaintiff Karam to be a witness against himself in violation of the Fifth Amendment.

30. This was done by threatening Plaintiff with confiscation of relatives' property and criminal prosecution and incarceration of Plaintiff Bowers when Plaintiffs were both handcuffed and threatened by these Defendants.

31. Plaintiff Karam was in police custody and was subject to interrogation.

32. Plaintiff Karam was coerced into signing a waiver of rights by intimidating and threatening tactics that are unreasonable and unconstitutional and were perpetuated by Defendants Bowen, Cooksey, and Saunders.

33. The coerced statement was used against Plaintiff Karam at his criminal trial proceedings.

34. Plaintiff Karam should, therefore, be compensated for the violation of his Fifth Amendment right not to be compelled to be a witness against himself.

**COUNT THREE: 42 U.S.C. § 1983 – SIXTH AMENDMENT
DEPRIVATION OF ACCESS TO COUNSEL BY PLAINTIFF
KARAM AGAINST DEFENDANTS BOWEN, COOKSEY, AND
SAUNDERS**

35. Paragraphs 1 through 34 are incorporated herein by reference as though fully set forth.

36. Defendants Bowen, Cooksey, and Saunders acting in concert and under color of state law, coerced a confession from Plaintiff Karam and denied Plaintiff access to counsel at a critical stage in Plaintiff Karam's criminal case.

37. Defendants Bowen, Cooksey, and Saunders refused Plaintiff Karam access to an attorney despite a request by Plaintiff Karam for an attorney and these Defendants coerced an improper, unreasonable, and illegal waiver of a right to counsel from Plaintiff Karam.

38. The coerced statement was used against Plaintiff Karam at his criminal trial proceedings.

39. Plaintiff Karam should, therefore, be compensated for the violation of his Sixth Amendment right not to be deprived access to counsel at a critical stage in his criminal prosecution.

**COUNT FOUR: 42 U.S.C. § 1983 – FOURTH AMENDMENT
MALICIOUS PROSECUTION BY PLAINTIFF KARAM
AGAINST DEFENDANTS BOWEN, COOKSEY, CUMMINS,
AND SAUNDERS**

40. Paragraphs 1 through 39 are incorporated herein by reference as though fully set forth.

41. Defendants Bowen, Cooksey, Cummings, and Saunders initiated a meritless criminal proceeding against Plaintiff Karam, the criminal proceedings ended in Plaintiff's favor when Judge Timothy G. Farrell suppressed all evidence against Plaintiff Karam effectively

dismissing the criminal case, these Defendants initiated the criminal proceedings without probable cause based upon false information and planting of evidence, these Defendants acted maliciously or for a purpose other than bringing Plaintiff to justice, and Plaintiff suffered deprivation of liberty and was arrested and incarcerated for in excess of twenty-four hours at Salem County Correctional Facility.

42. Defendants Bowen, Cooksey, Cummings, and Saunders acted individually and in concert in perpetuating a baseless criminal prosecution against Plaintiff Karam and did so acting under color of law.

43. The whole prosecution was based upon fabrication, lies, intimidation, and coerced consent and statements. The process initiated and perpetuated was unreasonable and had no basis in law.

44. Plaintiff Karam should, therefore, be compensated for the violation of his Fourth Amendment rights not to suffer malicious prosecution.

Prayer for Relief

WHEREFORE, Plaintiffs request that this Court:

- a. Award compensatory, vocational, and emotional injury damages to Plaintiffs and against Defendants;
- b. Award costs of this action to Plaintiffs;
- c. Award reasonable attorney's fees to Plaintiffs;
- d. Award punitive damages to Plaintiffs to redress the outrageous conduct of Defendants, including Defendant Bowen lying under oath and Defendant Cooksey refusing to testify because of his own criminality, and in order to deter such future conduct.
- e. Award such other and further relief as this Court may deem appropriate.

Respectfully submitted,

The O'Hanlon Law Firm, P.C.

A stylized, handwritten signature in black ink, consisting of several sweeping, overlapping strokes that form a distinctive, elongated shape.

STEPHEN T. O'HANLON, ESQUIRE

DATE: May 2, 2016

The O'Hanlon Law Firm, P.C.
BY: Stephen T. O'Hanlon, Esquire
NJ Bar ID # 027612008
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Demand for Jury Trial

Plaintiffs hereby demands a jury trial.

Local Civil Rule 11.2 Certification

Pursuant to Local Rule 11.2, I hereby certify that the above-captioned matter is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

The O'Hanlon Law Firm, P.C.

A handwritten signature in black ink, appearing to read 'Stephen T. O'Hanlon', with a stylized flourish at the end.

STEPHEN T. O'HANLON, ESQUIRE

DATE: May 2, 2016

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