

SUMMONS

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Attorney(s) for Plaintiff Robert J. Cole & Marie V. Cole
Robert J. Cole & Marie V. Cole

Superior Court of
New Jersey

Passaic COUNTY
Law DIVISION

Docket No: PAS-L-1862-15

Plaintiff(s)

Vs.
Township of Wayne, et als.

Defendant(s)

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_deputyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

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

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

Michelle Smith /S/
Clerk of the Superior Court

DATED: 07/09/2015Name of Defendant to Be Served: Township of Wayne Police Department, Chief James ClarkeAddress of Defendant to Be Served: 475 Valley Road, Wayne, New Jersey, 07470

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

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancoas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 482-0618
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 696-5550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL

(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House--1st Floor
383 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL

(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL

(908) 236-6109
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL

(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL

(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL

(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL

(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL

(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL

(856) 935-5629
LEGAL SERVICES
(856) 691-0494

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL

(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL

(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL

(908) 859-4300
LEGAL SERVICES
(908) 475-2010

Law Office of Eric J. Warner, LLC
Mack-Cali Corporate Center
50 Tice Blvd.
Suite 363
Woodcliff Lake, New Jersey 07677
(201) 474-7103
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Attorney for Plaintiffs,
Robert J. Cole, Jr. & Marie V. Cole
ATTORNEY ID NO.: 036512006

RECEIVED
Superior Court of New Jersey

JUL 09 2015

Passaic County

ROBERT J. COLE, JR. and
MARIE V. COLE

Plaintiffs,

vs.

TOWNSHIP OF WAYNE; TOWNSHIP
OF WAYNE POLICE DEPARTMENT;
Officer JOHN W. PARR; MICHAEL
D'AMICO; LORI ELLICOT; OFFICER
CPL AGNES, I.D. 172 AND OFFICER
SANDERS, I.D. 213; ANN RUBINO;
LINDA LADD; JOHN DOE(S) AND
JANE DOE(S) (fictitious names), ABC
COMPANY(S), (fictitious names), XYZ
GOVERNMENTAL ENTITIES (fictitious
names),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY

DOCKET NO.: PAS-L-001862-15

CIVIL ACTION

FIRST AMENDED COMPLAINT, JURY
DEMAND AND TRIAL ATTORNEY
DESIGNATION

Plaintiffs, Robert J. Cole, Jr. and Marie V. Cole, residing at 36 Vanderlinde Road,
Township of Wayne, County of Passaic, State of New Jersey, by way of Complaint against
Defendants, says:

THE PARTIES

1. Plaintiffs, Robert J. Cole, Jr. and Marie V. Cole (hereinafter referred to as
"Plaintiffs"), are of legal age and are residents of the State of New Jersey.

2. Defendant, Michael D'Amico (hereinafter referred to as "D'Amico"), is an individual residing at 14 Ridgeview Terrace, Township of Wayne, County of Passaic, State of New Jersey.

3. Defendant, Township of Wayne (hereinafter referred to as "Wayne"), is a municipality in Passaic County, State of New Jersey.

4. Defendant, Wayne Police Department (hereinafter referred to as "Wayne P.D."), is a governmental subdivision of the Township of Wayne, and is located at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

5. Defendant, Officer John W. Parr (hereinafter referred to as "Parr"), is an employee of the Wayne P.D. at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

6. Defendant, Lori Ellicot (hereinafter referred to as "Ellicot"), is the court administrator of the Wayne Township Municipal Court at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

7. Defendant, Officer Cpl Agnes I.D. 172 (hereinafter referred to as "Agnes"), is a member of the Wayne P.D. Warrant Squad at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

8. Defendant, Officer Sanders, I.D. 213 (hereinafter referred to as "Sanders"), is a member of the Wayne P.D. Warrant Squad at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

9. Defendant, Ann Rubino (hereinafter referred to as "Rubino"), is the Wayne municipal court clerk at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

10. Defendant, Linda Ladd (hereinafter referred to as "Ladd"), is the Wayne municipal code enforcer at 475 Valley Road Township of Wayne, County of Passaic, State of New Jersey.

STATEMENT OF FACTS

Statement of Facts as to D'Amico

11. On or about May 23, 2014, Plaintiffs were returning home in their vehicle when they observed D'Amico blowing leaves in the direction of their property.

