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

CARLIA BRADY,

v.

**TOWNSHIP OF WOODBRIDGE,
DIRECTOR ROBERT HUBNER, in his
individual capacity, LIEUTENANT
BRIAN MURPHY, in his individual
capacity, DETECTIVE SEAN
GROGAN, in his individual
capacity, SERGEANT WALTER
BUKOWSKI, in his individual
capacity, OFFICER ROBERT
BARTKO, in his individual
capacity, LIEUTENANT. JAMES
MULLARNEY, in his individual
capacity, JOHN DOES 1-10 and
JANE DOES SUPERVISORS/CHIEFS,
1-10 (names being fictitious),**

Defendants.

Civil Action NO.

**FIRST AMENDED COMPLAINT AND
JURY DEMAND**

Plaintiff, the **HONORABLE CARLIA BRADY, J.S.C.**, residing in
the Township of Franklin and the State of New Jersey, by way of
Complaint against Defendants says:

PRELIMINARY STATEMENT

This case involves one of the most egregious abuse of police powers, retaliation, racism, and gender bias to be perpetuated upon an innocent law-abiding citizen. What happened **JUDGE BRADY**, a law-abiding citizen, should not happen to anyone in a civilized society.

On June 11, 2013, **JUDGE BRADY** was falsely arrested without a warrant, and maliciously prosecuted by members of the Township of Woodbridge Police Department, including **DIRECTOR ROBERT HUBNER**, **LIEUTENANT BRIAN MURPHY**, **DETECTIVE SEAN GROGAN**, **SERGEANT WALTER BUKOWSKI**, **LIEUTENANT JAMES MULLARNEY**, and **OFFICER ROBERT BARTKO**, on the false and fabricated charge of hindering based upon an alleged failure to call the police while a fugitive, Jason Prontnicki, was in her presence. Defendants falsely arrested **JUDGE BRADY** despite the fact that they knew that she had no duty to call to report Prontnicki's whereabouts and that she had in fact called the Woodbridge Police Department twice, on June 10, 2013, and again on June 11, 2013, and left voicemail messages for **BARTKO** to call her back. No one returned **JUDGE BRADY'S** call before she was falsely arrested.

Defendants falsely arrested **JUDGE BRADY** for not calling to provide the whereabouts of the alleged armed and dangerous fugitive, Prontnicki, despite their surveillance of her home,

during which they observed Prontnicki pull up in a car in front of her home and Prontnicki sitting in that car for five minutes.

Furthermore, Defendants falsely arrested **JUDGE BRADY** even though during their surveillance and observation of Prontnicki sitting in a car in front of her, they made no attempt to apprehend the alleged armed and dangerous fugitive. Instead, for a span of an hour, Defendants sat and watched Prontnicki exit the car; enter **JUDGE BRADY'S** garage and home-uninvited; exit the home; enter the car; and drive off before finally arresting him two blocks from **JUDGE BRADY'S** home. Defendants then arrested **JUDGE BRADY** for failing to call the police while Prontnicki was in her home.

What followed is a five-year nightmare that resulted in **JUDGE BRADY** being immediately suspended from the bench without pay, and a vast conspiracy by officers from the Woodbridge Police Department, to frame her by fabricating evidence, tampering with her voicemail messages, destroying the original voicemail and voicemail recorder, presenting false testimony to the judge following **JUDGE BRADY'S** false arrest without a warrant in order to secure a Complaint-Warrants against her, and providing false testimony to the grand jury to secure an indictment against **JUDGE BRADY** for Official Misconduct and Hindering. Defendants maliciously prosecuted **JUDGE BRADY** on the fabricated and malicious charges for almost five years - from June 11, 2013 until March 2,

2018, when all charges were finally dismissed against her.

These violations, committed by one or more agents, servants, employees or officers of the **TOWNSHIP OF WOODBRIDGE** Police Department, including, but not limited to **HUBER, MURPHY, GROGAN, BUKOWSKI, MULLARNEY, BARTKO, JOHN DOES 1-10, and JANE DOES SUPERVISORS/CHIEFS 1-10**, affected an unlawful search, unlawful detention, unlawful seizure, and illegal arrest of and upon **JUDGE BRADY**. Defendants unlawfully arrested, imprisoned and maliciously prosecuted **JUDGE BRADY**, without probable cause, despite overwhelming evidence of innocence, all in violation of the United States and New Jersey State Constitutions, and the statutes and common law of this State.

