

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARIA TULLO,
Plaintiff

V.

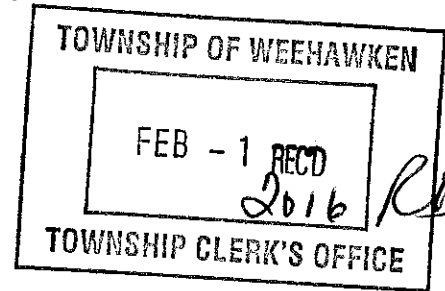
SUMMONS IN A CIVIL CASE

TOWNSHIP OF WEEHAWKEN, ET AL.,
Defendant

CASE
NUMBER: 2:16-CV-00348-WJM-MF

TO: *(Name and address of Defendant):*

Township of Weehawken
400 Park Avenue
Weehawken, New Jersey 07086



A lawsuit has been filed against you.

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

Jacqueline Ramirez, Esq.
Law Offices of Nancy E. Lucianna, P.C.
1638 Center Avenue
Fort Lee, New Jersey 07024

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

WILLIAM T. WALSH
CLERK

JACKELINE BARCO
(By) DEPUTY CLERK



ISSUED ON 2016-01-25 13:23:13. Clerk
USDC NJD

LAW OFFICES OF
NANCY E. LUCIANNA, P.C.
1638 CENTER AVENUE
FORT LEE, NEW JERSEY 07024
(201) 947-6484
(201) 947-3438 FAX

JACQUELINE RAMIRZ, ESQ., ATTORNEY ID #017622010
ATTORNEYS FOR PLAINTIFF, MARIA TULLO

RECEIVED

JAN 20 2016

AT 8:30
WILLIAM T. WALSH, CLERK ^M

MARIA TULLO,

Plaintiff.

vs.

TOWNSHIP OF WEEHAWKEN,
WEEHAWKEN POLICE
DEPARTMENT, WEEHAWKEN
POLICE OFFICER ROBERT
JACOBSON, WEEHAWKEN POLICE
OFFICER CHRISTOPHER MAJEWSKI,
WEEHAWKEN POLICE OFFICER
JAMES WHITE, WEEHAWKEN
POLICE SERGEANT HABLITZ,
WEEHAWKEN POLICE OFFICER
RANDY HABLITZ, WEEHAWKEN
POLICE OFFICER EDWARD VION
AND JOHN AND JANE DOES 1-10,
individually and in their official capacity,

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DOCKET NO.: _____

CIVIL ACTION

**COMPLAINT AND TRIAL BY JURY
DEMAND**

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. §§ 1983, 1985(2) (3), 1986 and 1988 and the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the United State Constitution. Jurisdiction is founded on 28 U.S.C. §§1331 and 1343 (1) (2) (3) (4) and the aforementioned statutory and Constitutional provisions for civil rights violations. Plaintiff further invokes the pendent jurisdiction of this court to consider claims arising under State law, including but not limited to: (a) Failure to Implement Appropriate Policies, Customs and Practices, (b) False Arrest; (c) Unlawful Detention and Confinement; (d) malicious prosecution; (e) Intentional

Infliction of Emotional Distress; (f) Negligence; (g) Negligent Supervision; (h) Negligent Hiring and Retention.; (i) Assault, (j) Battery, (k) Denial of Access to the Courts, (l) Conspiracy, and (m) Violation of Constitutional Rights.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b) (1) as at least one Defendant is an officer or employee of the United States. This District also is an appropriate venue for this action under 28 U.S.C. § 1391(b) (2) as all the facts and events of each cause of action giving rise to the claims asserted herein occurred in this judicial district.

3. The amount in controversy exclusive of interest and costs exceeds the sum of \$75,000.00.

PARTIES

4. At all relevant time herein, the Plaintiff MARIA TULLO resided and is a resident of the State of New Jersey, residing in the Township of Weehawken, New Jersey.

5. The Defendants: TOWNSHIP OF WEEHAWKEN is a municipality incorporated within the State of New Jersey, and the WEEHAWKEN POLICE DEPARTMENT, which at all relevant times herein, employed the Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, individually and in their official capacity.

6. Each and all acts stated herein are alleged of the Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ,

WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, individually and in their official capacity, are alleged to have been done by them under the color of law and pretense of statutes, ordinances, regulations, customs and usages of the State of New Jersey, Township of Weehawken, County of Hudson and under the authority of their office as police officers of the Township of Weehawken.