12. When Plaintiffs verbally confronted D'Amico about his leaf blowing and presence on Plaintiffs' property, D'Amico leaned toward Mr. Cole, placing his face approximately a quarter of an inch from Mr. Cole's.

13. D'Amico then proceeded to shake his head from side-to-side and asked "what are you going to do about it? What are you going to do about it?"

14. While D'Amico was engaging in this behavior, Mrs. Cole was taking photographs to document that D'Amico was on Plaintiffs' property and engaging in aggressive behavior.

15. Before Mr. Cole could do or say anything in response to D'Amico's aggressive behavior, D'Amico, in an apparent response to Mrs. Cole's attempt to photograph the incident, placed his hand atop Mrs. Cole's head and forced her to the ground.

16. Altogether, D'Amico pushed Mrs. Cole's head into the concrete of the sidewalk three (3) times, causing Mrs. Cole to briefly lose consciousness. However, after losing consciousness, in an effort to defend herself, Mrs. Cole bit D'Amico on or about the wrist.

17. Mr. Cole's efforts to separate the much younger and considerably bigger D'Amico from Mrs. Cole were futile.

18. When D'Amico was finished, Mrs. Cole had blood running down her face, and some hair had been ripped out of her head.

19. D'Amico also shoved Mr. Cole.

20. Mr. Cole advised that he was going to call the police based on what D'Amico did to his wife. D'Amico responded: "Nothing will happen; you don't know who I am!"

21. Prior to and after this incident, Plaintiffs observed D'Amico watching Mrs. Cole and Plaintiffs' two daughters while they were at or about Plaintiffs' backyard swimming pool.

Statement of Facts as to Wayne, its Political Subdivisions and its Employees

22. After the altercation between the Coles and D'Amico, Wayne P.D. arrived and an officer began taking Mr. Cole's statement. However, the officer cut Mr. Cole's statement short, referred to D'Amico as "Mike" and asked D'Amico to give his statement away from Plaintiffs' earshot.

23. Despite the obvious severity of Mrs. Cole's injuries, Parr's investigation report designates the incident a "simple assault."

24. Furthermore Parr's incident report is rife with untruths, including an allegation Mr. Cole initiated the physical confrontation.

25. On May 4, 2015, Plaintiffs reported to the Wayne Municipal Court to file criminal complaints against D'Amico.

26. However, the court administrator, Rubino, refused to let Plaintiffs file stalking charges against D'Amico even though Plaintiffs had caught D'Amico observing Mrs. Cole and Plaintiffs' daughters in and about the swimming pool on Plaintiffs' property on numerous occasions

27. On or about August 17, 2011 and August 22, 2011, Mr. Cole received two summonses to appear at the Wayne Municipal Court for "accumulation of rubbish and debris" in alleged violation of local ordinance IMPC 307:1. Both notices required an appearance in court.

28. Mrs. Cole subsequently appeared twice before the court relative to the alleged ordinance violation, and she was advised to remediate any alleged issue contained in the summonses. She was ordered to appear again on October 13, 2011 relative to this same issue.

29. On or about October 13, 2011, Mrs. Cole appeared again without Mr. Cole. However, this time, the Court advised that it would issue a bench warrant for Mr. Cole's arrest in light of his failure to appear.

30. Mrs. Cole pleaded that such a warrant not be issued and that she be permitted to return home, pick up Mr. Cole and drive him back to Court.

31. Mrs. Cole brought Mr. Cole to Court, at which point Mr. Cole signed in. Upon Mr. Cole's appearance, the Court advised that it would withdraw the bench warrant.

32. Plaintiffs received another notice to appear at Court on November 20, 2011 to provide evidence that the alleged "accumulation of rubbish and debris" had been cleared. However, November 20, 2011 was a Sunday.

33. As such, Mrs. Cole contacted the Court clerk's office to inform the office of same, but no new notice was ever issued. Plaintiffs believed this issue was resolved.

34. A little over three (3) years later, in or about the beginning of 2015, a grand jury was set to convene relative to the Coles' allegations against D'Amico.

35. Even though no further action had been taken relative to the 2011 summonses for "accumulation of rubbish and debris" since 2011 and notwithstanding the fact that the Court advised in 2011 that it was withdrawing the bench warrant, the Wayne Police Department's "Warrant Squad" came to Plaintiffs' house on January 20, 2015, January 22, 2015 and February 17, 2015.