This Complaint arising from the egregious, outrageous, and unlawful acts of members of the **TOWNSHIP OF WOODBRIDGE** Police Department, seeks compensatory and punitive damages and other relief pursuant to applicable state and federal civil rights laws, specifically for the violation of **JUDGE BRADY'S** rights, privileges and immunities as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 2, among other common law and statutory rights. Claims on behalf of **JUDGE BRADY** is also brought pursuant to N.J.S.A. 59:8-1 et seq.

JUDGE BRADY seeks to vindicate her right to be free of unlawful search, seizure, detention, false arrest, unlawful imprisonment, fabricated charges, malicious prosecution, and conspiracy to violate her civil rights under the United States and New Jersey State Constitution, 42 U.S.C. §§ 1983; § 1985 & § 1988; the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 2, and other common law and statutory rights.

JURISDICTION

This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343 and 1367, as one or more causes of action arise under the United States Constitution and federal law. The Court has pendent or supplemental jurisdiction as to any State law claims. Venue is proper in this district as it is either the District in which Defendants resides or the District in which the claims arose.

PARTIES

1. The **HONORABLE CARLIA BRADY, J.S.C.** ("**JUDGE BRADY**" or "**PLAINTIFF**"), is a citizen of the United States. She was, at all relevant times, a resident of the State of New Jersey.

2. Defendant, **TOWNSHIP OF WOODBRIDGE** ("**TOWNSHIP**"), is a municipal entity duly incorporated and authorized under the laws of the State of New Jersey.

3. Defendant **TOWNSHIP** is authorized to maintain a police department which acts as its agent in law enforcement and for which it is ultimately responsible. Defendant **TOWNSHIP** assumes the risks incidental to the maintenance of its police force and the employment of its police officers and is charged with enforcement of all state and municipal laws within Defendant **TOWNSHIP**.

4. Defendant **TOWNSHIP** was, at all relevant times, responsible for policy making, hiring, supervision, training, control and retention of the individually named **TOWNSHIP** Police Officers. It is a person capable of being sued pursuant to 42 USC § 1983, which serves as a vehicle for those bringing a cause of action for violation of their constitutional rights under color of law.

5. Defendant **ROBERT HUBNER ("HUBNER")**, was, at all relevant times, the Director of the Woodbridge Police Department (**"WPD"**) and was responsible for implementation of the practices, policies and customs which resulted in the deprivation of **JUDGE BRADY'S** Constitutional rights. He is sued in his individual capacity.

6. **HUBNER** was, at all relevant times, the chief policy maker and supervisor for the Woodbridge Police Department, and the official responsible for the management, operation and oversight of the Department, including, but not limited to hiring, operations protocols, training, discipline, and/or supervision of employees

of the Woodbridge Police Department, including, without limitation, the individually named WPD Officers.

7. Defendant, **LIEUTENANT BRIAN MURPHY ("MURPHY")**, was, at all relevant times, an officer, employee, and agent of the **TOWNSHIP**. He is sued in his individual capacity.

8. Defendant, **DETECTIVE SEAN GROGAN ("GROGAN")**, was, at all relevant times, an officer, employee, and agent of the **TOWNSHIP**. He is sued in his individual capacity.

9. Defendant, **SERGEANT WALT BUKOWSKI ("BUKOWSKI")**, was, at all relevant times, an officer, employee, and agent of the **TOWNSHIP**. He is sued in his individual capacity.

10. Defendant, **OFFICER ROBERT BARTKO ("BARTKO")**, was, at all relevant times, an officer, employee, and agent of the **TOWNSHIP**. He is sued in his individual capacity.

11. Defendant, **LIEUTENANT JAMES MULLARNEY ("MULLARNEY")** was, at all relevant times, an officer, employee, and agent of the **TOWNSHIP**. He is sued in his individual capacity.

12. Defendants **HUBNER, MURPHY, GROGAN, BUKOWSKI, MULLARNEY, and BARTKO** are hereinafter referred to collectively as **DEFENDANT OFFICERS**.

13. Defendants **JOHN DOES 1-10 and JANE DOES 1-10**, were, at all relevant times, officers, lieutenants, chiefs, captains, supervisors, directors, prosecutors, investigators, training

officers, principals, partners, employees, representatives, agents or agencies of Defendant **TOWNSHIP**, whose actual identities are presently unknown, who were acting in their capacity of agents, servants, and employees of Defendant **TOWNSHIP**, and whose actions assisted and/or contributed to the unlawful, unconstitutional and tortious conduct that resulted in **JUDGE BRADY'S** June 11, 2013, false arrest and malicious prosecution. They are sued in their individual and official capacities.

