

**CARNEYS POINT TOWNSHIP
POLICE DEPARTMENT**

GERALD A. KRIVDA
CHIEF OF POLICE
(856) 299-1033 Ext. 133



BRIAN HOGAN
LIEUTENANT
OPERATIONS DIVISION
PATROL DIVISION
(856) 299-1033 Ext. 134

DALE VANNAMEE
LIEUTENANT
DETECTIVE DIVISION
(856) 299-1356

May 29, 2020

1. With regard to this request, the Township does not maintain a list of the information you requested, nor is the Township required to create such a document. If you are seeking specific documents related to this request, please advise.
2. See attached copies of complaints

Sincerely

A handwritten signature in black ink, appearing to read "Gerald A. Krivda".

Gerald A. Krivda
Chief of Police

CPPD Reports

From: June Proffitt
Sent: Wednesday, May 27, 2020 4:00 PM
To: CPPD Reports
Subject: FW: OPRA request - OPRA: police officer-involved lawsuits 2012-2019

-----Original Message-----

From: Taeho Kim <opra+request-12419-ac12ff32@requests.opramachine.com>
Sent: Wednesday, May 27, 2020 1:55 PM
To: June Proffitt <junep@carneypointtwp.org>
Subject: OPRA request - OPRA: police officer-involved lawsuits 2012-2019

Dear Carneys Point Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any).
2. Please provide copies of the complaint in any lawsuits and cases described above.

Yours faithfully,

UC Research

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-12419-ac12ff32@requests.opramachine.com

Is junep@carneypointtwp.org the wrong address for OPRA requests to Carneys Point Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=carneys_point_township

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/opra_police_officer_involved_law_25

Please note that in some cases publication of requests and responses will be delayed.

CATALANO LAW
RANDY P. CATALANO, ESQUIRE
ATTORNEY ID# 024491982
401 Kings Highway South, Suite 4A
Cherry Hill, NJ 08034
T: (856) 281-9860
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Email: rcatalano@catalanolaw.net

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TERRELL PIERCE,

Plaintiffs,

vs.

BOROUGH OF PENNS GROVE, BOROUGH
OF PENNS GROVE POLICE CHIEF JOHN
T. STRANHAN, SR., TOWNSHP OF
CARNEYS POINT, TOWNSHIP OF
CARNEYS POINT POLICE CHIEF
GERALD A. KRIVDA, JOSEPH RACITE,
DALE VANAMEE, DONALD HAINES,
MATTHEW PETRUTZ, CURTIS
CATALANO, PAUL TRAVIS, JOSEPH
SCHULTZ, PATRICK RILEY, JASON
SPERA, JOHN DOES 1-25 (fictitious names),
and JOHN DOES 26-50 (fictitious names),

Defendants.

CIVIL NO.

CIVIL ACTION

COMPLAINT

Plaintiff, Terrell Pierce, by way of Complaint says:

COUNT ONE
(Jurisdiction and Venue)

1. Plaintiff, Terrell Pierce, brings this action against defendants to recover damages for deprivation and violation of his constitutional rights secured by the Fourth, Fifth,

Eighth and Fourteenth Amendments to the United States Constitution, by 42 U.S.C. § 1983 and also by the New Jersey Constitution.

2. Plaintiff seeks redress for defendants' violations of his Fourth Amendment rights to be free from excessive force, unlawful arrest, false imprisonment, and malicious prosecution; for their violations of his capital and Fourteenth Amendment rights to due process of law; for their violation of his rights provided 42 U.S.C. § 1983; for conspiring with each other to violate his rights under the Fourth and Fourteenth Amendments; and for their violations of constitutional rights, including but not limited to his rights to be free from excessive force, false arrest, false imprisonment, malicious prosecution, malicious abuse of process, intimidation, retaliation, emotional distress and negligent acts and for defendants' conspiracy to commit these violations.

3. This court has jurisdiction over this action under 28 U.S.C. § 1331 and 1343 (a) for violation of constitutional rights as provided in 42 U.S.C. § 1983. Plaintiff seeks monetary damages as well as attorney's fees and costs pursuant to 42 U.S.C. § 1988.

4. Plaintiff also invokes the supplemental jurisdiction of this court over his state law claims against defendants pursuant to 28 U.S.C. § 1367 because these claims form a part of the same case or controversy.

5. Venue is proper in the District Court pursuant to 28 U.S.C. § 1391 because the acts which form the basis of these claims occurred in the Borough of Penns Grove and Township of Carneys Point, County of Salem, State of New Jersey.

COUNT TWO
(Parties)

6. At all relevant times, Plaintiff, Terrell Pierce, is an individual who resided at 590 Lower Landing Road, Blackwood, New Jersey, 08012.

7. Defendant, Borough of Penns Grove, with its offices located at 1 State Street, Penns Grove, New Jersey, 08069, is a governmental entity, a local public entity and/or an instrumentality for the State of New Jersey, which manages, controls and/or is responsible for the actions of the Borough of Penns Grove Police Department and/or its employees.

8. Defendant, Borough of Penns Grove, with its police department headquarters at 1 State Street, Penns Grove, New Jersey, 08069, is a governmental entity, a local public entity and/or an instrumentality for the State of New Jersey, which employs the police officers who carry out the day-to-day police duties within the Borough of Penns Grove and is the entity which is responsible for providing police protection to the residents, inhabitants, visitors and all other individuals within the lawful boundaries of the Borough of Penns Grove and perform all activities and services commonly provided by a police department. At all times relevant hereto, Defendant, Borough of Penns Grove, was the employer of the police officers and/or other individuals involved in the subject incident which is more fully described hereinafter and was responsible for the supervision and conduct of said officers.