36. The Warrant Squad came at extremely inconvenient hours, banging on the door and shining lights into the house. .

37. The subsequent mornings after each such incident, the Coles discovered notices on their door, providing: Wayne Police Department, Warrant Squad, Our department attempted to execute a warrant for your arrest. Please call the Wayne Police Warrant Squad as soon as possible at 973-633-3514 or Violations at 973-633-3210. Failure to respond to this notice will subject you to arrest at your home or place of employment and may result in the suspension of your driving privileges."

38. The warrant notices clearly referenced the 2011 summons numbers, and they were signed by "Officer Cpl Agnes, I.D. 172" and "Officer Sanders, I.D. 213."

39. The bizarre actions of the Wayne P.D. Warrant Squad, including Agnes and Sanders, terrified the Coles, who are elderly and infirm, particularly since, to their knowledge, they had no outstanding warrants against them.

40. The execution of this 2011 warrant in 2015, which per the Court had been withdrawn shortly after it was issued, coincidentally coincided with the original date for the scheduling of D'Amico's grand jury proceeding.

41. Furthermore, since the Cole's altercation with D'Amico in May 2014 and since D'Amico's apparent claims of "Nothing will happen; you don't know who I am!" the Coles have been issued a myriad of frivolous summonses for local ordinance violations by Defendant Ladd.

FIRST COUNT

42. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

43. Due to D'Amico's unconscionable act of intentional assault upon Mrs. Cole, Mrs. Cole has suffered severe and permanent bodily and psychological injuries, including, but not limited to, a closed head injury and severe anxiety.

44. D'Amico is considerably younger and larger than Mrs. Cole, but he brutally attacked her, causing severe and permanent physical and psychological injuries.

WHEREFORE, Plaintiffs demand judgment against the D'Amico for intentional assault and battery, including punitive damages, interest, attorney's fees and costs of suit.

SECOND COUNT

45. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

46. Due to D'Amico's senseless act of brutal violence against his wife, Mr. Cole has suffered severe and permanent psychological damages and emotional distress.

47. D'Amico intentionally inflicted emotional distress upon Mr. Cole by brutally attacking his wife in his presence.

WHEREFORE, Plaintiffs demand judgment against D'Amico for intentional infliction of emotional distress, including punitive damages, interest, attorney's fees and costs of suit.

THIRD COUNT

48. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

49. D'Amico intentionally sought to intimidate and threaten Mr. Cole by placing his face approximately a quarter inch away from Mr. Cole's face, shaking his head from side to side and asking "what are you going to do about it? What are you going to do about it?" and then

shoving him and exclaiming "Nothing will happen; you don't know who I am!" when Mr. Cole advised he was calling the police.

50. In doing so, D'Amico intentionally assaulted and battered the much older and smaller Mr. Cole.

51. D'Amico intentionally assault and battery upon Mr. Cole has caused Mr. Cole to suffer severe and permanent psychological damages and emotional distress.

WHEREFORE, Plaintiffs demand judgment against D'Amico for intentional assault and battery, including punitive damages, interest, attorney's fees and costs of suit.

FOURTH COUNT

52. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

53. D'Amico's actions in severely and permanently causing bodily and psychological injury to Mrs. Cole were so unwarranted given the context of the situation that the severity of Mrs. Cole's injuries may have been the unintended consequence of D'Amico's intentional acts.

54. Therefore, the high level of severity of Mrs. Cole's injuries may have been negligently inflicted by D'Amico.

WHEREFORE, Plaintiffs demand judgment against the D'Amico for the negligently inflicted unintended consequences of intentional acts, including punitive damages, interest, attorney's fees and costs of suit.

FIFTH COUNT

55. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

56. D'Amico's actions in severely and permanently causing bodily and psychological injury to Mrs. Cole in Mr. Cole's presence were so unwarranted given the context of the situation, and the level of permanent and psychological distress that Mr. Cole suffered from witnessing D'Amico's behavior was so high, that D'Amico may have negligently inflicted the high level of severity of Mr. Cole's emotional and psychological distress.

57. Therefore, the high level of severity of Mr. Cole's emotional and psychological distress may have been negligently inflicted by D'Amico.

