

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE**

LAWRENCE DIGIESI,

Plaintiff,

v.

- TOWNSHIP OF BRIDGEWATER
POLICE DEPARTMENT,
- TOWNSHIP OF BRIDGEWATER,
- STATE OF NEW JERSEY,
- SOMERSET COUNTY
PROSECUTOR'S OFFICE,
- ALFRED NICARETTA,
- KENNETH J. DOLIDA,
- TOM RICE,
- JOE BONES,
- THOMAS KOCHANSKI,
- A. MELE,
- PETER OCHS,
- MICHAEL MAXWELL,
- STEVE ZEICHNER,
- JOHN MITZAK,
- SHAWN O'NEILL,
- PAUL PAYNE,
- MICHAEL PACKWOOD,
- MICHAEL H. ROBERTSON,
- ASSISTANT PROSECUTOR
MARTINEZ,
- W. BRIAN STACK,
- JOHN DOES 1-10, AND
- JANE DOES 1-10,

Defendants.

CIVIL ACTION NO.:

COMPLAINT AND JURY DEMAND

NATURE OF THE ACTION

Plaintiff, Lawrence DiGiesi (hereinafter “Plaintiff”), by and through his counsel by way of Complaint against the Defendants hereby says:

1. This is an action to remedy federal and State civil rights violations and tortious conduct committed by the Defendants, including the State of New Jersey and its employees, against the Plaintiff who was destructively conspired against and subsequently falsely arrested on March 13, 2016, and who has suffered both economic and emotional damages as a proximate result of the Defendants’ actions.

2. The Defendants, in a concerted, intentional, and orchestrated effort to exert undue pressure and with the intent to sabotage and falsely arrest the Plaintiff on March 13, 2016, knowingly and purposely made false allegations of assault against the Plaintiff in a wrongful and intentional abuse of authority.

3. The Plaintiff was ultimately indicted as a result of the false claims advanced by the Defendants, alleging that the Plaintiff:

- 1) Committed an act of Aggravated Assault against Mr. Dolida in violation of N.J.S.A. 2C:12-1b(7).

4. That Indictment led to a trial in the matter captioned State of New Jersey v. Lawrence DiGiesi, *Superior Court of New Jersey, Somerset County* [Indictment No. 16-09-00705-I].

5. After a trial, culminating on July 6, 2017, the Plaintiff was found NOT GUILTY of all charges against him.

6. It is beyond dispute that the Plaintiff was wrongfully arrested and prosecuted. Given the spurious nature of the allegations leveled by the Defendants against the Plaintiff and given the clearly malicious intent of the members of the Township of Bridgewater Police Department who engaged in a tireless, albeit unsuccessful campaign to prosecute the Plaintiff, it must be concluded that the Middlesex County Prosecutor's Office has also engaged in this conspiracy to punish the Plaintiff for defending himself against the son of the former Chief of Police criminally drunken behavior.

7. As a result of this conspiracy devised and orchestrated by the Township of Bridgewater Police Department, and otherwise furthered by the other Defendants, the Plaintiff was victimized and otherwise injured, as his career and reputation have been irreparably harmed.

8. As a result of these events, the Plaintiff is entitled to damages.

THE PARTIES

9. Plaintiff Lawrence DiGiesi, born on December 7, 1959, is a citizen of the State of New Jersey having resided in the County of Warren during all times relevant to this Complaint.

10. Defendant Township of Bridgewater Police Department is a principal department of the Executive Branch of state government located at 100 Commons Way, Bridgewater, New Jersey 08807.

11. Defendant Township of Bridgewater is a municipality organized by virtue of New Jersey law and pursuant to that law, is to be known and distinguished by the name "Bridgewater" located at 100 Commons Way, Bridgewater, New Jersey 08807. Defendant Township of Bridgewater is sued to affect the full declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff.

12. Defendant State of New Jersey is the Executive Branch of State government located at the State House, P.O. Box 001, Trenton, New Jersey, 08625.

13. Defendant Somerset County Prosecutor's Office is a principal department of the Executive Branch of State government located at 40 North Bridge Street, Somerville, New Jersey 08876.

