

Adam J. Kleinfeldt, Esq. – Attorney ID # 026552004
GINARTE, O'DWYER, GONZALEZ, GALLARDO & WINOGRAD, L.L.P.
400 MARKET STREET
NEWARK, NEW JERSEY 07105
(973) 854-8400
Our File No. 237858
Attorneys for Plaintiff, Richard Rivera

RECEIVED
2014 MAR 27 P 2:45
TOWN CLERK'S OFFICE
WEST NEW YORK, N.J.

RICHARD RIVERA,
Plaintiff,

v.

COUNT WILEY, TOWN OF WEST NEW
YORK; JANE and JOHN DOE,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO.: HUD-L-1262-14

CIVIL ACTION

CIVIL ACTION SUMMONS

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

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

/s/ Michelle M. Smith

DATED: March 24, 2014

Michelle M. Smith, Superior Court Clerk

Name of Defendant to Be Served: Town of West New York

Address of Defendant to Be Served: 428-60th Street
West New York, NJ 07093

DEPUTY CLERKS' ADDRESSES

Atlantic County, 1201 Bacharach Blvd., Atlantic City, NJ 08830
Bergen County Justice Center, 10 Main St., Hackensack, NJ 07601
Burlington County Courts Facility, 49 Rancocas Rd., Mt. Holly, NJ 08060
Camden County Hall of Justice, 101 S. 5th St., Camden, NJ 08103-4001
Cape May County Ctise., Main St., Cape May Court House, NJ 08210
Cumberland County Court House, Broad & Fayette St., Bridgeton, NJ 08302
Essex County Cty. Cts. Bldg., 50 W. Market St., Newark, NJ 07102
Gloucester County Court House, 1 N. Broad St., Woodbury, NJ 08096
Hudson County Admin. Bldg., 595 Newark Ave., Jersey City, NJ 07306
Hunternon County Court House, Main Street, Flemington, NJ 08822
Mercer County Court House, P.O. Box 8068, Trenton, NJ 08650-0068
Middlesex County Court House, 1 Kennedy Sq., New Brunswick, NJ 08903
Monmouth County Court House, 71 Monument Park, Freehold, NJ 07728
Morris County Court House, P.O. Box 900, Morristown, NJ 07963-0900
Ocean County Court House, 118 Washington St., Toms River, NJ 08754
Passaic County Court House, 77 Hamilton St., Paterson, NJ 07505-2017
Salem County Court House, 92 Market St., Salem, NJ 08079
Somerset County Court House, P.O. Box 3000, Somerville, NJ 08876-1262
Sussex County Court House, 43-47 High St., Newton, NJ 07860
Union County Court House, 2 Broad St., Elizabeth, NJ 07207
Warren County Courthouse, 2nd & Hardwick St., Belvidere, NJ 07823

	<u>LEGAL AID OFFICES</u>	<u>LEGAL SERVICES OFFICES</u>
Atlantic County	(609) 348-4200	(609) 345-3444
Bergen County	(201) 487-2166	(201) 488-0044 or 692-1011
Burlington County	(609) 261-1088	(609) 261-4862
Camden County	(609) 964-1002	(609) 964-4520
Cape May County	(609) 465-3001	(609) 463-0313
Cumberland County	(609) 692-2400	(609) 692-6207
Essex County	(973) 622-1514	(973) 622-6207
Gloucester County	(609) 848-5360	(609) 848-4589
Hudson County	(201) 792-6363	(201) 798-2727
Hunternon County	(908) 782-7979	(908) 735-2611
Mercer County	(609) 695-6249	(609) 890-6200
Middlesex County	(609) 249-7600	(609) 828-0053
Monmouth County	(908) 747-7400	(908) 431-5544
Morris County	(201) 285-6911	(201) 267-5882
Ocean County	(908) 341-2727	(908) 240-3666
Passaic County	(201) 345-7171	(201) 278-9223
Salem County	(609) 451-0003	(908) 678-8363
Somerset County	(908) 231-0840	(908) 685-2323
Sussex County	(201) 383-7400	(201) 267-5882
Union County	(908) 527-4769	(908) 353-4715
Warren County	(908) 475-2010	(908) 267-5882

Adam J. Kleinfeldt, Esq. – Attorney ID # 026552004
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(973) 854-8400
Our File No.: 237858
Attorneys for Plaintiff, Richard Rivera

FILED
CUSTOMER SERVICE TEAM
MAR 20 2014
SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #8

RICHARD RIVERA,

Plaintiff,

v.