7. The aforementioned police officers were involved in the arrest and/or detention of Plaintiff MARIA TULLO. All actions and/or inactions taken by the police officers while working as officers of the Weehawken Police Department were taken under the color of state law.

8. Defendant TOWNSHIP OF WEEHAWKEN is a municipal corporation organized under the laws of the State of New Jersey. It is responsible for the policies, procedures, and practices implemented through its various agencies, agents, departments, and employees, and for injury occasioned thereby.

9. Defendants JOHN and JANE DOES 1-10 are unidentified police officers of the WEEHAWKEN POLICE DEPARTMENT and were at all relevant times herein acting in the course and scope of their employment and acting under the color of the law. Defendants JOHN and JANE DOES 1-10 participated in the arrest and/or detention of Plaintiff MARIA TULLO. Defendants JOHN and JANE DOES 1-10 are all sued herein in their individual and official capacities.

FACTUAL BASIS COMMON TO ALL CLAIMS

10. On or about April 25, 2014, at approximately 8:00 a.m. Plaintiff MARIA TULLO, age 65, was at her home located at 105 Maple Street, Township of Weehawken, Hudson County, State of New Jersey.

11. At same time and place, Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON entered Plaintiff MARIA TULLO's real property, without probable cause or justification, slurring explicit, degrading, and racist and ethnic epithets, including but not limited to calling her a "bitch", "guinea c&%" and "go back to your country" at the Plaintiff MARIA TULLO and using profane, abusive, and threatening language directed at the Plaintiff MARIA TULLO.

12. While enduring the Defendant's WEEHAWKEN POLICE OFFICER ROBERT JACOBSON verbal abuse and threatening conduct, Plaintiff MARIA TULLO was repeatedly struck, beaten and choked by Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON.

13. Plaintiff MARIA TULLO called out for help and Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON ignored her pleas.

14. A neighbor heard Plaintiff MARIA TULLO's cry for help and called the authorities.

15. Defendants WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, and WEEHAWKEN POLICE OFFICER EDWARD VION arrived to the scene.

16. At approximately 8:15 a.m. on the aforementioned date, Plaintiff MARIA TULLO was taken into police custody without probable cause.

17. While detained at the WEEHAWKEN POLICE DEPARTMENT, Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON in the presence of and with the authority of several members of the WEEHAWKEN POLICE DEPARTMENT including, but not limited to, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI,

WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION conspired with one another to charge Plaintiff MARIA TULLO with harassment without justification or probable cause.

18. As a result of this incident, Plaintiff MARIA TULLO sustained serious and permanent physical injuries as well as psychological and emotional trauma, fear and humiliation. She has suffered permanent damages due to the discriminatory acts and unlawful conduct of the Defendants herein mentioned.

19. At said time, Defendants WEEHAWKEN POLICE SERGEANT HABLITZ and WEEHAWKEN POLICE OFFICER JAMES WHITE were the supervising Sergeants on duty.

20. Plaintiff MARIA TULLO has been a long time resident of the City of Weehawken and has on at least four (4) prior occasions reported to the Weehawken Police Department to file complaints about the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON.

21. On those prior occasions, the Plaintiff MARIA TULLO was turned away by the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT who denied her access to the Court.

22. Because of the Defendants' TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT prior dealings with the Plaintiff MARIA TULLO where her allegations were not taken seriously, the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON felt empowered to sign and issue a complaint of harassment against the Plaintiff MARIA TULLO on April 25, 2014 when no such act of harassment was committed by her.

23. The complaint against the Plaintiff MARIA TULLO was signed by the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON under his authority as a police officer and a representative of the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT.

24. Probable cause for this complaint against the Plaintiff MARIA TULLO was found on false attestations by the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and other employees and/or agents of the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT.

25. Furthermore, the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT allowed the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON to sign a criminal complaint against the Plaintiff MARIA TULLO without supervision and knew that the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON signed the complaint against her without probable cause.

26. The complaint against the Plaintiff MARIA TULLO was ultimately dismissed.

27. At the time of this incident, the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON was not fit for duty and the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT knew or should have know that the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON was not fit for duty since the Plaintiff MARIA TULLO complained about his actions towards her prior and the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON has a history of prior misconduct.

28. Upon information and belief, the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON was indicted by a Hudson County jury on or about February of 2000.