14. At all times relevant herein, **DEFENDANT OFFICERS, JOHN DOES 1-10** and **JANE DOES 1-10**, were acting under the color of state law in the course and scope of their duties and functions as agents, employees and officers of Defendant **TOWNSHIP** in engaging in the conduct described herein.

15. At all times relevant herein, the individually named Defendants acted for and on behalf of Defendant **TOWNSHIP** with the power and authority vested in them as officers, agents and employees of Defendant **TOWNSHIP** and incident to the pursuit of their duties as officers, employees and agents of Defendant **TOWNSHIP**.

FACTUAL ALLEGATIONS

1. The **HONORABLE CARLIA BRADY, J.S.C.**, is an Asian-American female of Filipino descent.
2. She is a citizen of the United States.

3. **JUDGE BRADY** was, and is still, a law-abiding citizen who had never been arrested, charged with, or even suspected of a crime before her June 11, 2013, false arrest and malicious prosecution.

4. From 1997 to 2013, **JUDGE BRADY** was a practicing civil litigation trial attorney with a stellar reputation and no blemish against her legal career.

5. On April 5, 2013, **JUDGE BRADY'S** life-long dream of becoming a judge was realized when she was sworn in as the first Filipino born Superior Court Judge, sitting in Middlesex County.

6. In early December 2012, **JUDGE BRADY** met and began to date Jason Prontnicki ("**Prontnicki**"), a chemical plant and refinery engineer of sixteen and a half years.

7. By March 2013, the couple were in a committed relationship and Prontnicki was living with **JUDGE BRADY** in her Woodbridge home. The two discussed marriage and Prontnicki moved all his clothing and belongings into the home, which he mostly kept in a closet located in a second-floor bedroom of her home and a large duffle bag located in a first-floor sunroom.

8. Prontnicki had a key and full and unrestricted access to the home, including the garage, which he accessed using the garage door opener which he usually kept in **JUDGE BRADY'S** Honda Civic and subsequently in his possession. By June 2013, Prontnicki primarily used the garage door opener in his possession to access the home.

9. Unbeknownst to **JUDGE BRADY**, on January 24, 2013, Prontnicki had pled guilty to using a false prescription to obtain Oxycodone and was sentenced to probation in February 2013.

10. Also unbeknownst to **JUDGE BRADY**, Prontnicki had an addiction to painkillers, outstanding warrants for second degree armed robbery and unlawful possession of a weapon out of Old Bridge and a suspended driver's license due to reckless driving from Clifton.

11. On June 9, 2013, Prontnicki borrowed **JUDGE BRADY'S** Honda Civic and, without **JUDGE BRADY'S** permission, loaned it to a friend, Kareem Williams, who failed to return it. Up until this date, Prontnicki had unlimited access to the car and used it often.

12. Prontnicki initially told **JUDGE BRADY** on June 9, 2013, he lent the car to his brother. He then told her he lent the car to Williams, who lived in Jersey City, and that Williams refused to return the car. Prontnicki and **JUDGE BRADY** tried unsuccessfully to locate the car in Jersey City during the early morning of June 10, 2013.

13. **JUDGE BRADY** broke off her relationship with Prontnicki on June 9th and asked him to move out of her home.

14. Growing increasingly afraid her vehicle could be used in the commission of a crime, and that the garage opener kept in

either in Prontnicki's possession or in the Honda Civic could be used to gain unauthorized access to her home, **JUDGE BRADY** told Prontnicki she would report her car stolen if he did not return it by 9:00 a.m. on June 10, 2013.

15. When Prontnicki failed to return the car, **JUDGE BRADY**, went to the Woodbridge Police Department shortly after 10:00 a.m. on June 10, 2013, to report her car missing, or stolen.

16. When she walked into the Woodbridge Police Department that morning seeking assistance to locate her missing car, **JUDGE BRADY** had no idea of the absolute more than five-year nightmare that awaited her.

17. She had no idea she would be severely punished for her involvement with Prontnicki, a man who hid his addiction to pain killers and criminal past from her, by the very people from whom she sought help.