14. Defendant Alfred Nicaretta was the Chief of Police employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Nicaretta is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, at 100 Commons Way, Bridgewater, New Jersey 08807.

15. Defendant Kenneth J. Dolida is a retired Chief of Police, previously employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Dolida is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, at 100 Commons Way, Bridgewater, New Jersey 08807.

16. Defendant Tom Rice held the rank of Sergeant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Rice is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

17. Defendant Joe Bones was a Detective employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Bones is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

18. Defendant Thomas Kochanski was a police officer employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Kochanski is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police 100 Commons Way, Bridgewater, New Jersey 08807.

19. Defendant A. Mele held the rank of Sergeant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Mele is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory and punitive damages demanded by the

Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

20. Defendant Peter Ochs was a Detective employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Ochs is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

21. Defendant Michael Maxwell held the rank of Lieutenant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Maxwell is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

22. Defendant Steve Zeichner was a Detective employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Zeichner is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

23. Defendant John Mitzak held the rank of Lieutenant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Mitzak is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

24. Defendant Shawn O'Neill held the rank of Lieutenant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant O'Neill is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

25. Defendant Paul Payne held the rank of Lieutenant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Payne is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

26. Defendant Michael Packwood held the rank of Lieutenant and was employed by the Defendant Township of Bridgewater Police Department at all relevant times as alleged in the Complaint herein.

Defendant Packwood is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Township of Bridgewater Police Department, 100 Commons Way, Bridgewater, New Jersey 08807.

27. Defendant Michael H. Robertson was the Prosecutor and employed by the Somerset County Prosecutor's Office at all relevant times as alleged in the Complaint herein.

Defendant Robertson is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Somerset County Prosecutor's Office, 40 North Bridge Street, Somerville, New Jersey 08876.

28. Defendant W. Brian Stack was the Assistant Prosecutor and employed by the Somerset County Prosecutor's Office at all relevant times as alleged in the Complaint herein.

Defendant Stack is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Somerset County Prosecutor's Office, 40 North Bridge Street, Somerville, New Jersey 08876.

29. Defendant Assistant Prosecutor Martinez was the Assistant Prosecutor and employed by the Somerset County Prosecutor's Office at all relevant times as alleged in the Complaint herein.

Defendant Martinez is sued in his official and individual capacity for purposes of effecting the full declaratory, injunctive, compensatory, and punitive damages demanded by the Plaintiff. His address is Somerset County Prosecutor's Office, 40 North Bridge Street, Somerville, New Jersey 08876.

30. Defendant John Does 1-10 are unknown individuals whom were employees of the Defendant Middlesex County Prosecutor's Office at all relevant times as alleged in the Complaint herein, and whom assisted and complied with the efforts taken to falsely indict the Plaintiff, without conducting a reasonable, full, and complete investigation as would be lawful and proper.

31. Defendant Jane Does 1-10 are unknown individuals whom were employees of the Defendant Middlesex County Prosecutor's Office at all relevant times as alleged in this Complaint herein, and whom assisted and complied with the efforts taken to falsely indict the Plaintiff, without conducting a reasonable, full, and complete investigation as would be lawful and proper.

JURISDICTION

32. That the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

33. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1331 and 1343, as this case involves, among other things, violation of the Civil Rights Law, 42 U.S.C. 1981, 1983, and 1988.

THE UNDERLYING FACTS

34. Claimant, Lawrence DiGiesi, was a security guard for the Green Knoll Grille located at 645 Route 202/206, Bridgewater, New Jersey 08857.

35. Throughout the course of that employment Mr. DiGiesi was required to inquire of and remove intoxicated patrons, in violation of the policies of the Green Knoll Grille and to ensure

that the Green Knoll Grille is abeyant to the laws for legal admission of all potential patrons and that the venue is safe and enjoyable for all patrons.