9. Defendant, John T. Stranahan, Sr., Chief of Police, is the head of the Borough of Penns Grove Police Department and was employed by the Borough of Penns Grove, at all times relevant hereto and was ultimately responsible for the maintenance and control of public safety with the Borough of Penns Grove as well as the management, assignment of duties and ultimate supervision of all other police officers on the force. At all times relevant hereto, the Chief of Police was the policy maker and held the ultimate decisional authority over the Penns Grove Police Department.

10. Defendant, Township of Carneys Point, with its offices located at 303 Harding Highway, Carneys Point, New Jersey, 08069, is a governmental entity, a local public

entity and/or an instrumentality for the State of New Jersey, which manages, controls and/or is responsible for the actions of the Township of Carneys Point Police Department and/or its employees.

11. Defendant, Township of Carneys Point, with its police department headquarters at 303 Harding Highway, Carneys Point, New Jersey, 08069, is a governmental entity, a local public entity and/or an instrumentality for the State of New Jersey, which employs the police officers who carry out the day-to-day police duties within the Township of Carneys Point and is the entity which is responsible for providing police protection to the residents, inhabitants, visitors and all other individuals within the lawful boundaries of the Township of Carneys Point and perform all activities and services commonly provided by a police department. At all times relevant hereto, Defendant, Township of Carneys Point, was the employer of the police officers and/or other individuals involved in the subject incident which is more fully described hereinafter and was responsible for the supervision and conduct of said officers.

12. Defendant, Gerald A. Krivda, Chief of Police, is the head of the Township of Carneys Point Police Department and was employed by the Township of Carneys Point at all times relevant hereto and was ultimately responsible for the maintenance and control of public safety with the Township of Carneys Point as well as the management, assignment of duties and ultimate supervision of all other police officers on the force. At all times relevant hereto, the Chief of Police was the policy maker and held the ultimate decisional authority over the Carneys Point Police Department.

13. Defendants, Joseph Racite, Dale Vannamee, Donald Haines, Matthew Petrutz, Curtis Catalano, Paul Travis, Joseph Schultz, Patrick Riley, Jason Spera, John Doe Police Officers 1-25 (fictitious names), were police officers employed by the Borough of Penns Grove

and/or Township of Carneys Point and at all times relevant hereto were responsible for the maintenance and control of public safety for the Borough of Penns Grove and/or Township of Carneys Point.

14. Defendants, John Does 26-50, are fictitious designations for unknown or unidentified parties to this action who were employees of the Borough of Penns Grove and/or Township of Carneys Point who may have been responsible for the actions and/or inactions of the other defendants named herein.

15. At all times relevant hereto, the defendants, Chief of Police of Penns Grove Borough, John T. Stranahan, Sr., Chief of Police of Carneys Point Township, Gerald A. Kriva, Joseph Racite, Dale Vannamee, Donald Haines, Matthew Petrutz, Curtis Catalano, Paul Travis, Joseph Schultz, Patrick Riley, Jason Spera and/or John Doe Police Officers 1-25 (fictitious names) and/or John Does 26-50, were acting under color of State Law pursuant to their sworn authority as police officers or other employees of said entities.

16. In this action, the Plaintiff, Terrell Pierce, asserts that he was deprived of his constitutional rights, privileges and immunities secured by the Fourth and Fourteenth Amendments.

COUNT THREE
(Facts)

17. At all relevant times alleged herein, Plaintiff, Terrell Pierce, was a resident of the Borough of Blackwood, State of New Jersey.

18. The incident in question took place on June 15, 2018 at approximately 8:00 a.m. while in the custody of the Borough of Penns Grove Police Department and Township of Carneys Point Police Department, respectively.

19. On June 15, 2018, Plaintiff, Terrell Pierce, was assaulted by one or more of the individually named defendant police officers and/or John Doe Police Officers 1-25 (fictitious names).

20. As a direct and proximate result of the assault, plaintiff, Terrell Pierce, was caused to suffer various personal injuries, including but not limited to a nasal fracture as well as emotional distress.

21. The Defendants' actions also constituted a violation of Plaintiff's constitutional rights for which he is entitled to damages.

COUNT FOUR

(42 U.S.C. § 1983 Fourth Amendment Violations Against Individual Defendants)

22. Plaintiff repeats and reasserts the contents of all preceding paragraphs as if set forth at length herein.

23. Plaintiff's detention and wrongful arrest by the defendants jointly, severally and/or in the alternative was carried out with malice and without legal jurisdiction, probable cause or a reason that probable cause existed.

24. The amount of force utilized in the arrest, detention and handcuffing of the plaintiff was clearly excessive under the circumstances and violated the plaintiff's federal and state constitutional rights to be free from unlawful arrest, seizure and/or excessive force.

25. As a direct and proximate result of the unnecessary and grossly excessive use of force by the defendant Officers, Plaintiff sustained serious injuries of a temporary and permanent nature, experienced severe pain and suffering and emotional distress, incurred or will incur medical expenses in an effort to cure his injuries, was unable to attend, and in the future may be unable to attend to his usual and customary affairs, and was otherwise injured and damaged.