COUNT WILEY, TOWN OF WEST NEW
YORK; JANE and JOHN DOE.

Defendant.

SUPERIOR COURT OF NEW JERSEY.
LAW DIVISION: HUDSON COUNTY

DOCKET NO.: HUD-L- *L1262-14.*

CIVIL ACTION

COMPLAINT

The Plaintiff, RICHARD RIVERA, by and through his attorneys GINARTE O'DWYER GONZALEZ GALLARDO & WINOGRAD, LLP, alleges as follows:

COUNT I
DEFAMATION

1. Plaintiff Richard Rivera (hereinafter "Plaintiff") is a resident of the Town of Secaucus, County of Hudson, and State of New Jersey.
2. Defendant Count Wiley (hereinafter "Defendant Wiley") is a resident of the Town of West New York, County of Hudson, and State of New Jersey.
3. Defendant Town of West New York (hereinafter "West New York" is a municipality established under the laws of the State of New Jersey, County of Hudson.
4. Plaintiff is, and at all times relevant to this lawsuit was, the Director of the Parking Authority for the Town of West New York.

5. Defendant Wiley is, and at all times relevant to this lawsuit was, the Commissioner of Public Works for the Town of West New York.

6. On July 17, 2013, at a Town of West New York Board of Commissioners meeting, Defendant Wiley made numerous slanderous and defamatory statements about Plaintiff, including, but not limited to:

- a. "You do the dirty work of Mr. Mayor Roque."
- b. "You did the dirty work for him to get [your] job."
- c. "You put dirty cops in jail. You think that no one knows that you were doing the dirty business in West New York too down there? I remember you down at the waterfront. . . . It's about time someone brought it out with you."

7. Subsequently, during a television interview at municipal facilities, Defendant Wiley, with knowledge that the interview would be aired, continued to make false and defamatory statements about Plaintiff, specifically, "He was involved with the FBI, he was wiring himself to put thirty other cops away. The only reasons someone wires themselves, is because they've [the FBI] got you. Why would you get involved with this case if you have no involvement in it or if you were innocent of anything. Why would you say anything? The reason was, is because, I know he was pressured to do this because he was probably involved with what was going on down at the waterfront with this particular corruption, kickbacks, taking from bar owners, et cetera."

8. Wiley made these comments in his official and individual capacities.

9. By communicating these false statements to a third party -- that Plaintiff "[does] the dirty work of Mr. Mayor Roque," -- and by claiming that Plaintiff was involved with "corruption, kickbacks, taking from bar owners," and therefore Plaintiff was coerced into cooperating with a government agency, Defendant Wiley defamed Plaintiff.

10. Defendant Wiley knowingly made these false and defamatory statements to erode Plaintiff's reputation in the estimation of the community and deter third persons from associating with Plaintiff, as well as to better position Defendant Wiley, politically.

11. Defendant Wiley made these false statements with actual malice; that is, Defendant Wiley knew that these statements were false or made these false statements with reckless disregard of the truth. Wiley made these maliciously false comments knowing that they would be publicized, and knowing that they would damage Plaintiff's reputation because they falsely stated Plaintiff was engaged in criminal activity.

12. The false and defamatory statements made by Defendant Wiley concerning the personal, professional and business reputation and character of Plaintiff were made maliciously and with intent to destroy Plaintiff's personal and professional reputation and career.

13. The false and defamatory statements made by Defendant Wiley denigrated Plaintiff's reputation and accused Plaintiff of engaging in illegal, unlawful and/or criminal conduct.