36. Mr. DiGiesi never used unnecessary force while working for the Green Knoll Grille.

37. On August 19th, 2016 Mr. DiGiesi was working as a security guard for the Green Knoll Grille. That evening Michael Dolida and his fiancé Melissa DeBlasio were celebrating Ms. DeBlasio's birthday and apparently stopped at the Green Knoll Grille for a drink. Upon arrival at the Green Knoll Grille, Mr. Dolida and Ms. DeBlasio entered the establishment improperly through a back door, effectively obviating the employee checking of identification at the main entrance.

38. Once inside the Green Knoll Grille, Mr. Dolida was confronted by restaurant and security staff for using the improper entrance. When asked to present identification he became annoyed. Mr. Dolida was also unhappy with the establishment's choice of music on this particular night, as it was Latin night. Mr. Dolida and his fiancé drank alcoholic beverages and then decided to leave the establishment.

39. After blowing smoke in the face of Aldo Baratto - the I.D. door security at the Green Knoll Grille, Mr. DiGiesi made request of Mr. Dolida to leave the restaurant twenty-two times.

40. In the course of departing Mr. Dolida inexplicably began yelling and physically confronting employees at the Green Knoll Grille. At this point Mr. DiGiesi proceeded to escort Mr. Dolida out of the establishment in order to insure a continued safe and enjoyable atmosphere for the other patrons. Once having descended the stairs and well on the way to his car (away from the establishment), Mr. Dolida was advised by Mr. DiGiesi that he would not be permitted to return to the Green Knoll Grille tonight.

41. Mr. Dolida, apparently in an enraged state, admitted to have then made attempts to re-enter the Green Knoll Grille despite advice from Mr. DiGiesi.

42. Mr. Dolida continued to respond/communicate and delivered threatening words to Mr. Baratto. Upon Mr. Dolida's again repeated attempt to re-enter, Mr. DiGiesi denied Mr. Dolida re-entry to the establishment.

43. Mr. Dolida immediately came at Mr. DiGiesi and intentionally met Mr. DiGiesi with an elbow and forearm to Mr. DiGiesi's face and neck, causing Mr. DiGiesi to deflect Mr. Dolida's elbow and forearm and to defend himself by way of moving Mr. Dolida away. The reaction from Mr. DiGiesi caused Mr. Dolida to then move from the establishment entry way onto the adjacent sidewalk, where he apparently tripped on the Belgium Block curb and fell to the ground.

44. In that moment Mr. Dolida's girlfriend Ms. DeBlasio telephoned the Township of Bridgewater's Police Department and reported that her fiancé, Mr. Dolida had been assaulted by Mr. DiGiesi.

45. Upon arriving at the scene Officer Thomas Kochanski interviewed both Mr. Dolida and Ms. DeBlasio, who by the officer's own account and report, "appeared highly intoxicated."

46. Officer Kochanski then spoke to Mr. DiGiesi and Mr. Baratto, another security guard at the Green Knoll Grille who also was present during the incident, who confirmed Mr. DiGiesi's account of the incident.

47. At the criminal trial proceedings against Mr. DiGiesi, before the Superior Court of New Jersey, Somerset County, defense counsel called Mr. Shane Hoiles as a witness for the defense. Mr. Hoiles was the manager in charge of hiring and supervising the security staff at the Green Knoll Grille.

48. Mr. Hoiles testified that Mr. DiGiesi was one of his best security guards. Mr. Hoiles also testified that Mr. DiGiesi had attended at least one session provided by the Township of Bridgewater Police Department, in order to train the security staff as to their responsibilities and liabilities while protecting the patrons of the Green Knoll Grille. Mr. Hoiles also testified that Mr. DiGiesi had been working at the Green Knoll Grille for two years at this point without incident.

49. Mr. Hoiles trial testimony confirmed the issuance of a threat by Mr. Dolida delivered moments before Mr. DiGiesi moved forward to protect Mr. Baratto. Mr. Hoiles testified that he heard Mr. Dolida threaten Mr. DiGiesi's life and finished his sentence with "you don't know who I am." This was seemingly an innocent remark until put into the proper context of this entire matter.