18. She had no idea that Woodbridge Police Department and its officers, including the individually named Defendants, would falsely arrest her, fabricate evidence, tamper with evidence, file false charges against her, and maliciously prosecute her for five-years although they knew the charges were baseless and that they had no reasonable suspicion much less probable cause she had committed or was in the process of committing a crime.

19. She had no idea she would be immediately suspended from

the bench without pay; that she would lose her career and everything that she had worked so hard to achieve; that she would become a pariah in the legal community; that she would be abandoned by her friends and colleagues; that her privacy would be invaded and the most intimate details of her personal life would be placed on display for the world to see; that she would be the subject of ridicule and gossip; that she would lose her ability to make a living to support herself and her family; that she would lose her home, cars, personal possessions, and savings; that she would be forced to move in with her parents; that she would be forced to spend hundreds of thousands of dollars defending herself against the false, fabricated and malicious criminal charges; that she would be forced to apply for governmental benefits in order to obtain medical coverage; that she would be forced to spend the next five plus years in a vicious fight for her life and freedom with the very real possibility of being convicted and sentenced to prison; and that even after she was fully exonerated of the false and malicious charges, her nightmare would continue and that she would have to fight for career as a judge.

20. Despite being exonerated of the false and malicious charges, there seems to be no end to the nightmare that began with **JUDGE BRADY'S** false arrest and malicious prosecution on June 11, 2013.

21. On June 10, 2013 and June 11, 2013, which are the dates that gave rise to the false, fabricated, and malicious charges filed against her by Woodbridge Police Department, **JUDGE BRADY** was on vacation from her duties as a Superior Court judge.

22. From the moment **JUDGE BRADY** entered Police Headquarters on June 10th to report her missing or stolen car, she was met with suspicion and treated as a criminal rather than the victim of a potential crime.

23. **JUDGE BRADY** met with and informed Defendant **BARTKO** she had lent her car to her Prontnicki and that he had in turn lent her car to Williams who failed to return it. She explained she and Prontnicki lived together at her Woodbridge residence.

24. Either Defendant **BARTKO**, **BUKOWSKI**, or **MULLARNEY**, ran a record check on Prontnicki and discovered the two outstanding warrants for his arrest.

25. Defendants did not immediately advise **JUDGE BRADY** of Prontnicki's outstanding warrants. Instead, they turned their focus to her. **BARTKO** immediately placed **JUDGE BRADY** in an interrogation room where he, **BUKOWSKI** (who identified himself as **BARTKO'S** supervisor) and **MULLARNEY**, interrogated her for two hours on matters unrelated to the missing or stolen car report.

26. Among other things, **BARTKO**, **MULLARNEY**, and **BUKOWSKI**,

interrogated **JUDGE BRADY** on whether she had observed Prontnicki use illicit drugs. She denied seeing or even suspecting Prontnicki of using illicit drugs.

27. **JUDGE BRADY** had no prior knowledge of Prontnicki's drug use or involvement in any alleged criminal activity. As far as **JUDGE BRADY** knew, she was only there to report her car missing or stolen.

28. After two hours interrogating **JUDGE BRADY**, **BARTKO** typed up a "missing vehicle" report. **DEFENDANT OFFICERS** explained they would not look for her car, but if it turned up, they would let her know. The report listed Prontnicki's address which was the same address as **JUDGE BRADY'S**.

29. **DEFENDANT OFFICERS** tried to persuade **JUDGE BRADY** to file a stolen car report, stating Prontnicki's failure to return the car enabled a stolen car complaint. They claimed Williams did not exist on any database and, therefore, **JUDGE BRADY** could not file a complaint against a non-existent person.

30. **JUDGE BRADY** questioned whether she could do that since she gave Prontnicki permission to use her car. She stated she was unfamiliar with criminal law and did not want to be accused of filing a frivolous criminal complaint. She told Defendants she would prefer to consult with an attorney before deciding whether to charge Prontnicki with theft.

31. Two hours after she went to headquarters to file what she thought was a simple missing or stolen car report, **JUDGE BRADY** stood up to leave.

32. Defendants **BARTKO**, **MULLARNEY**, and **BUKOWSKI** blocked the door and, for the first time, informed her Prontnicki had an outstanding arrest warrant from Old Bridge, charging him with armed robbery, and that his license was suspended.

33. **BUKOWSKI** and **MULLARNEY** falsely told **JUDGE BRADY** that if Prontnicki returned home it was her duty as an officer of the court to report his whereabouts to the police. They also told her she had an affirmative duty as a judge to call the police to provide the whereabouts of anyone with an arrest warrant and to report all crimes.