WHEREFORE, Plaintiffs demand judgment against the D'Amico for the negligently inflicted unintended consequences of intentional acts, including punitive damages, interest, attorney's fees and costs of suit,

SIXTH COUNT

58. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

59. In or about the time of the subject incident, Plaintiffs caught D'Amico observing Mrs. Cole and Plaintiffs' two daughters on several occasions while Mrs. Cole and Plaintiffs' two daughters were in or about Plaintiffs' backyard swimming pool.

60. D'Amico's actions constitute an intentional invasion of privacy causing Plaintiffs permanent and severe emotional distress.

WHEREFORE, Plaintiffs demand judgment against D'Amico for intentional invasion of privacy, including punitive damages, interest, attorney's fees and costs of suit.

SEVENTH COUNT

61. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

62. After the altercation, and as Mr. Cole advised he was calling the police, D'Amico claimed "Nothing will happen; you don't know who I am!"

63. When Officer Parr arrived to the scene, it was clear that he and D'Amico were on a "first name basis."

64. Officer Parr failed to accurately report that D'Amico caused Mrs. Cole's head to come into contact with the concrete sidewalk three (3) times and misquoted Mr. Cole's statement by untruly reporting: "Mr. Cole . . . shoved [D'Amico]. [Mr. Cole] stated that the neighbor shoved him back causing his wife to fall to the ground and strike her head." This is not what Mr. Cole reported to Officer Parr.

65. Officer Parr refused to take a statement from Mrs. Cole, who upon his arrival, was conscious.

66. As a result, Wayne P.D., including Parr, interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process and to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the Defendants pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit.

EIGHTH COUNT

67. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

68. When Plaintiff went to the police station to file criminal charges against D'Amico, Rubino arbitrarily and capriciously refused to permit Plaintiffs to file charges for D'Amico's stalking behavior.

69. As a result, Rubino, interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process and to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the Defendants pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit.

NINTH COUNT

70. Plaintiffs repeat each and every allegation contained in the prior counts and makes the same a part hereof by reference and incorporation.

71. In or about the beginning of 2015, members of Wayne P.D., including Agnes and Sanders, inexplicably executed an arrest warrant, which was withdrawn by the Court in 2011 for alleged violations for which the Court never issued a notice of a new hearing date after being apprised by Mrs. Cole that the original hearing date on the notice was scheduled for a Sunday.

72. As a result of the inexplicable execution of this warrant, which the Court had advised had been withdrawn, at extremely inconvenient hours, Plaintiffs, who are old and infirm, suffered considerable and permanent emotional and psychological distress.

73. As a result, Wayne P.D., including Agnes and Sanders, interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their

rights to procedural and substantive due process and to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the Defendants pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit.

TENTH COUNT

74. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

75. D'Amico claims to have connections and influence over the local Wayne authorities.

76. On or about the time that D'Amico's grand jury proceeding was first scheduled in or about the beginning of 2015, members of Wayne P.D., including Agnes and Sanders, inexplicably executed an arrest warrant, which was withdrawn by the Court in 2011.

77. Given D'Amico's claims, Plaintiff's rights to be free of retaliation for petitioning the government to charge D'Amico with criminal offenses were violated.

78. As a result, Defendants interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process, rights to petition the government and rights to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the Defendants pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction

against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit.

ELEVENTH COUNT

79. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

80. Since Plaintiffs' altercation with D'Amico, Plaintiffs have been served with a myriad of frivolous summonses, issued in whole or in part, by Ladd.

81. As a result, Defendants interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process, rights to petition the government and rights to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the Defendants pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit.

TWELVTH COUNT

82. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

83. In light of the foregoing acts and conduct committed against Plaintiffs by Defendants, Plaintiffs have been precluded from providing *per quod* services to one another.

WHEREFORE, Plaintiffs demand judgment against the D'Amico for his intentional acts and the negligently inflicted unintended consequences of intentional acts, and Plaintiffs demand judgment against the Defendants pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights

Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit.

THIRTEENTH COUNT

84. Plaintiffs repeat each and every allegation contained in the prior counts and make the same a part hereof by reference and incorporation.

85. John and Jane Does 1-10 (fictitious names) have acted alone and/or in concert with others to cause Plaintiffs harm.

86. As a result, John and Jane Does 1-10 (fictitious names) interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process and to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the John and Jane Does 1-10 (fictitious names) for their intentional acts and the negligently inflicted unintended consequences of intentional acts, and Plaintiffs demand judgment against John and Jane Does 1-10 (fictitious names) pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit, including punitive damages, interest and costs of suit.