50. Mr. Dolida is the son of retired Township of Bridgewater Police Chief, Kenneth J. Dolida, who had previously worked with at least two different officers who investigated this matter. This piece of information, when analyzed in context with Mr. Dolida's threat, lead to the inescapable conclusion that what Mr. Dolida was actually saying (§49) was, you don't appreciate or realize my connections within the Township of Bridgewater Police Department -- the very same and only police department investigating this incident.

51. The Township of Bridgewater Police Department proceeded nevertheless and never acknowledged the clear and unmistakable conflict, thereby requiring the transfer of the matter to another Police Department.

52. Upon separately analyzing the reports of the Township of Bridgewater Police Department's investigating officers, the conclusions set forth in those reports proved contrary to what actually occurred.

53. The report of Officer Thomas Kochanski is highly relevant in support of the Township of Bridgewater Police Department's obvious partiality and bias in this matter.

54. Office Kochanski's narrative was that he spoke with Mr. Dolida and Ms. DeBlasio first, then subsequently spoke with Mr. DiGiesi and Mr. Baratto. After speaking with Mr. Dolida and Ms. DeBlasio he personally recognized and made note that "[b]oth DeBlasio and Dolida appeared highly intoxicated."

55. As to his conversation with Mr. DiGiesi and Mr. Baratto, he reported that Mr. Baratto confirmed Mr. DiGiesi's story, and as both men were working it is undisputed that neither was under the influence of any drugs or alcohol.

56. In the report further provided by Lieutenant John Mitzak the characterization of this incident is in direct opposition to the factual findings of the trial judge, the Honorable Kathy C. Qasim, J.S.C.

57. Lieutenant Mitzak's report states, as follows:

"DiGiesi is talking to Dolida from the top landing, while Dolida is standing on the sidewalk with his left hand in his pocket. After several seconds Dolida turns to walk away, however, it appears that DiGiesi is still responding with "good night sir, good night sir." Dolida again stopped and turned around but then turns to continue walking towards the parking lot. At this time DiGiesi leaves the top of the landing, walking down the steps and proceeds directly to Dolida. Dolida turns to face DiGiesi removes his left hand from his pocket, while DiGiesi pushes Dolida. (DiGiesi's right hand is on Dolida's left shoulder and his left hand is "Mushing" Dolida's face.) This push causes Dolida to stumble backwards. After Dolida's momentum stops he now walks back towards DiGiesi. At this time, he now walks backs back towards DiGiesi [...] I then observed both DiGiesi and Dolida on the sidewalk right next to the parking lot. DiGiesi now has his right hand behind Dolida's back and his right left hand "mushing" Dolida's face. The force causes Dolida to bend backwards and lose his balance as he stumbles into the parking lot and falls backward over the curb and back onto the sidewalk. [...] After viewing both camera angles, it is obvious that DiGiesi is the aggressor. At no time did I see Dolida attempt to re-enter the Green Knoll Grille from when he exited at 0155 hours and at no time did I see Dolida push or punch DiGiesi."

58. When submitting his report, Lieutenant Mitzak clearly presents what came to be discovered as a reckless disregard for the truth, in an attempt to help a former boss' son cover up blatant wrongdoing and illegality in direct violation of the Plaintiff's Constitutional rights.

59. The opinion by the Honorable Kathy C. Qasim, J.S.C. delivered on June 6th, 2017 stated:

But when you see him walking down the steps after he's escorted, actually, after the Defendant puts his hands on him, and pushes him essentially down the steps, he doesn't stumble, fall, hit his face. He just walks down the steps and gets to the bottom of the stairs, and looks at the person behind the Defendant, says a couple of things. And the Defendant is there essentially, to stop the jawing at the person who collects the cards. Forty-five seconds later the victim is still talking. The Defendant for most of those 45 seconds, not giving him in eye contact, with his hand movements, get out of here, get out of here. The victims at the bottom of the steps, saying certainly not kind words. You can infer they were inciteful words. The Defendant starts to respond after the victim finally starts to move away. However, before he turns to move away, the Defendant, I believe, in the video, that he begins to respond some more. The victim walks away. A few seconds later, you see him turn around and he continues. The Defendant is still at the top of the steps. They're talking back and forth. The Defendant is still motioning with his hands. Basically, for the record, in a manner to a person or a reasonable court or a jury can infer, get out of here. The victim comes forward somewhat, some words were said by the victim, whereby the Defendant came down the stairs rapidly, approached the victim and pushed him. [...] The Court finds that because the Defendant used such force, with the victim, coming down the steps as he did, towards the victim, the victim simply flew back a few steps and came instantly back at the Defendant, this Court finds that he could not know that pushing him would cause him to be injured in that fashion. That this Defendant wasn't reckless with the disregard to the value of human life. It wasn't his purpose to cause injury to this victim. He didn't do so knowingly." (For purposes of this section the Defendant is Mr. DiGiesi and the "victim" is Mr. Dolida.)