At said time, the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON was employed as a police officer with the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT. The indictment was for a similar physical and brutal attack of a civilian where the aggressor was the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON.

29. Upon information and belief Defendants, TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT knew about the history of Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and his conduct unbecoming a police officer and failed to take remedial actions to further retrain him and/or to provide tighter supervision of him.

CAUSES OF ACTION

COUNT ONE

Violation of Civil Rights Pursuant to 42 U.S.C. § 1983 (General Allegation)

30. Plaintiff re-alleges and incorporates herein by reference set forth in the above paragraphs 1-29 of this Complaint.

31. In committing the acts complained of herein, Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, individually and in their official capacity, acted under the color of the law to deprive Plaintiff of certain constitutionally protected rights under the First, Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution including,

but not limited to: a) the right to be free from unreasonable searches and seizures; b) the right not to be deprived of liberty without due process of law; c) the right not to be deprived of property without due process of law; d) the right to be free from false arrest, and; e) discrimination practices.

32. In violating Plaintiff's rights as set forth above and other rights to be proven at trial, Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, individually and in their official capacity acted under the color of the law and conducted an unlawful detainment, confinement and false arrest of Plaintiff MARIA TULLO. Defendants displayed a pattern and practice of racial and ethical discrimination and/or deliberate indifference to the civil rights of the Plaintiff and set into motion the chain of events that led to unlawful detainment and deprivation of liberty without due process in violation of Plaintiff's civil rights under the First, Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution.

33. As a direct and proximate cause result of the violation of Plaintiff MARIA TULLO's constitutional rights by the Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, individually and in their official capacity, Plaintiff suffered and continues to suffer physical, psychological and

emotional distress, humiliation, embarrassment, discomfort, anxiety, inconvenience, mental and emotional anguish and other compensatory damages in an amount to be determined by the jury and the Court.

34. Defendants' acts were willful, wanton, malicious, oppressive and done with conscious disregard and deliberate indifference for Plaintiffs' rights. Therefore, Defendants' actions justify an award to plaintiffs of punitive damages in an amount to be determined at trial.

35. Defendants' policies, practices, conduct and acts alleged herein have resulted and will continue to result in irreparable injury to the Plaintiff.

36. Defendants acted with discriminatory intent in violation of Plaintiff's legal and constitutional rights, and have directly and proximately caused Plaintiff's humiliation, mental pain and suffering. As a direct and proximate result of Defendants' violations of Plaintiff's statutory, constitutional and common law rights, Plaintiff MARIA TULLO was caused to suffer damages.

37. At all times herein mentioned, Defendants had an obligation to comply with federal and state laws regarding gender discrimination. Defendants failed to meet these obligations with respect to the Plaintiff.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND

JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT TWO

**Violation of Civil Rights Pursuant to 42 U.S.C. § 1983
(Failure to Implement Appropriate Policies, Customs, and Practices)**

38. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint and Count One as if set forth at length herein.

39. On the aforementioned date and time, Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10 did violate Plaintiff MARIA TULLO's constitutional rights and did so pursuant and custom to a de-facto pattern and practice of the Defendant's deliberate indifference to the Constitutional rights of Plaintiff MARIA TULLO.

40. Defendant TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT implicitly and explicitly adopted and implemented careless and reckless policies, customs, or practices that included among other things displaying a pattern and practice of discrimination towards the Plaintiff MARIA TULLO.

41. The failure of the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT to adequately train and supervise the Defendants, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10 amounts to deliberate indifference to the civil rights of Plaintiff MARIA TULLO to be free from the deprivation of liberty without due process, the right to be free from false arrest, unreasonable search and seizure, and racial and ethical discrimination under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

42. As a direct and proximate result of Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10 deliberate indifference which was committed under the color of the law, Plaintiff MARIA TULLO suffered and continues to suffer physical including bodily injury, psychological and emotional distress, humiliation, embarrassment, loss of freedom, anxiety, inconvenience, and mental and emotional anguish and is entitled to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER

CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE,
WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER
RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND
JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or
individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT THREE
Violation of Civil Rights Pursuant to 42 U.S.C. § 1983
(False Arrest)

43. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One and Count Two as if set forth at length herein.

44. Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10 acted under the color of the law by falsely arresting and detaining Plaintiff MARIA TULLO with no basis in fact or law to do so. The Defendants denied Plaintiff MARIA TULLO her rights, privileges, and/or immunities secured by the United States Constitution depriving her of her liberty without due process of law, by taking her into custody and holding her against her will.