34. When they gave **JUDGE BRADY** this false instruction, **BUKOWSKI** and **MULLARNEY** knew no such affirmative duty existed under the law.

35. **JUDGE BRADY** was stunned! She asked **BUKOWSKI** to repeat what the April 29, 2013, warrant was for, what year it was issued, and whether the warrant was still outstanding.

36. Fearing for her safety and still in shock at the news she was just given about Prontnicki, **JUDGE BRADY** offered Defendants the keys to her house to conduct an immediate search to arrest

Prontnicki and asked if she could remain at headquarters until he was captured. She also asked Defendants to set up surveillance of her home until Prontnicki returned home.

37. Defendants refused **JUDGE BRADY'S** request to remain at headquarters, refused her offer to search her home, and refused her request to surveil her home until Prontnicki was captured.

38. **BUKOWSKI** and **MULLARNEY** told **JUDGE BRADY** the police would not search her home for Prontnicki until she called to tell them his whereabouts. **BUKOWSKI** and **MULLARNEY** emphasized she was not to call the police until she knew of Prontnicki's exact location.

39. **JUDGE BRADY** specifically asked Defendants if she should call 911 or a specific telephone number. **BUKOWSKI** or **MULLARNEY** told her that if she heard from Prontnicki she should call "THEM," and pointed to the three officers in the room, including **BARTKO**, who signed the missing car report, at headquarters. He also told her that when she called headquarters, she should only speak to himself, **BARTKO** and **MULLARNEY**.

40. **JUDGE BRADY** agreed.

41. Shortly after she returned home, Prontnicki called **JUDGE BRADY**, and told her he located her car and would be returning it. She told Prontnicki he had a warrant for his arrest and that he was not allowed in her home. She also told him she would report him when he dropped the car off.

42. Still experiencing a combination of shock, disbelief, and fear for her safety, **JUDGE BRADY** asked her parents to come to her house as quickly as possible. She sent text messages to a friend stating she had just learned Prontnicki was wanted for armed robbery, that he was not allowed in her home, and that she was supposed to report his whereabouts to the police.

43. **JUDGE BRADY'S** parents arrived at her house at approximately 3:00 p.m.

44. Almost immediately after her parents arrived at the house, and before **JUDGE BRADY** had a chance to tell them about the arrest warrants, Prontnicki came to the house to drop the car off. He rang the doorbell and was let into the house by her father, who at the time, was unaware of the arrest warrant.

45. Prontnicki immediately pushed the door open, pushing **JUDGE BRADY'S** father to the side. He then came into the living room and stood staring at **JUDGE BRADY**.

46. Immediately following his arrest, Prontnicki admitted to **DEFENDANT OFFICERS** that **JUDGE BRADY** told him he was not allowed in the house but that he entered the house without her permission anyway.

47. **JUDGE BRADY** immediately and repeatedly told Prontnicki to leave.

48. Still afraid for her safety and the safety of her elderly parents' safety, **JUDGE BRADY** felt it was unwise to call the police while Prontnicki was in her home. She had just broken up with him the night before, asked him to move out of her home, reported him to the police, and had just learned he was wanted for armed robbery and may be using illicit drugs. She had no idea if he was armed and feared he would harm her and her parents if he knew she was calling the police.

49. **JUDGE BRADY** had a right to be fearful of calling the police in the presence of an alleged dangerous fugitive. She had been previously assaulted by her ex-husband during a domestic violence incident as she attempted to call the police.

50. Prontnicki refused to leave and walked into the attached garage. **JUDGE BRADY** immediately opened the garage door and repeatedly told him to leave. He remained in the garage with the garage door open for an hour.

51. **JUDGE BRADY** tried to diffuse the situation and keep Prontnicki calm. She urged him to turn himself in to the police. Prontnicki insisted on explaining and apologizing to **JUDGE BRADY** for giving her car to Williams. He repeatedly denied involvement in the April 29th robbery or that there were warrants for his arrest. He stated he would be staying with his brother Christopher

Prontnicki in Woodbridge, and that he planned to contact a lawyer to turn himself in.

52. **JUDGE BRADY'S** father overheard Prontnicki state he was staying with his brother Christopher in Woodbridge as he walked past the open garage door and that he would contact an attorney. Still unaware of the arrest warrants, he offered cab fare to Prontnicki to get to his brother's house.