WHEREFORE, plaintiff, Terrell Pierce, demands judgment against the individually names police officers, Police Officers Does 1-25 and/or John Does 26-50 (fictitious names).

COUNT FIVE

(New Jersey State Constitution Violations Against Individual Defendants)

26. Plaintiff repeats and reasserts the contents of all preceding paragraphs as if set forth at length herein.

27. The aforesaid improper actions of the individual defendant Police Officers also violated Plaintiff's clearly established constitutional rights under the New Jersey State Constitution.

28. Plaintiff is entitled to seek redress for the previously referenced improper actions in a private civil action pursuant to the New Jersey Civil Rights Act.

29. As a direct and proximate result of the aforementioned violations of the Plaintiff's state law rights, he sustained the aforementioned injuries and damages.

30. Plaintiff is also entitled to attorney fees pursuant to N.J.S.A. 10:6-2, for the claims set forth herein.

WHEREFORE, plaintiff, Terrell Pierce, demands judgment against the individually named police officers, Police Officers John Does 1-25 and/or John Does 26-50 (fictitious names), for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT SIX

(Assault & Battery Against Individual Defendants)

31. Plaintiff repeats and reasserts the contents of all preceding paragraphs as if set forth at length herein.

32. The actions of the individual defendant Police Officers jointly, severally and/or in the alternative constituted assault and battery under New Jersey state law.

33. As a direct and proximate result of the unlawful actions of the individual defendant Police Officers, jointly, severally and/or in the alternative, Plaintiff suffered the aforementioned injuries and damages.

WHEREFORE, plaintiff, Terrell Pierce, demands judgment against the individually names police officers, Police Officers John Does 1-25 and/or John Does 26-50 (fictitious names), for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT SEVEN

(Malicious Prosecution Against Individual Defendants)

34. Plaintiff repeats and asserts the contents of all preceding paragraphs as if set forth at length herein.

35. As a result of the incident of June 15, 2018, the individual Police Officers charged Plaintiff with violations of New Jersey State Law.

36. Said charges were baseless and false and ultimately dismissed.

37. The criminal charges were filed against Plaintiff in an attempt to cover up the wrongful acts committed against him.

38. As a direct and proximate result of the willful and malicious acts of the individual defendant Police Officers, Plaintiff has suffered damages.

WHEREFORE, plaintiff, Terrell Pierce, demands judgment against the individually names police officers, Police Officers John Does 1-25 and/or John Does 26-50 (fictitious names), jointly, severally and/or in the alternative for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT EIGHT

(Negligence Against Individual Defendants)

39. Plaintiff repeats and asserts the contents of all preceding paragraphs as if set forth at length herein.

40. To the extent that the acts of the individual defendant Police Officers did not constitute willful and/or intentional acts, then said acts constituted ordinary negligence under New Jersey state and common law.

41. The individual defendant Police Officer owed a duty to Plaintiff, Terrell Pierce, who is an ordinary citizen of the United States and resident of the State of New Jersey.

42. The actions of the individual defendant Police Officer breached the duty owed to the Plaintiff.

43. As a direct and proximate result of the aforesaid breach, Plaintiff suffered the aforesaid injuries and damages.

WHEREFORE, plaintiff, Terrell Pierce, demands judgment against the individually names police officers, Police Officers John Does 1-25 and/or John Does 26-50 (fictitious names), jointly, severally and/or in the alternative for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT NINE

(42 U.S.C. § 1983 – Municipal Liability)

44. Plaintiff repeats and asserts the contents of all preceding paragraphs as if set forth at length herein.

45. The individual defendant Police Officers, John Does 1-25 and John Does 26-50 (fictitious names), employees of Defendants, Borough of Penns Grove and/or Township of Carneys Point, by and through its police department.

46. At all relevant times alleged in the Complaint, the Defendant Police Chief John T. Stranahan, Sr., was the final decision maker for the Borough of Penns Grove Police Department and Police Chief Gerald A. Krivda, was the final decision make for the Township of Carneys Point. Defendants, Police Chief John T. Stranahan, Sr., and Police Chief Gerald A. Krivda , are being sued in their official as well as individual capacity.

47. The Defendants, Police Chief John T. Stranahan, Sr. and the Borough of Penns Grove Police Department, and Police Chief Gerald A. Krivda and the Township of Carneys Point had a policy, practice and/or custom of permitting its police officers to infringe upon the rights of citizens, including but not limited to Plaintiff, Terrell Pierce.

48. Defendant Police Chief John T. Stranahan, Sr. and the Borough of Penns Grove Police Department and Police Chief Gerald A. Krivda and the Township of Carneys Point, had a pattern, practice and/or custom of failing to investigate allegations of police violations, and permitted its police officers to engage in conduct that violated the rights of its citizens.

49. Defendants, Police Chief John T. Stranahan, Sr., was the final policymaker for the Borough of Penns Grove Police Department and Police Chief Gerald A. Krivda was the final policymaker for the Township of Carneys Point Police Department in the area of police policies and procedures.

50. Defendants, Police Chief John T. Stranahan, Sr. and Police Chief Gerald A. Krivda, had an ongoing policy, practice and/or custom of failing to investigate allegations of police misconduct, failing to discipline police officers, failing to properly follow the Attorney General Guidelines, failing to properly train police officers on the proper use of force, probable cause to arrest, and acquiescing in the matters of police misconduct.