60. Upon reviewing the two Township of Bridgewater Police Department reports of the same video, one begins to wonder how one could characterize events directly opposite to that of

the criminal trial Judge. When one reads Lieutenant Mitzak's account of the incident, it is as if Mr. DiGiesi was a wild animal determined to cause physical harm to Mr. Dolida. Upon review of the Honorable Kathy C. Qasim, J.S.C.'s analysis of trial testimony, Mr. DiGiesi appears innumerable times to try and defuse the situation and only exercises his authority upon Mr. Dolida directly and openly threatens Mr. Baratta.

61. The Township of Bridgewater Police Department also went to extreme lengths to punish Mr. DiGiesi before he stood for trial.

62. The Owner of the Green Knoll Grille, (Joe LNU) and the lawyer for the Green Knoll Grill, each reported to Mr. DiGiesi that certain members of the Township of Bridgewater Police Department (probably Officer/Detective Ochs) had instructed them to fire Mr. DiGiesi. Certain Officers told both the owner, and counsel for Green Knoll Grille that if they did not fire Mr. DiGiesi, they would make certain that the Green Knoll Grille would be shut down.

63. This attempt by the Township of Bridgewater Police Department to arrest Mr. DiGiesi, without the necessary probable cause and in violation of his Constitutional Rights of both the United States of America and the State of New Jersey, stand as an outrageous, inexcusable, and illegal abuse of power.

64. If Mr. Dolida had not been the son of retired Township of Bridgewater Police Chief Kenneth J. Dolida, Mr. DiGiesi would not have had to expend his hard-earned money, fighting a frivolous legal battle for simply doing the job he was hired to do. Mr. DiGiesi would have surely been able to continue living his life, avoiding the embarrassment of being falsely arrested and having his good name tarnished.

65. Nevertheless, the conspiratorial actions of Mr. Dolida, the Township of Bridgewater Police Department and others have resulted in extreme hardship for which he now seeks just compensation.

FIRST CAUSE OF ACTION

**CLAIM FOR DEPRIVATION OF PROCEDURAL DUE PROCESS
RIGHTS AS PROTECTED BY THE 14TH AMENDMENT OF THE U.S.
CONSTITUTION BROUGHT PURSUANT TO 42 U.S.C. § 1983
(Against all Defendants)**

66. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

67. The Defendants were acting under the color of law when they subjected the Plaintiff to the deprivation of the following rights, privileges and immunities secured by the Constitution and the laws of the United States:

- a. The Plaintiff was deprived of his right to be free of malicious prosecution in violation of the Fourth Amendment to the Constitution of the United States as alleged herein.
- b. The Plaintiff was deprived of his right to equal protection.

68. As a direct and proximate cause of the aforementioned, the Plaintiff was deprived of his civil liberties as alleged herein. All of these rights are secured by the Fourth Amendment to the United States Constitution. As a result of the foregoing, the Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury. As a result of the Defendants' willful and malicious conduct, the Plaintiff seeks punitive damages in an amount to be determined by a jury.

SECOND CAUSE OF ACTION

NEW JERSEY TORT CLAIMS ACT - NEGLIGENCE

(Against All Defendants)

69. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

70. The Plaintiff has complied with the notice requirements of the Tort Claims Act. N.J.S.A. 59:1-1 et seq.

71. The Defendants owed numerous duties to the Plaintiff. The Township of Bridgewater Police Department and the Somerset County Prosecutor's Office had a duty to train their employees to properly recognize, report, and investigate any suspected criminal conduct.