53. **JUDGE BRADY** immediately prevented her father from giving Prontnicki cab fare and spoke to him outside the open garage, while Prontnicki remained in the garage. Prontnicki eventually left in an SUV driven by his brother Christopher at approximately 4:30 p.m.

54. Because **BUKOWSKI** told her not to call until she knew Prontnicki's exact location, within minutes after Prontnicki left with his brother, **JUDGE BRADY** called the Woodbridge Police Department and asked to speak to Defendant **BARTKO**. She was directed to his voice mail, and left **BARTKO** a message!

55. In the transcript of the voice mail provided by the Somerset County Prosecutor, **JUDGE BRADY** explains that the car was returned; that she was not using it (this was her second car); she has not inspected it; and she wanted to know if she needed to file an amended report. She goes on to tell **BARTKO** that, because Prontnicki had an outstanding warrant, she wanted the Officer to

know that; "he is not with me, he left my house, he is in Woodbridge, so please call me at (leaving her cell and home telephone numbers) for **BARTKO** to return her call.

56. However, the voice mail had been edited, including deletion of the some portions of the actual message **JUDGE BRADY** left **BARTKO**. Among the deletions was **JUDGE BRADY'S** message that **PRONTNICKI** was staying with his brother, Christopher, "with the same last name," and provided a description of Christopher's neighborhood.

57. Still suffering from a combination of fear, shock, and anxiety, and fearing Prontnicki would return to the home since he still had a key and the garage door opener in his possession, **JUDGE BRADY** left to spend the night of June 10th at her parents' home.

58. No one from the Woodbridge Police Department called her back on June 10, 2013.

59. Instead of returning **JUDGE BRADY'S** phone call, at approximately 9:35 p.m. on June 10, 2013, unidentified officers of the Woodbridge Police Department drove to **JUDGE BRADY'S** home. Upon seeing the reported missing car in her driveway, the officers knocked on her door.

60. Although no one answered and no lights were on inside the home, no follow up was conducted on June 10, 2013, to determine whether an alleged violent criminal was inside **JUDGE BRADY'S**

residence and/or whether **JUDGE BRADY** was dead, or alive.

61. **JUDGE BRADY** returned home the next morning, June 11, 2013, at approximately 7:00 a.m., to get ready for a doctor's appointment.

62. Following her doctor's appointment, **JUDGE BRADY** received a call at approximately 10:00 a.m., from a number she did not recognize. Believing it was **BARTKO** returning her call she answered the call. It was Prontnicki.

63. During the two-hour conversation, **JUDGE BRADY** questioned Prontnicki as to Williams' identity and address, as well as the whereabouts of the previously missing car. Prontnicki told her he stayed at his brother, Christopher's house in Woodbridge the night before where he would be staying indefinitely. He stated he had already contacted an attorney and that he needed to pick up his belongings.

64. After **JUDGE BRADY** reminded Prontnicki he was not permitted inside the house, he told her his brother Christopher would pick up his things from her home.

65. Prontnicki called again at 1:49 p.m. to ask when **JUDGE BRADY** would be home so that Christopher could pick up his belongings. She told him she would be home between 3:00-4:00 p.m.

66. On June 11, 2013, at approximately 3:30 p.m., before Prontnicki showed up at her house, **JUDGE BRADY** called Defendant

BARTKO a second time. She again received his voicemail. She left another voice message telling **BARTKO** Prontnicki had returned the car, that she wanted to make sure he received the previous day's message, that she wanted to provide an update on Prontnicki's whereabouts, and that she needed to amend the police report. She again left her contact numbers and asked **BARTKO** to call her back.

67. **BARTKO** again failed to return **JUDGE BRADY'S** June 11, 2013, phone call.

68. Instead, unbeknownst to **JUDGE BRADY**, on June 11, 2013, Defendants **MURPHY** and **GROGAN** were watching her home.

69. The fact that Defendants set up surveillance to ensnare **JUDGE BRADY** is clear.

70. At approximately 3:43 p.m. on June 11th, **MURPHY** and **GROGAN** saw a middle-aged white male fitting Prontnicki's description in the front passenger seat of a car traveling on Coolidge Avenue headed towards **JUDGE BRADY'S** home.

71. They ran a license plate check which confirmed the vehicle was owned by a Prontnicki. Despite confirming that it was Prontnicki in the passenger seat of the car, **MURPHY** and **GROGAN** did not apprehend him. Instead, they followed the vehicle and watched the driver park in front of **JUDGE BRADY'S** residence, where it remained parked for approximately five minutes.