45. As a direct and proximate result of Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10 concerted, unlawful violation of Plaintiff's right to be free from false arrest, Plaintiff MARIA TULLO suffered and continues to suffer physical, psychological and emotional distress, humiliation, embarrassment, loss of freedom, anxiety, inconvenience, mental and emotional anguish and is entitled to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT FOUR
Assault and Battery /Excessive and Unreasonable Use of Force

46. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, and Count Three as if set forth at length herein.

47. On the aforementioned date and place, Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and JOHN AND JANE DOES 1-10, individually and in their official capacity, did trespass onto her property and intentionally, willfully, wantonly and maliciously attacked and assaulted Plaintiff MARIA TULLO by grabbing her around her neck and mouth and choking her while yelling threats and profanities.

48. The Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and JOHN AND JANE DOES 1-10, individually and in their official capacity, used excessive force in that the Plaintiff was repeatedly struck in the face, and about the body, choked, and was caused to experience severe pain on her neck and back. The Defendants violently assaulted the Plaintiff by using excessive and unreasonable force.

49. The Defendants, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and JOHN AND JANE DOES 1-10, individually and in their official capacity, without legal provocation repeatedly struck, beat, and battered Plaintiff, MARIA TULLO, maliciously and intentionally, falsely arrested and detained the Plaintiff and charged her with assault as a pretext for the aforesaid unlawful assault and battery and use of excessive force.

50. As a direct and proximate result of Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and JOHN AND JANE DOES 1-10, individually and in their official capacity, acts, Plaintiff MARIA TULLO sustained severe and extensive permanent physical injuries, emotional distress, physical manifestations of emotional distress, embarrassment, loss

of self-esteem, and other psychological injuries, temporary and permanent disability; was prevented and will continue to prevent her from performing her normal daily activities and obtaining the full enjoyment of life and has incurred and will continue to incur numerous medical bills; and pain and suffering.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit;
- (c) past and future medical expenses incurred and to be incurred; and
- (d) any further relief which the Court may deem equitable and just.

COUNT FIVE
Conspiracy

51. Plaintiff repeats and reiterates each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, and Count Four as if same were set forth at length herein.

52. Since the aforementioned date of assault, the Defendants, TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER

MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, engaged in a course of conduct designed to delay, obstruct and impair the investigation into the assault on the Plaintiff MARIA TULLO beginning with the decision to unlawfully detained the Plaintiff MARIA TULLO without reason or cause and engage in a malicious prosecution of the Plaintiff MARIA TULLO.

53. Further, after assaulting the Plaintiff MARIA TULLO, the Defendants, TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, did conspire with one another to cover up the excessive use of force in that they failed to sign a complaint on behalf of the Plaintiff MARIA TULLO who presented with visible injuries in the form of marks around her neck. In furtherance of the plan to cover up the excessive use of force, the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT allowed the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON to initiate a criminal complaint of harassment against the Plaintiff MARIA TULLO with probable cause that was found on the false attestations by the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON and other employees of the Defendant WEEHAWKEN POLICE DEPARTMENT as to what transpired.

54. As a result of the wrongful acts of the Defendants, TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, the Plaintiff suffered numerous and permanent damages.

55. Defendants' cover-up and concealment of the excessive use force used against the Plaintiff was in violation of Plaintiff's rights under 42 U.S.C. § 1983 et seq. and § 1988.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT SIX
Malicious Prosecution

56. Plaintiff repeats and reiterates each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, and Count Five as if same were set forth at length herein.

57. The actions of Defendants as described in this Complaint constitute a deprivation of Plaintiff's constitutional rights, including but not limited to Plaintiff's right pursuant to the Fourth, Fifth and Fourteenth Amendments of the Constitution of the United States to be free from malicious prosecution, malicious abuse of process, and unlawful seizure and incarceration.

58. The Defendants arrested the Plaintiff without probable cause and commenced prosecution with malice and for a personal vendetta of the Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10.

59. The Defendants caused there to be prosecution of the Plaintiff MARIA TULLO for harassment. This prosecution was carried out by the Defendants with malice and without probable cause.

60. As a result of said prosecution, the Plaintiff MARIA TULLO was required to retain an attorney and appear in court. The case against her was ultimately dismissed.