72. The Defendants had a general duty not to unnecessarily harm the Plaintiff or deprive the Plaintiff of his rights.

73. The Defendants had a general duty to take reasonable steps to investigate suspected criminal conduct and to not interfere with the Plaintiff's rights and liberties if those allegations were unsubstantiated.

74. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding "with a requisite disregard for the truth", and having failed to do so, proceeded in violation of the Plaintiff's Constitutional rights.

75. By their acts and omissions, the Defendants violated the duty of care owed to the Plaintiff. The Defendants acted with gross negligence, recklessness and conduction which was deliberately indifferent or otherwise shocks the conscience. The Defendants' acts and omissions were outside the scope of their employment, and did not involve the mere exercise of professional judgment or discretion.

76. By their acts and omissions, the Defendants proximately caused economic, emotional, and psychological injuries to the Plaintiff. The harm sustained by the Plaintiff was a reasonably foreseeable result of the Defendants' acts and omissions.

77. By way of the foregoing, the Defendants are liable for the Plaintiff's injuries pursuant to N.J.S.A. 59:1-1 et seq. The Defendants are jointly and severally liable for the injuries sustained by the Plaintiff.

THIRD CAUSE OF ACTION

NEGLIGENT SUPERVISION/TRAINING/HIRING **(Against the State of New Jersey)**

78. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

79. At all times herein mentioned, the Township of Bridgewater Police Department had a duty to properly hire, train, screen, retain, and supervise its agents, servants, employees and/or representatives to ensure that they were competent and properly providing those services as required by the law, and by the Township of Bridgewater Police Department's policies and procedures, to ensure that those individuals competently and lawfully performed their duties and functions without infringing upon the Plaintiff's rights.

80. At all times herein mentioned, the Somerset County Prosecutor's Office had a duty to properly hire, train, screen, retain, and supervise its agents, servants, employees and/or representatives to ensure that they were competent and properly providing those services as required by the law, and by the Somerset County Prosecutor's Office's policies and procedures, to ensure that those individuals competently and lawfully performed their duties and functions without infringing upon the Plaintiff's rights.

81. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding “with a requisite disregard for the truth” and having failed to do so, proceeded in violation of the Plaintiff’s Constitutional rights.

82. At all times herein mentioned, both the Township of Bridgewater Police Department and the Somerset County Prosecutor’s Office were negligent and breached their duty of care in failing to properly hire, train, screen, and supervise the Individual Defendants who were inadequately trained, inadequately supervised and otherwise incompetent and as a result they failed to fulfill their duties and responsibilities to maintain and preserve the Plaintiff’s rights and otherwise afford him the required legal process.

83. As a direct and proximate result of the foregoing breaches of duty by these Defendants, the Plaintiff has suffered economic, and other harm.

FOURTH CAUSE OF ACTION

MALICIOUS ABUSE OF LEGAL PROCESS **(Against All Defendants)**

84. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

85. At all times herein mentioned, the Defendants knowingly and purposefully engaged and participated in a legal action (via allegations, Indictment, and trial) against the Plaintiff.

86. The Defendants’ acts and omissions, before, during, and after issuing legal process against the Plaintiff, demonstrate an ulterior purpose to the one for which such process was designed, namely to gain leverage against the Plaintiff in having him wrongfully criminally charged and prosecuted.

87. Such purpose was to coerce and oppress the Plaintiff through an intentional malicious abuse of process and the issuance of process without reason or probable cause, but where the Defendants wholly manufactured any such perceived reason or probable cause.

88. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding “with a requisite disregard for the truth” and having failed to do so, proceeded in violation of the Plaintiff’s Constitutional rights.

89. As a direct and proximate result of the foregoing acts of the Defendants, the Plaintiff has suffered economic, and other harm.