14. The false and defamatory statements made by Defendant Wiley denigrated Plaintiff's reputation and accused him of conduct unbecoming and incompatible with his business as an expert and consultant in the field of police practices, and thus constitute slander *per se* under New Jersey law.

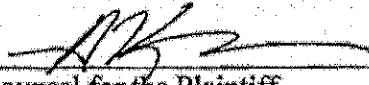
15. As a direct and proximate result of Defendants conduct, Plaintiff has suffered mental anguish and distress.

WHEREFORE, Plaintiff demands judgment against Defendants, for the following relief:

- a. Economic Damages;
- b. Compensatory Damages;
- c. Punitive Damages;

- d. Attorneys' fees and costs of suit; and
- e. Such other and further relief that the Court deems equitable and just.

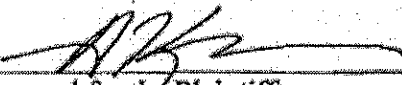
DATED: *March 18, 2014*


Counsel for the Plaintiff
ADAM J. KLEINFELDT, ESQ.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to all issues.

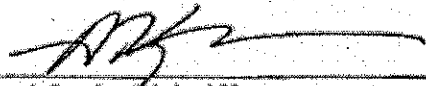
DATED: *March 18, 2014*


Counsel for the Plaintiff
ADAM J. KLEINFELDT, ESQ.

DESIGNATION OF TRIAL COUNSEL

ADAM J. KLEINFELDT is designated as trial counsel in this matter.

DATED: *March 18, 2014*


Counsel for the Plaintiff
ADAM J. KLEINFELDT, ESQ.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all

persons insured thereunder; (e) personal injury limits; (f) property damages limits; and (g) medical payment limits.

DATED: *March 18, 2014*


Counsel for the Plaintiff
ADAM J. KLEINFELDT, ESQ.

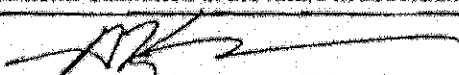
CERTIFICATION PURSUANT TO R. 4:5-1

I certify that the matters in controversy in this action are not subject of any other action pending in any other court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.

DATED: *March 18, 2014*


Counsel for the Plaintiff
ADAM J. KLEINFELDT, ESQ.

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY		
	Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: _____		
			AMOUNT: _____		
			OVERPAYMENT: _____ BATCH NUMBER: _____		
ATTORNEY / PRO SE NAME Adam J. Kleinfeldt, Esq.		TELEPHONE NUMBER (973) 854-8400		COUNTY OF VENUE Hudson	
FIRM NAME (if applicable) Glnarte O'Dwyer Gonzalez Gallardo & Winograd LLP		DOCKET NUMBER (when available) L1262-14			
OFFICE ADDRESS 400 Market Street Newark, New Jersey 07105		DOCUMENT TYPE Complaint			
		JURY DEMAND ☒ Yes ☐ No			
NAME OF PARTY (e.g., John Doe, Plaintiff) Richard Rivera		CAPTION Rivera vs. Count Wiley, et al.			
CASE TYPE NUMBER (See reverse side for listing) 609	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☒ NONE ☐ UNKNOWN			
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ Yes ☐ No		IF YES, IS THAT RELATIONSHIP: ☒ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ Yes ☐ No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION					
& DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).					
ATTORNEY SIGNATURE: 					



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 501 SUMMARY ACTION
- 502 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 286 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

NEWARK COUNTY SUPERIOR COURT

NEWARK COUNTY

1001 NEWARK AVENUE

NEWARK CITY

NJ 07102

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 217-5142

COURT HOURS

DATE: MARCH 20, 2014

RE: RIVERA VS WILLY ET AL

DOCKET: HUD L - 001260 14

RECEIVED

UNIT 1

FILED

CLERK

NEWARK

03/20/14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

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

THE PRETRIAL JUDGE ASSIGNED IS: HON. MARTHA T. ROYSTER.

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002

(201) 795-6508

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

WITH R. 5:54-2

ATTENTION:

ATT: ADAM J. KLEINFELDT
GINARTE GOMEZ GONZALES S.W.
400 MARKET ST
NEWARK, NJ 07102-2274