51. As a direct and proximate result of the aforementioned policy, custom and/or practice, Plaintiff, Terrell Pierce's, civil rights were violated.

52. As a direct and proximate result of the aforementioned policy, custom and/or practice, Plaintiff, Terrell Pierce, suffered the aforesaid injuries and damages including violations of his civil and constitutional rights.

WHEREFORE, plaintiff, Terrell Pierce, demands judgment against Defendants, Police Chief John T. Stranahan, Sr. and the Borough of Penns Grove, and Police Chief Gerald A. Krivda and the Township of Carneys Point, for compensatory damages and punitive damages together with interest, attorney fees and costs.

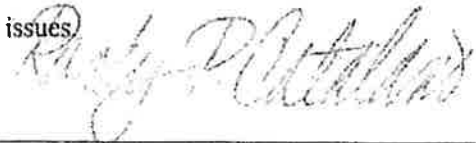


Randy P. Catalano, Esquire
Attorney for Plaintiff

Dated: February 11, 2020

JURY DEMAND

Plaintiffs hereby demands a jury trial as to all issues.



Randy P. Catalano, Esquire
Attorney for Plaintiff

Dated: February 11, 2020

DESIGNATION OF TRIAL COUNSEL

Randy P. Catalano is hereby designated as trial counsel.



Randy P. Catalano, Esquire
Attorney for Plaintiff

Dated: February 11, 2020

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AVANTAI LACKEY

Plaintiff,

vs.

CARNEYS POINT TOWNSHIP;
CARNEYS POINT POLICE
DEPARTMENT; CPL NATHAN PINO,
individually and in his official capacity;
JOHN & JANE DOES 1-10 (fictitious
names), In their Individual and Official
capacities as members and/or agents of
the City of Jersey City and/or Jersey
City Police Department.

Defendants.

Civil Case No. _____

**COMPLAINT AND JURY
DEMAND**

JURISDICTION AND VENUE

1. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3). This Court has supplemental jurisdiction over the state law causes of action under 28 U.S.C. § 1367(a).
2. Venue is proper in this District pursuant to 28 U.S.C. 1391(b)(2) because the events/omissions giving rise to these causes of action all occurred in the District of New Jersey.

PARTIES

3. Plaintiff was at all material times a resident of Swedesboro, New Jersey.
4. Defendant Cpl. Nathan Pino ("Pino") was a duly appointed corporal with the Carneys Point Police Department Acting under the color of law. Pino is being sued in his official and individual capacities.
5. Defendants, John & Jane Does 1-10, are presently unknown officers, employees, agents and/or representatives of the Carneys Point Township and/or Carneys Point Police Department whose unlawful actions are described, referenced and/or set forth herein. All are being sued in their official and individual capacities.

CAUSE OF ACTION

6. On, August 21, 2017, Pino was on patrol in Carneys Point in the area of Pilot Truck Stop.
7. At about the same time Plaintiff pulled up to a gas pump at the Pilot Truck Stop.
8. As Plaintiff exited his car he was abruptly approached by Pino and body slammed to the ground.
9. Indeed, and as captured by cell phone footage, Plaintiff was doing absolutely nothing to justify the vicious attack.
10. Sadly, and as depicted by the video, Plaintiff submitted to Pino's attack and did nothing in response.

11. After Pino body slammed Plaintiff to the concrete he then handcuffed and arrested him for no apparent, legal or lawful reason and without any resistance from Plaintiff.
12. To justify his, what can only be described as insane, conduct Pino swore out criminal charges against Plaintiff for Assault on a Law Enforcement Officer, Resisting Arrest by attempting to flee and using force.
13. Pino also authored a perjure laden whimsical police report that is completely out of touch with the reality of what actually occurred.
14. Indeed, all charges against Plaintiff have been dismissed.
15. In addition, to the unlawful assault and arrest, Pino and other members of the Carneys Point Police Department destroyed Plaintiff's automobile by ripping it apart piece-by-piece.
16. Plaintiff's vehicle was destroyed beyond repair by these actions.
17. In a recent study on use of force by New Jersey officers it was found that Pino used force over twice as much as his police department's average per officer.
18. As such, the Carneys Point Police Department was well aware of Pino's propensity to use force on civilians and did nothing to prevent same.
19. Ironically, Pino has since found himself on the other side of the law.
20. Pino was subsequently charged with crimes in three different New Jersey counties.

21. Pino was first jailed in Gloucester County after an officer who was delivering a domestic violence search warrant found an illegal assault rifle under Pino's bed.
22. In the domestic violence case that prompted the search warrant Pino was charged with Stalking and Harassment after he constantly showed up at his ex-girlfriend's house, used a cell phone app to track her and sent her messages threatening her life as well as threats of taking his own life.
23. In fact, when officers were at the woman's house to assist her Pino was seeing driving by again.
24. The officers responded and conducted a motor vehicle stop at which time Pino refused to get out of his car and then resisted arrest.
25. Pino was charged accordingly.
26. Pino then picked up a third case after sending a series of text messages to another officer explaining his intent to kill his ex as well as poisoning her dog.