61. As a direct and proximate result of the acts of the Defendants as described in this complaint, Plaintiff has suffered permanent physical injuries, severe emotional distress, humiliation, embarrassment, and the loss of her freedom, and other benefits. Plaintiff has also incurred attorneys' fees and court costs.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT SEVEN
Violation of Civil Rights Pursuant to 42 U.S.C. § 1983
(False Detention and Confinement)

62. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, and Count Six as if set forth at length herein.

63. Defendants breached a duty of care owed to Plaintiff MARIA TULLO, so as not to deprive her of her personal liberty by intentionally, wrongfully and unlawfully detaining and confining her without probable cause and without a warrant from the Court.

64. Plaintiff alleges that such acts directed towards her were malicious and belligerent and the acts were done with a conscious disregard for Plaintiff's right to be free from such tortious behavior such as to constitute oppression and malice behavior.

65. As a direct and proximate result of Defendants' concerted unlawful and malicious detention and confinement, Plaintiff MARIA TULLO suffered and continues to suffer physical, psychological and emotional distress, humiliation, embarrassment, loss of freedom, anxiety, inconvenience, and mental and emotional anguish.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT EIGHT
(Intentional Infliction of Emotional Distress)

66. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, Count Six and Count Seven as if set forth at length herein.

67. Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, intentionally and deliberately inflicted emotional distress on Plaintiff MARIA TULLO by outrageous and extreme display pattern, practice, and policy of discrimination and/or deliberate indifference and by abusing the lawful process by unlawful purposes by violating Plaintiff's MARIA TULLO constitutional rights.

68. Defendants' conduct was extreme and outrageous, beyond all possible bounds of decency.

69. As a direct and proximate result of Defendants' intentional, outrageous and extreme acts Plaintiff MARIA TULLO suffered and continues to suffer psychological and emotional distress, humiliation, embarrassment, and mental and emotional trauma.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE,

WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT NINE
(Negligence)

70. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, Count Six, Count Seven, and Count Eight as if set forth at length herein.

71. On or about April 25, 2014, Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, were negligent in their performance and/or failure to perform duties undertaken in the course of their employment, including but not limited to failure to use due care at or about the times of the aforementioned incident.

72. In committing the aforementioned acts and/or omissions, each Defendant negligently breached said duty to use due care.

73. As a direct and proximate result of Defendants' gross negligence, Plaintiff MARIA TULLO suffered and continues to suffer physical, psychological and emotional distress, humiliation, embarrassment, discomfort, loss of freedom, anxiety, inconvenience, and mental and emotional anguish.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT TEN
(Negligent Supervision)
Violation of Civil Rights Pursuant to 42 U.S.C. § 1983

74. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, Count Six, Count Seven, Count Eight, and Count Nine as if set forth at length herein.

75. On or about April 25, 2014, Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT employed the Defendants, WEEHAWKEN POLICE

OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10.

76. On or about April 25, 2014, Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT through its agents, servants and/or employees were negligent and otherwise reckless in that they failed to adequately train, supervise and properly control the Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, and did negligently hire the Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, creating an atmosphere of lawlessness within which officers perpetuated a violation of civil rights based upon race and ethnicity, unlawful arrest, detention and confinement, discrimination, deprivation of liberty, and prejudice against the Plaintiff MARIA TULLO. Plaintiff MARIA TULLO was detained, unlawfully arrested, and physically assaulted by member of the WEEHAWKEN POLICE DEPARTMENT inflicting physical injuries, psychological trauma, fear, and humiliation, all of which were done in the belief that such acts

were justified by the Defendants' authority as police officers of the TOWNSHIP OF WEEHAWKEN and otherwise under the color of the law.

77. Defendants TOWNSHIP OF WEEHAWKEN and TOWNSHIP OF WEEHAWKEN POLICE DEPARTMENT had a duty to hire and retain individuals who were qualified and competent to uphold and enforce the laws of this State and to implement police department policies and objectives and to ensure safety and supervision of their citizens.

78. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT failed to properly instruct and supervise their subordinate police officers and prevent the negligent acts of their subordinates when they knew or reasonably should have known of such acts and had the authority and responsibility to prevent these acts.

79. These acts by the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT of failing to properly instruct and supervise their subordinate officers created a defacto policy within the Weehawken Police Department of ignoring the Plaintiff's MARIA TULLO civil rights.

80. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT had a duty to vet him, re-train and closely supervise the Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON after he was the named defendant in a prior indictment for alleged acts of violence against a civilian. Defendants' TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT failure caused the Plaintiff MARIA TULLO a violation of her civil rights pursuant to 42 U.S.C. § 1983.