90. By the foregoing, the Defendants are liable for the Plaintiff’s injuries. The Defendants are jointly and severally liable for the injuries sustained by the Plaintiff.

FIFTH CAUSE OF ACTION

MALICIOUS PROSECUTION **(Against All Defendants)**

91. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

92. At all times herein mentioned, the Defendants wrongfully and maliciously engaged and participated in legal action (via allegations, Indictment, and trial) against the Plaintiff and otherwise cause him shame, humiliation, and embarrassment.

93. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding “with a requisite disregard for the truth” and having failed to do so, proceeded in violation of the Plaintiff’s Constitutional rights.

94. The Defendants did so without any probable cause, without any reasonable ground of suspicion supported by circumstances sufficient to warrant an ordinarily prudent man in believing the party is guilty of an offense or liable for damages.

95. As a direct and proximate result of the foregoing acts of the Defendants, the Plaintiff has suffered economic, emotional, and psychological harm.

96. By the foregoing, the Defendants are liable for the Plaintiff's injuries. The Defendants are jointly and severally liable for the injuries sustained by the Plaintiff.

SIXTH CAUSE OF ACTION

VIOLATION OF THE PLAINTIFF'S CONSTITUTIONAL RIGHTS BY FALSELY, WRONGFULLY DETAINING AND ARRESTING HIM **(Against All Defendants)**

97. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

98. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding "with a requisite disregard for the truth" and having failed to do so, proceeded in violation of the Plaintiff's Constitutional rights.

99. The Defendants violated the Plaintiff's rights under the United States Constitution by wrongfully detaining and falsely arresting the Plaintiff without any proper basis, and upon information and belief, at least in part, because the alleged "victim" was the son of retired Police Chief Kenneth J. Dolida.

100. The Plaintiff's arrest was without any justification or probable cause and violated his rights under the Fourth Amendment to the United States Constitution, and because the Defendants were acting as police officers under color of State law and did so at least in part because

of the alleged “victim” was the son of retired Police Chief Kenneth J. Dolida, the Defendants violated 42 U.S.C. 1981 and 1983.

101. The Defendants also violated the Plaintiff’s rights under the New Jersey State Constitution.

102. As a result of his false arrest, the Plaintiff was caused to hire an attorney and incur attorneys’ fees and other expenses.

103. The damages suffered by the Plaintiff were the result of the Defendants’ violation of the Plaintiff’s civil and Constitutional rights while acting under color of State law.

104. By reason of the foregoing, the Plaintiff is entitled to recover all of his damages from the Defendants, including costs and attorneys’ fees, and expert fees, pursuant to 42 U.S.C. 1988.

105. Because of the Defendants’ vicious, malicious, and outrageous conduct, the Plaintiff is also entitled to recover punitive damages.

SEVENTH CAUSE OF ACTION

DEFAMATORY INJURY TO REPUTATION **(Against all Defendants)**

106. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

107. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding “with a requisite disregard for the truth” and having failed to do so, proceeded in violation of the Plaintiff’s Constitutional rights.

108. At all times herein mentioned, the Defendants made false, defamatory statements of fact about the Plaintiff, while acting negligently in failing to ascertain the truth or falsity of the

statements before communicating them, knowing the statements were false, and while acting with reckless disregard as to the statements' truth or falsity.

109. As a direct and proximate result of the Defendants' false, defamatory statements, the Plaintiff has suffered severe, irreparable harm to his reputation.

110. Where the Defendants' making of the false, defamatory statements might fall under any one of the qualified privileges, the Defendants are still liable in that they unceasingly and "with a reckless disregard for the truth" communicated the statements, and otherwise communicated the statements with a purpose contrary to the interests of any applicable qualified privilege, namely to disparage the Plaintiff in the community.

111. By the foregoing, the Defendants are liable for the Plaintiff's injuries. The Defendants are jointly and severally liable for the injuries sustained by the Plaintiff.

EIGHTH CAUSE OF ACTION

AIDING THE COMMISSION OF TORT – CONCERT OF ACTION **(Against All Defendants)**

112. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

113. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding "with a requisite disregard for the truth" and having failed to do so, proceeded in violation of the Plaintiff's Constitutional rights.