FOURTEENTH COUNT

87. Plaintiffs repeat each and every allegation contained in the prior counts and makes the same a part hereof by reference and incorporation.

88. ABC Companies 1-10 (fictitious names) have acted alone and/or in concert with others to cause Plaintiffs harm.

89. As a result, ABC Companies 1-10 (fictitious names) interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process and to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the ABC Companies 1-10 (fictitious names) (fictitious names) for their intentional acts and the negligently inflicted unintended consequences of intentional acts, including punitive damages, interest and costs of suit.

FIFTEENTH COUNT

90. Plaintiff repeats each and every allegation contained in the prior counts and makes the same a part hereof by reference and incorporation.

91. XYZ Governmental Entities 1-10 (fictitious names) have acted alone and/or in concert with others to cause Plaintiffs harm.

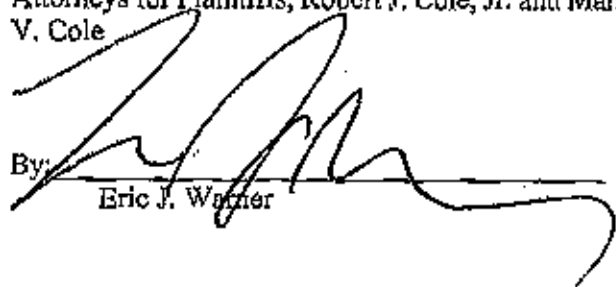
92. As a result, XYZ Governmental Entities 1-10 (fictitious names) interfered with, violated and deprived Plaintiffs of their State and federal civil rights, including, but not limited to, their rights to procedural and substantive due process and to be free from malicious prosecution and retaliation.

WHEREFORE, Plaintiffs demand judgment against the XYZ Governmental Entities 1-10 (fictitious names) for their intentional acts and the negligently inflicted unintended consequences of intentional acts, and Plaintiffs demand judgment against XYZ Governmental Entities 1-10 (fictitious names) pursuant to 42 U.S.C.A. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* and an injunction against Defendants precluding any further violations

of their civil rights through retaliation or otherwise, together with interest, attorneys' fees and costs of suit, including punitive damages, interest and costs of suit.

LAW OFFICE OF ERIC J. WARNER, LLC

Attorneys for Plaintiffs, Robert J. Cole, Jr. and Marie V. Cole

By: 

Eric J. Warner

Dated: July 9, 2015

REJECTION OF ANY NOTICES OF ALLOCATION

Plaintiff rejects any Notices of Allocation asserted by any defendant, whether made pursuant to R. 4:7-5 or otherwise. Plaintiff insists that the details upon which any claim of allocation is based be provided to Plaintiff in a timely manner in discovery as is required by Young v. Latta, 123 N.J. 584 (1991).

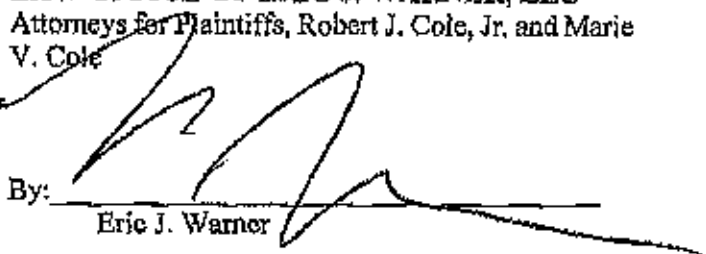
SPECIAL NOTE, REJECTION OF ALLOCATION AND STATEMENT OF INTENTIONS:

- (a) Plaintiff rejects all 'Notices of Intent' to seek a Young v. Latta allocation and insists on the early disclosures required by Young v. Latta of the bases and opinions for any attribution of fault to a settling party or any other party;
- (b) In the event of an agreement to settle, plaintiff would agree to the provision of a Release in combination with appropriate lien letters and it should never be assumed that as a term of settlement Plaintiff would agree to indemnify or hold any party harmless; in no event should indemnity be omitted from settlement negotiations on the incorrect assumption that such a term of settlement would be considered immaterial or implied; further, it shall be understood that

confidentiality, indemnity, disclosure of self-identifiers, and the terms of representations concerning the satisfaction of liens are all regarded as material terms and, unless explicitly addressed at the time of the verbal agreement to settle, it shall be understood that no verbal agreement to settle imposes an obligation to later negotiate such terms or the particularities of such terms;

- (c) In the event of an agreement to settle, it is understood that confidentiality is not automatically agreed to, confidentiality terms are regarded as material and not implied, and in no event should confidentiality be omitted from settlement negotiations on the incorrect assumption that such a term of settlement would be considered immaterial or implied.