81. Acting under the color of the law, Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT negligently failed to instruct, supervise, control, and discipline on a continuing basis the Defendants WEEHAWKEN POLICE OFFICER ROBERT

JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10, as to their duty to refrain from: (a) unlawfully and maliciously harassing a citizen by displaying a pattern, practice and policy of racial and ethical discrimination and/or deliberate indifference to the civil rights of its citizens; (b) unlawfully and maliciously arresting, detaining and confining a citizen; (c) and otherwise depriving Plaintiff MARIA TULLO of her constitutional and statutory rights, privileges, and immunities.

82. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT directly and indirectly under the color of the law, approved or ratified the unlawful deliberate, reckless, and wanton conduct of the Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10.

83. As a direct and proximate result of the gross negligent supervision and intentional acts of Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT, Plaintiff MARIA TULLO suffered and continues to suffer physical, psychological and emotional distress, humiliation, embarrassment, discomfort, loss of freedom, anxiety, inconvenience, and mental and emotional anguish.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN

POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

COUNT ELEVEN

(Negligent Hiring)

Violation of Civil Rights Pursuant to 42 U.S.C. § 1983

84. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, Count Six, Count Seven, Count Eight, Count Nine, and Count Ten as if set forth at length herein.

85. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT selected, hired, and retained Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10 to perform work under the color of the law.

86. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT failed to exercise reasonable care and were negligent in selecting, hiring and

retaining Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10 to perform work. At the time, Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT selected, hired or retained Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION, AND JOHN AND JANE DOES 1-10 and at all other relevant times, Defendants knew or reasonably should have known that Defendants Weehawken Police Officers would violate Plaintiff MARIA TULLO's civil and constitutional rights and that as a direct and proximate result of those violations, Plaintiff would suffer damages alleged herein. Defendants' TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT conduct constitutes negligence per se and is actionable under the laws of the State of New Jersey and the laws of the United States.

87. These acts by the Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT of failing to exercise reasonable care in selecting, hiring and retaining their subordinate officers created a defacto policy within the Weehawken Police Department of ignoring the Plaintiff's MARIA TULLO civil rights.

88. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT had a duty to re-train and closely supervise the Defendant WEEHAWKEN

POLICE OFFICER ROBERT JACOBSON after he was the named defendant in a prior indictment for alleged acts of violence against a civilian. Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT failed to provide sensitivity training and/or other re-qualifications to ensure that Defendant WEEHAWKEN POLICE OFFICER ROBERT JACOBSON was fit for duty and eligible to be retained as a police officer. Defendants' TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT failure caused the Plaintiff MARIA TULLO a violation of her civil rights pursuant to 42 U.S.C. § 1983.

89. As a direct and proximate result of Defendants TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT negligent selection, hiring and retention, Plaintiff MARIA TULLO suffered and continues to suffer physical, psychological and emotional distress, humiliation, embarrassment, discomfort, loss of freedom, anxiety, inconvenience, and mental and emotional anguish.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

(a) compensatory damages;

(b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and

(c) any further relief which the Court may deem equitable and just.

COUNT TWELVE

**Violation of Civil Rights Pursuant to 42 U.S.C. § 1983
(Denial of Access to the Courts)**

90. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, Count Six, Count Seven, Count Eight, Count Nine, Count Ten, and Count Eleven as if set forth at length herein.

91. Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, refused to file and investigate criminal complaints by Plaintiff MARIA TULLO against Defendant , WEEHAWKEN POLICE OFFICER ROBERT JACOBSON.

92. As a result of the refusal to file, report, and investigate criminal activity, DEFENDANT TOWNSHIP OF WEEHAWKEN and WEEHAWKEN POLICE DEPARTMENT continued to negligently retain, train, and discipline the individually named police officers and John and Jane Does 1-10.

93. These failures resulted in Plaintiff MARIA TULLO expending time and money in defense of an unconstitutional charge and suffered unconstitutional harassment and assaults

94. These failures delayed and prevented Plaintiff MARIA TULLO from fully seeking civil redress in court.

95. In committing the acts complained of herein, Defendants acted under color of the law to deprive Plaintiff of certain constitutionally protected rights under the First, Fourth, Fifth, and Fourteenth Amendments of the United States Constitution and her civil rights under 42 U.S.C. §1983 et. seq., including to right to petition the government and access the courts.