FIRST COUNT

**Excessive Force
42 U.S.C. § 1983;
New Jersey Civil Rights Act N.J.S.A. § 10:6-2, et. seq.; &
New Jersey Constitution**

27. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.
28. During the course of the arrest and detention of Plaintiff, Defendant Pino intentionally and/or recklessly used unreasonable and/or excessive force, thereby collectively depriving Plaintiff of his right to be free from the use of unreasonable force in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States, 42 U.S.C. § 1983, the Constitution of the State of New Jersey and the Law of the State of New Jersey including, but not limited to, the New Jersey Civil Rights Act and the New Jersey Law Against Discrimination.
29. Under the totality of the circumstances the Defendant Pino's actions were not objectively reasonable, given that Defendant seized Plaintiff by attacking him without cause or provocation.
30. The conduct of the Defendant occurred while he was acting under color of law and in his official capacity.
31. All of the actions and/or omissions described above were undertaken in a willful and malicious manner with an immoral purpose to injure and/or

cause harm to the Plaintiff. Defendant is, therefore, liable to Plaintiff for punitive and compensatory damages.

32. As a direct and proximate result of Defendant's acts and/or omissions, Plaintiff was humiliated, disgraced, suffered damage to his reputation, physical and mental anguish and injury and monetary loss and damage all to his great detriment.

SECOND COUNT

Malicious Prosecution 42 U.S.C. § 1983 and the New Jersey Civil Rights Act N.J.S.A. § 10:6-2 *et seq.*

33. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

34. There was no reasonable basis or probable cause for the charges filed and/or prosecution of Plaintiff by Defendant and Defendant knew or should have known this to be the case.

35. The criminal action against the Plaintiff was initiated by Defendant, was actuated by malice, was wholly lacking in probable cause, and the proceeding terminated favorably to the plaintiff given that the criminal complaint was dismissed in its entirety.

36. The unlawful actions taken by the Defendants in initiating a prosecution against the Plaintiff without warrant, justification, and lacking in cause,

probable or otherwise, deprived Plaintiff of due process, liberty, and property in contravention of the Fourteenth Amendment of the U.S. Constitution, and N.J.'s Constitution and Civil Rights Act.

37. As a direct and proximate result of Defendants' acts and/or omissions and their willful, intentional, false, malicious, or grossly negligent actions, Plaintiff suffered severe damage to his reputation and standing in the community, has suffered severe physical and emotional injury and harm and was forced to undergo the strain, tumult and cost of defending himself against false charges.

THIRD COUNT

False Arrest/Imprisonment

42 U.S.C. § 1983 and the

New Jersey Civil Rights Act N.J.S.A. § 10:6-2 *et seq.*

38. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

39. At all relevant times, all individual defendants were the agents, servants and/or employees of Carneys Point Police Department and were, at all times, acting in their official capacity as law enforcement officers.

40. Plaintiff was detained, arrested and/or imprisoned despite a lack of probable cause and/or other satisfactory legal justification or support.

41. Defendants intentionally, wrongfully, unlawfully, maliciously and without lawful justification or cause, probable or otherwise, arrested, detained, confined and/or caused the confinement of Plaintiff.

42. By reason and/or as a result of Defendants' acts and/or omissions, Plaintiff was deprived of his liberty, caused physical and emotional injury, anguish, and embarrassment, and was otherwise injured and/or harmed.

FOURTH COUNT
Illegal Search and Seizure
42 U.S.C. § 1983 and the
New Jersey Civil Rights Act N.J.S.A. § 10:6-2 *et seq.*

43. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

44. Defendants, without any warrant or justification, wholly lacking in any cause whatsoever, probable or otherwise, illegally and improperly searched, arrested, and seized Plaintiff, and caused a criminal complaint to be illegally issued against him. Defendants had no legal basis to search, arrest, seize, or cause charges to be issued, and did so maliciously with a motive to improperly detain, arrest, and imprison Plaintiff. All of these actions were undertaken in violation of the Fourth Amendment's proscription of unreasonable searches and seizures.

45. The acts and/or omissions described herein were undertaken and conducted in a willful and malicious manner, with an immoral purpose to injure the

person, reputation, standing and integrity of Plaintiff. Defendants are, therefore, liable to Plaintiff for punitive damages.

46. The acts and/or omissions described herein were undertaken and conducted in a willful and malicious manner, with an immoral purpose to injure the person, reputation, standing and integrity of Plaintiff. Defendants are, therefore, liable to Plaintiff for punitive damages.

47. As a direct and proximate result of Defendants' acts and/or omissions, Plaintiff was humiliated, disgraced, suffered damage to his reputation, physical and mental anguish and injury and monetary loss and damage all to his great detriment.

FIFTH COUNT
Municipal Liability
42 U.S.C. § 1983 and the
New Jersey Civil Rights Act N.J.S.A. § 10:6-2 *et seq.*

48. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

49. At all relevant times, Defendants, Carneys Point Township and/or Carneys Point Police Department, was the employer of the individual defendants and the individual defendants were acting as its' agents, servants and employees.

50. Carneys Point Township and/or Carneys Point Police Department failed to use reasonable care in the selection of its employees, against and/or servants, failed to properly train and/or supervise the individual defendants, and

failed to provide the appropriate safeguards to prevent the collective violation of the Plaintiff's rights.

51. Carneys Point Township and/or Carneys Point Police Department acted under color of law pursuant to an official policy or custom and practice of the Carneys Point Township and/or Carneys Point Police Department and intentionally, knowingly, recklessly or with deliberate indifference failed to properly and adequately control and discipline on a continuing basis its employees, agents and/or servants and/or otherwise failed to prevent the individual defendants from unlawfully and maliciously conducting, permitting or allowing the use of excessive force upon Plaintiff in violation of the rights, privileges and immunities guaranteed to Plaintiff by the Constitution and laws of the United States and/or New Jersey.