LAW OFFICE OF ERIC J. WARNER, LLC
Attorneys for Plaintiffs, Robert J. Cole, Jr. and Marie
V. Cole

By: 

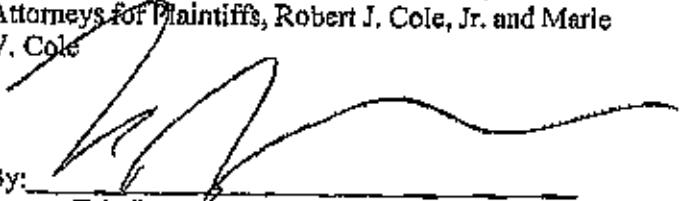
Eric J. Warner

Dated: July 9, 2015

CERTIFICATION OF NO OTHER ACTIONS

Other than pending criminal proceedings, the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. A civil action number is not yet available. No other action or arbitration proceeding is contemplated. Other than the parties set forth in this pleading, I know of no other parties that should presently be joined herein. I recognize the continuing obligation of each party to file and serve on all parties and the court an amended certification, if there is a change in the facts stated in this original certification.

LAW OFFICE OF ERIC J. WARNER, LLC
Attorneys for Plaintiffs, Robert J. Cole, Jr. and Marie
V. Cole

By: 
Eric J. Warner

Dated: July 9, 2015

JURY DEMAND

Plaintiff demands trial by jury on all issues, pursuant to R. 1:8-1(b) and R. 4:35-1(a).

LAW OFFICE OF ERIC J. WARNER, LLC
Attorneys for Plaintiffs, Robert J. Cole, Jr. and Marie
V. Cole

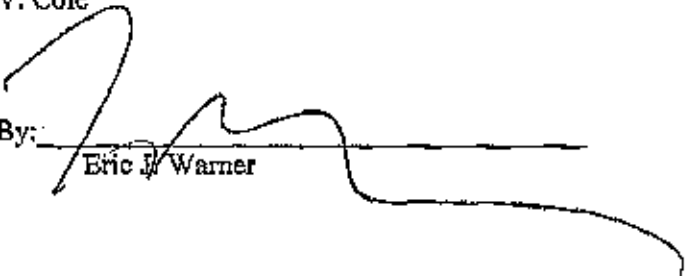
By: 
Eric J. Warner

Dated: July 9, 2015

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Eric J. Warner, Esq. shall hereby be designated as co-trial counsel.

LAW OFFICE OF ERIC J. WARNER, LLC
Attorneys for Plaintiffs, Robert J. Cole, Jr. and Marie
V. Cole

By: 
Eric J. Warner

Dated: July 9, 2015

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) 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		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CC ☐ CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:	
	ATTORNEY/PRO SE NAME Erio J. Warner, Esq.		TELEPHONE NUMBER (201) 474-7102	
	FIRM NAME (if applicable) Law Office of Erio J. Warner, LLC		COUNTY OF VENUE Passaic	
	OFFICE ADDRESS 50 Tice Boulevard, Suite 363 Woodcliff Lake, NJ 07877		DOCKET NUMBER (when available) PAS-L-1862-15	
NAME OF PARTY (e.g., John Doe, Plaintiff) Robert J. Cole, Jr. and Marie V. Cole		CAPTION Robert J. Cole, Jr. and Marie V. Cole v. Township of Wayne, et als.		
CASE TYPE NUMBER (See reverse side for listing) 005 & 602	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. IF YES, LIST DOCKET NUMBERS		
RELATED CASES PENDING? ☐ YES ☒ NO				
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☒ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS Neighbor and Municipality		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
RECEIVED Superior Court of New Jersey JUL 09 2015 Passaic County				
 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: _____				

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:6-1

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
- 176 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
- 615 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

- 155 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)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETAXAREDBA | 291 PELVIC MESH/GYNECARE |
| 278 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 286 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZ/YASMIN/OCELLA | 501 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 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