114. As the facts and circumstances herein detailed demonstrate, each of the Defendants acted in pursuit of a common plan and design to commit the above upon the Plaintiff.

115. The Defendants did so by active participation, aid, encouragement, and by ratification of the wrong done for their benefit, namely to make false accusations against the

Plaintiff and to unjustifiably obtain an Indictment against him, all the while fully knowing of the potential and actual implications, penalties, and restrictions that such legal process would have on the Plaintiff.

116. By the foregoing, the Defendants are jointly and severally liable for the injuries and losses sustained by the Plaintiff.

NINTH CAUSE OF ACTION

CONSPIRACY TO COMMIT TORT
(Against All Defendants)

117. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

118. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding “with a requisite disregard for the truth” and having failed to do so, proceeded in violation of the Plaintiff’s Constitutional rights.

119. The Defendants entered into a real agreement and/or confederation with a common design to perpetrate the above torts upon the Plaintiff.

120. The acts and omissions of the Defendants were done for an unlawful purpose and, where applicable, for a lawful purpose to be achieved by unlawful means.

121. Whereby each and every member of the conspiracy is equally and vicariously liable to the Plaintiff who suffered damages.

122. The Plaintiff’s damages were proximately and actually caused by the tortious, overt acts of one or more of the conspirators in furtherance of the conspiracy.

123. Therefore, the Defendants are jointly and severally liable for the injuries and losses sustained by the Plaintiff.

TENTH CAUSE OF ACTION

MUNICIPAL LIABILITY

(Against the Township of Bridgewater)

124. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

125. The Defendants were required to investigate the alleged criminal conduct without intentionally or knowingly and otherwise proceeding “with a requisite disregard for the truth” and having failed to do so, proceeded in violation of the Plaintiff’s Constitutional rights.

126. At all times relevant to the Complaint, the Individual Defendants were acting under the direction and control of the final decision makers of the Township of Bridgewater.

127. The Defendant Police Officers were acting pursuant to that official policy, practice and/or custom when Plaintiff’s Constitutional violations were committed.

128. The Defendant Township of Bridgewater and its police department, pursuant to official policy, custom and practice, did intentionally, knowingly, or with deliberate indifference to the rights of Plaintiff failed to train, instruct, supervise, control and/or discipline, on a continuing basis the Individual Defendants in the performance of their duties.

129. The Defendant Township of Bridgewater, through its police and its police department knew or, that had they diligently exercised their duties to instruct, supervise, control, and discipline on a continuing basis, should have known that there was a history of misconduct of police abuse and/or the particular misconduct was the result of a difficult choice which training or supervision would have prevented and which would frequently result in a Constitutional violation in the absence of such training and supervision.

130. As a direct and proximate cause of the aforementioned, the Plaintiff was deprived of his Constitutional rights.

131. As a direct and proximate cause of the aforementioned, the Plaintiff was deprived of his civil liberties, including freedom from unreasonable search and seizure and malicious prosecution. All of these rights are secured under the Fourth Amendment to the United States Constitution which as a result of the foregoing, the Plaintiff has suffered and continues to suffer damages in an amount to be determined by a jury.

WHEREFORE, the Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, interest, attorneys' fees, costs of suit and such other relief as the Court deems equitable and just.

LAW OFFICES OF PETER W. TILL
Attorneys for Plaintiff

By: /s/Peter W. Till
Peter W. Till

Dated: July 1, 2019

JURY DEMAND

The Plaintiff hereby demands a trial by jury on all issues so triable.

DEMAND FOR INSURANCE COVERAGE

Demand is now made upon the Defendants to provide complete copies of their insurance policies and declaration sheets demonstrating coverage within thirty (30) days of service of this Complaint.

CERTIFICATION

I hereby certify that to the best of my knowledge the matter in controversy is not the subject of any action pending in any Court or of a pending arbitration proceeding. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICES OF PETER W. TILL
Attorneys for Plaintiff

By: /s/Peter W. Till
Peter W. Till

Dated: July 1, 2019