52. Carneys Point Township and/or Carneys Point Police Department had knowledge of, or had it diligently and reasonably exercised its duties to instruct, supervise, control and discipline its employees, agents and/or servants, would have had knowledge of the wrongful acts and/or omissions identified above and intentionally, knowingly or with deliberate indifference to Plaintiffs' rights, failed or refused to prevent their commission and/or omission.

53. Carneys Point Township and/or Carneys Point Police Department, therefore, directly or indirectly, and under color of law, thereby approved or ratified the unlawful, malicious and wanton conduct of the individual defendants.
54. Rather than train and implement a proper policy the Carneys Point Township and/or Carneys Point Police Department adopted a policy and/or culture under which officers are free lodge false complaints in order to protect themselves or one another.
55. Nonetheless, the Policy maker for Carneys Point Township and/or Carneys Point Police Department refuses to retain or properly train its officer, create a legitimate IA department, or properly investigate and discipline instances of police misconduct.
56. The lack of training and/or the inadequate training in these areas is tantamount to a custom and/or policy that encourages, and indeed as occurred here, necessitates, the violation of these fundamental rights.
57. In addition, the failure to train the Defendant Officers in these areas is tantamount to the Carneys Point Township and/or Carneys Point Police Department deliberate indifference to these rights.
58. What is more, the Carneys Point Township and/or Carneys Point Police Department has a policy and practice of not disciplining officers if they are

found to have violated a citizen's constitutionally protected rights and immunities.

59. These policies and procedures, in addition to the failure to train the officers in the relevant constitutional laws, reveal a deliberate indifference by the Carneys Point Township and/or Carneys Point Police Department regarding the rights of citizens such as the Plaintiff's.

60. This deliberate indifference to citizens' rights is a proximate cause of Plaintiff's injuries.

61. Had Carneys Point Township and/or Carneys Point Police Department employed a meaningful IA bureau, rather than employing one that shields and insulates officers from liability then perhaps the defendant officers here would not have felt they have the freedom to willfully and purposely violate the Plaintiff's rights without any regard for consequences.

62. The complete lack of accountability, record keeping, as well as investigation into IA complaints renders the IA department nothing more than an arm of the police department that shields officers from liability.

63. The failure to correct or cull the unlawful activities of these defendant officers as exposed by previous complaints caused Plaintiff's injuries here as the officers acted in a cavalier manner due to the fact that they knew there would be no professional consequences for their action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands that judgment be entered against the Defendants, jointly and severally, for:

- (a) any and all damages sustained by the Plaintiff arising from the foregoing wrongful and unlawful acts of the Defendants;
- (b) punitive damages;
- (c) interest, both pre-judgment and post-judgment;
- (d) attorney's fees;
- (e) costs;
- (f) and all such other relief as this court may deem appropriate, equitable, and just.

JURY DEMAND

Plaintiff demands a trial by jury in this action for all issues triable by a jury.

DESIGNATION OF TRIAL COUNSEL

Joel Silberman, Esq. & Aymen Aboushi, Esq. are hereby designated as trial counsel.

CERTIFICATION PURSUANT TO L.CIV.R.11.2

I certify that the matter in controversy is not the subject of any other action pending or contemplated. I further certify that I am aware of no other parties who should be joined in this matter.

DATED: May 24, 2019

Respectfully submitted,

The Law Offices of Joel Silberman

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

KENNETH THOMPSON,

Plaintiff,

vs.

**TOWNSHIP OF CARNEY'S POINT,
TOWNSHIP OF CARNEY'S POINT,
POLICE CHIEF GERALD KRIVDA,
DETECTIVE CHRISTOPHER HEMPLE,
JOHN DOES 1-25 (fictitious names), and
JOHN DOES 26-50 (fictitious names),**

Defendants.

CIVIL NO.

CIVIL ACTION

COMPLAINT

Plaintiff, Kenneth Thompson, by way of Complaint says:

COUNT ONE
(Jurisdiction and Venue)

1. Plaintiff, Kenneth Thompson, brings this action against defendants to recover damages for deprivation and violation of his constitutional rights secured by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, by 42 U.S.C. § 1983 and also by the New Jersey Constitution.

2. Plaintiff seeks redress for defendants' violations of his Fourth Amendment rights to be free from excessive force, unlawful arrest, false imprisonment, and malicious

prosecution; for their violations of his capital and Fourteenth Amendment rights to due process of law; for their violation of his rights provided 42 U.S.C. § 1983; for conspiring with each other to violate his rights under the Fourth and Fourteenth Amendments; and for their violations of constitutional rights, including but not limited to his rights to be free from excessive force, false arrest, false imprisonment, malicious prosecution, malicious abuse of process, intimidation, retaliation, emotional distress and negligent acts and for defendants' conspiracy to commit these violations.

3. This court has jurisdiction over this action under 28 U.S.C. § 1331 and 1343 (a) for violation of constitutional rights as provided in 42 U.S.C. § 1983. Plaintiff seeks monetary damages as well as attorney's fees and costs pursuant to 42 U.S.C. § 1988.

4. Plaintiff also invokes the supplemental jurisdiction of this court over his state law claims against defendants pursuant to 28 U.S.C. § 1367 because these claims form a part of the same case or controversy.