96. Defendants' acts were willful, wanton, malicious, oppressive, and/or negligent and done with conscious disregard and deliberate indifference for Plaintiff's rights. Therefore, Defendants' actions justify an award to Plaintiff of punitive damages in an amount to be determined at trial.

97. Defendants' policies, practices, conduct and acts alleged herein have resulted and will continue to result in irreparable injury to the Plaintiff.

98. As a direct and proximate result of the said false arrest, imprisonment, excessive use of force, and falsification of official records, Plaintiff, MARIA TULLO, sustained severe and permanent, physical injuries and disfigurement, and suffered extreme psychological and emotional injuries and humiliation, embarrassment, discomfort, anxiety, inconvenience, mental anguish and other compensatory damages in an amount to be determined by the jury and the Court.

99. At all times herein mentioned, Defendants had an obligation to comply with federal and state laws regarding racial and ethical discrimination. Defendants failed to meet these obligations with respect to the Plaintiff.

WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE,

WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) punitive damages
- (b) attorney's fees pursuant to 42 U.S.C. §1988, filing fees and costs of suit;

COUNT THIRTEEN
(Respondeat Superior)

100. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1-29 of this Complaint, Count One, Count Two, Count Three, Count Four, Count Five, Count Six, Count Seven, Count Eight, Count Nine, Count Ten, Count Eleven, and Count Twelve as if set forth at length herein.

101. Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, were at all times herein acting within the scope of their employment, as employees of the TOWNSHIP OF WEEHAWKEN and the WEEHAWKEN POLICE DEPARTMENT.

102. While acting within the scope of their employment Defendants WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE,

WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, were negligent in their performance and/or failure to perform their duties.

103. Under Respondeat Superior, the Defendants TOWNSHIP OF WEEHAWKEN and the WEEHAWKEN POLICE DEPARTMENT are liable for the acts of, and injury caused by said officers.

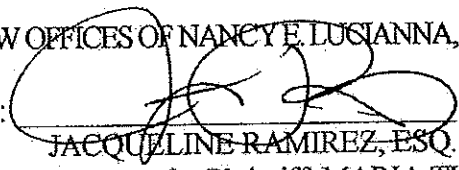
WHEREFORE, Plaintiff MARIA TULLO demands judgment against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE, WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND JANE DOES 1-10, individually and in their official capacity, jointly, severally and/or individually for:

- (a) compensatory damages;
- (b) attorney fees under 42 U.S.C. § 1983, filing fees and cost of suit; and
- (c) any further relief which the Court may deem equitable and just.

JURY DEMAND

Plaintiff MARIA TULLO hereby demands trial by jury on all issues against Defendants TOWNSHIP OF WEEHAWKEN, WEEHAWKEN POLICE DEPARTMENT, WEEHAWKEN POLICE OFFICER ROBERT JACOBSON, WEEHAWKEN POLICE OFFICER CHRISTOPHER MAJEWSKI, WEEHAWKEN POLICE OFFICER JAMES WHITE,

WEEHAWKEN POLICE SERGEANT HABLITZ, WEEHAWKEN POLICE OFFICER
RANDY HABLITZ, WEEHAWKEN POLICE OFFICER EDWARD VION AND JOHN AND
JANE DOES 1-10, individually and in their official capacity.

LAW OFFICES OF NANCY E. LUCIANNA, P.C.
BY: 
JACQUELINE RAMIREZ, ESQ.
Attorney for Plaintiff, MARIA TULLO

Dated: January 11, 2016

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4, the Court is advised that JACQUELINE
RAMIREZ, ESQ. of THE LAW OFFICES OF NANCY E. LUCIANNA, P.C. is hereby
designated as trial counsel on behalf of the Plaintiff.

LAW OFFICES OF NANCY E. LUCIANNA, P.C.
BY: 
JACQUELINE RAMIREZ, ESQ.
Attorney for Plaintiff, MARIA TULLO

Dated: January 11, 2016

CERTIFICATION PURSUANT TO R.4:5-1

I hereby certify that the matter in controversy is not the subject of any other action,
pending in any court or of a pending arbitration proceeding, nor is any such action or arbitration
proceeding presently contemplated.

LAW OFFICES OF NANCY E. LUCIANNA, P.C.
BY: 
JACQUELINE RAMIREZ, ESQ.
Attorney for Plaintiff, MARIA TULLO

Dated: January 11, 2016