5. Venue is proper in the District Court pursuant to 28 U.S.C. § 1391 because the acts which form the basis of these claims occurred in the Township of Carneys Point, County of Salem, State of New Jersey.

COUNT TWO
(Parties)

6. Plaintiff, Kenneth Thompson, is an individual who previously resided at 1714 Orthodox Street, Philadelphia, Pennsylvania, 19124, but is currently incarcerated in the New Jersey State Prison, 600 Cass Street, Trenton, New Jersey, 08611.

7. Defendant, Township of Carney's Point, with its offices located at 303 Harding Highway, Carney's Point, New Jersey, 08069, is a governmental entity, a local public entity and/or an instrumentality for the State of New Jersey, which manages, controls and/or is responsible for

the actions of the Township of Carney's Point Police Department and/or its employees.

8. Defendant, Township of Carney's Point, with its police department headquarters at 303 Harding Highway, Carney's Point, New Jersey, 08069, is a governmental entity, a local public entity and/or an instrumentality for the State of New Jersey, which employs the police officers who carry out the day-to-day police duties within the Township of Carney's Point and is the entity which is responsible for providing police protection to the residents, inhabitants, visitors and all other individuals within the lawful boundaries of the Township of Carney's Point and perform all activities and services commonly provided by a police department. At all times relevant hereto, Defendant, Township of Carney's Point, was the employer of the police officers and/or other individuals involved in the subject incident which is more fully described hereinafter and was responsible for the supervision and conduct of said officers.

9. Defendant, Gerald Krivda, Chief of Police, is the head of the Township of Carney's Point Police Department and was employed by the Township of Carney's Point, at all times relevant hereto and was ultimately responsible for the maintenance and control of public safety with the Township of Carney's Point as well as the management, assignment of duties and ultimate supervision of all other police officers on the force. At all times relevant hereto, the Chief of Police was the policy maker and held the ultimate decisional authority over the Carney's Point Police Department.

10. Defendants, Detective Christopher Hemple, and John Doe Police Officers 1-25 (fictitious names), were police officers employed by the Township of Carney's Point and at all times relevant hereto were responsible for the maintenance and control of public safety for the Township of Carney's Point.

11. Defendants, John Does 26-50, are fictitious designations for unknown or unidentified parties to this action who were employees of the Township of Carney's Point who may have been responsible for the actions and/or inactions of the other defendants named herein.

12. At all times relevant hereto, the defendants, Chief of Police, Gerald Krivda, Detective Christopher Hemple, John Doe Police Officers 1-25 (fictitious names) and/or John Does 26-50, were acting under color of State Law pursuant to their sworn authority as police officers and/or other employees of the Township of Carney's Point.

13. In this action, the Plaintiff, Kenneth Thompson, asserts that he was deprived of his constitutional rights, privileges and immunities secured by the Fourth and Fourteenth Amendments.

COUNT THREE
(Facts)

14. At all relevant times alleged herein, Plaintiff, Kenneth Thompson, was a resident of the City of Philadelphia, Pennsylvania.

15. The incident in question took place on July 30, 2018 while Plaintiff, Kenneth Thompson, was attempting to back out of a car wash at 211 Virginia Avenue, Borough Penns Grove, New Jersey.

16. On July 30, 2018, Plaintiff, Kenneth Thompson, was shot in the hand by Detective Christopher Hemple and/or John Doe Police Officers 1-25.

17. As a direct and proximate result of said use of excessive force, plaintiff was caused to suffer various personal injuries, including but not limited to a bullet wound to his hand as well as emotional distress from this incident.

18. The Defendants' actions also constituted a violation of Plaintiff's constitutional rights for which he is entitled to damages.

COUNT FOUR

(42 U.S.C. § 1983 Fourth Amendment Violations Against Individual Defendants)

19. Plaintiff repeats and reasserts the contents of all preceding paragraphs as if set forth at length herein.

20. Plaintiff's shooting, detention and wrongful arrest by the defendants jointly, severally and/or in the alternative was carried out with malice and without legal jurisdiction, probable cause or a reason that probable cause existed.

21. The amount of force utilized by the individual Defendant Police Officers was clearly excessive under the circumstances and violated the plaintiff's federal and state constitutional rights to be free from being shot, unlawful arrest, seizure and/or excessive force.

22. As a direct and proximate result of the unnecessary and grossly excessive use of force by the defendant Officers, Plaintiff sustained serious injuries of a temporary and permanent nature, experienced severe pain and suffering and emotional distress, incurred or will incur medical expenses in an effort to cure his injuries, was unable to attend, and in the future may be unable to attend to his usual and customary affairs, and was otherwise injured and damaged.

WHEREFORE, plaintiff, Kenneth Thompson, demands judgment against Detective Christopher Hemple, John Does 1-25 and/or John Does 26-50 (fictitious names).

COUNT FIVE

(New Jersey State Constitution Violations Against Individual Defendants)

23. Plaintiff repeats and reasserts the contents of all preceding paragraphs as if set forth at length herein.

24. The aforesaid improper actions of the individual defendant Police Officers also violated Plaintiff's clearly established constitutional rights under the New Jersey State Constitution.

25. Plaintiff is entitled to seek redress for the previously referenced improper actions in a private civil action pursuant to the New Jersey Civil Rights Act.

26. As a direct and proximate result of the aforementioned violations of the Plaintiff's state law rights, he sustained the aforementioned injuries and damages.

27. Plaintiff is also entitled to attorney fees pursuant to N.J.S.A. 10:6-2, for the claims set forth herein.

WHEREFORE, plaintiff, Kenneth Thompson, demands judgment against Detective Christopher Hemple, John Does 1-25 and/or John Does 26-50 (fictitious names), for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT SIX

(Assault & Battery Against Individual Defendants)

28. Plaintiff repeats and reasserts the contents of all preceding paragraphs as if set forth at length herein.

29. The actions of the individual defendant Police Officers jointly, severally and/or in the alternative constituted assault and battery under New Jersey state law.

30. As a direct and proximate result of the unlawful actions of the individual defendant Police Officers, jointly, severally and/or in the alternative, Plaintiff suffered the aforementioned injuries and damages.

WHEREFORE, plaintiff, Kenneth Thompson, demands judgment against the Detective Christopher Hemple, John Does 1-25 and /or John Does 26-50 (fictitious names), for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT SEVEN

(Malicious Prosecution Against Individual Defendants)

31. Plaintiff repeats and asserts the contents of all preceding paragraphs as if set forth at length herein.

32. As a result of the incident of July 30, 2018, the individual Police Officers jointly, severally and/or in the alternative charged Plaintiff with violations of New Jersey State Law.

33. Said charges were baseless and false and ultimately dismissed.

34. The criminal charges were filed against Plaintiff in an attempt to cover up the wrongful acts committed against him.

35. As a direct and proximate result of the willful and malicious acts of the individual defendant Police Officers, Plaintiff has suffered damages.

WHEREFORE, plaintiff, Kenneth Thompson, demands judgment against Detective Christopher Hemple, John Does 1-25 and/or John Does 26-50 (fictitious names), jointly, severally and/or in the alternative for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT EIGHT

(Negligence Against Individual Defendants)

36. Plaintiff repeats and asserts the contents of all preceding paragraphs as if set forth at length herein.

37. To the extent that the acts of the individual defendant Police Officers do not constitute willful and/or intentional acts, then said acts constituted ordinary negligence under New Jersey state and common law.

38. The individual defendant Police Officers owed a duty to Plaintiff, Kenneth Thompson, who is an ordinary citizen of the United States and resident of the Commonwealth of Pennsylvania.

39. The actions of the individual defendant Police Officers jointly, severally and/or in the alternative, breached the duty they owed to the Plaintiff.

40. As a direct and proximate result of the aforesaid breach, Plaintiff suffered the aforesaid injuries and damages.

WHEREFORE, plaintiff, Kenneth Thompson, demands judgment against Detective Christopher Hemple, John Does 1-25 and/or John Does 26-50 (fictitious names), jointly, severally and/or in the alternative for compensatory damages and punitive damages together with interest, attorney fees and costs of suit.

COUNT NINE

(42 U.S.C. § 1983 – Municipal Liability)

41. Plaintiff repeats and asserts the contents of all preceding paragraphs as if set forth at length herein.

42. The individual defendant Police Officers, Detective Christopher Hemple, John Does 1-25 and/or John Does 26-50 (fictitious names), were employees of Defendant, Township of Carney's Point, by and through its police department.

43. At all relevant times alleged in the Complaint, the Defendant Police Chief Gerald A. Krivda., was the final decision maker for the Township of Carney's Point Police Department. Defendant, Police Chief Gerald A. Krivda, is being sued in both his official and individual capacity.

44. The Defendant Police Chief Gerald A. Krivda, and the Township of Carney's Point Police Department had a policy, practice and/or custom of permitting its police

officers to infringe upon the rights of its citizens, including but not limited to Plaintiff, Kenneth Thompson.

45. Defendant Police Chief Gerald A. Krivda, and the Township of Carney's Point Police Department had a pattern, practice and/or custom of failing to investigate allegations of police violations, and permitted its police officers to engage in conduct that violated the rights of its citizens.

46. Defendant Police Chief Gerald A. Krivda, was the final policymaker for the Township of Carney's Point Police Department in the area of police policies and procedures.

47. Defendant Police Chief Gerald A. Krivda, had an ongoing policy, practice and/or custom of failing to investigate allegations of police misconduct, failing to discipline police officers, failing to properly follow the Attorney General Guidelines, failing to properly train police officers on the proper use of force, probable cause to arrest, and acquiescing in the matters of police misconduct.

48. As a direct and proximate result of the aforementioned policy, custom and/or practice, Plaintiff, Kenneth Thompson's, civil rights were violated.

49. As a direct and proximate result of the aforementioned policy, custom and/or practice, Plaintiff, Kenneth Thompson, suffered the aforesaid injuries and damages including violations of his civil and constitutional rights.

WHEREFORE, plaintiff, Kenneth Thompson, demands judgment against Defendant Police Chief Gerald A. Krivda, and the Defendant, Township of Carney's Point, for compensatory damages and punitive damages together with interest, attorney fees and costs.

JURY DEMAND

Plaintiffs hereby demands a jury trial as to all issues.

DESIGNATION OF TRIAL COUNSEL

Randy P. Catalano is hereby designated as trial counsel.

A handwritten signature in cursive script, reading "Randy P. Catalano".

Randy P. Catalano, Esquire
Attorney for Plaintiff

Dated: March 4, 2020