72. As Prontnicki pulled up to the house, he spotted the

police and knew he would be arrested as soon as he exited her home.

73. **GROGAN** and **MURPHY** watched as Prontnicki called **JUDGE BRADY** to inform her his brother was outside to get his belongings. They watched as Christopher Prontnicki pull his car into the driveway. They watched as Prontnicki sat in the car for a few more minutes before entering the house through the garage. **GROGAN** and **MURPHY** admitted they knew it was Prontnicki when he exited the vehicle. Yet, despite having the armed and dangerous fugitive in their sights, they did not apprehend him.

74. Instead, **GROGAN** and **MURPHY** ignored their law enforcement duties as they sat and watched Prontnicki, an alleged armed and dangerous fugitive, enter the home of an unarmed and defenseless woman they knew had just broken up with him and had reported him for being involved with her missing or stolen car and allowed him to remain in the home with her for an hour.

75. At no point during that hour did **GROGAN** or **MURPHY** check on **JUDGE BRADY'S** welfare.

76. At no point during that hour did **GROGAN** or **MURPHY**, who knew exactly where Prontnicki was, attempt to apprehend him during that hour.

77. After seeing Christopher Prontnicki's car in her driveway, **JUDGE BRADY** first waited by the front door for the doorbell. When it did not ring, she went to the garage. As she

entered the garage, the garage door began to open and Prontnicki ducked, uninvited, into the garage, using the garage door opener from the Honda Civic which he had kept.

78. Frightened and startled to see Prontnicki, instead of his brother Christopher, **JUDGE BRADY** immediately asked Prontnicki to leave as soon as he got into the garage.

79. Prontnicki refused to leave but stated he would leave once he "gets his things." He then began searching through his belongings, which were in a large duffle bag in the first floor sun room, and packing them into a smaller duffle bag. He told **JUDGE BRADY** that he confirmed that there was no outstanding warrant for armed robbery, that he was only wanted for questioning, that the police arrested someone else for the crime, and that his driver's license was not suspended. Nevertheless, he told **JUDGE BRADY** that he had retained a lawyer to assist him in handling the warrant.

80. **JUDGE BRADY** did not pack or give Prontnicki his clothes in a duffle bag. It was Prontnicki who packed his belongings into the duffel bag.

81. **JUDGE BRADY** was still in fear for her safety. In attempt to diffuse the situation, she continued to urge Prontnicki to turn himself in. He eventually left through the garage door with the duffel bag containing some of his clothing.

82. **MURPHY** and **GROGAN** sat, watched and waited. At no time

did they report to headquarters they had Prontnicki in their sights. At no time did they check on the safety of **JUDGE BRADY**.

83. **MURPHY** and **GROGAN** watched as Prontnicki left the garage with a duffel bag, got into the vehicle he arrived in, and drove off. He was arrested two blocks away by Woodbridge Police Officers.

84. It is clear the Woodbridge Police Department, including **MURPHY** and **GROGAN**, had no interest in apprehending Prontnicki, the armed and dangerous fugitive.

85. At no time did **GROGAN** or **MURPHY** attempt to apprehend Prontnicki when they first recognized him as the passenger in the vehicle, even before he arrived at **JUDGE BRADY'S** home.

86. At no time did **GROGAN** or **MURPHY** attempt to apprehend Prontnicki during the five minutes he sat in the car parked in front of **JUDGE BRADY'S** home.

87. At no time did **GROGAN** or **MURPHY** attempt to apprehend Prontnicki while he sat in the car while it was parked in **JUDGE BRADY'S** driveway.

88. At no time did **GROGAN** or **MURPHY** attempt to apprehend Prontnicki when he got out of the car and entered the garage to **JUDGE BRADY'S** home uninvited.

89. At no time did **GROGAN** or **MURPHY** attempt to apprehend Prontnicki when he left **JUDGE BRADY'S** home an hour later, got into his brother's car and drove off.

90. As soon as Defendants realized **JUDGE BRADY** was a sitting judge in Middlesex County, who was involved with a drug addicted wanted fugitive, they immediately set their sights on her. Their sole purpose, as demonstrated by their failure to perform their law enforcement duties to apprehend Prontnicki, was to snare a judge. Instead, Defendants set up surveillance of her home.

91. The fact that Defendants set up surveillance to ensnare **JUDGE BRADY** is clear.

92. After they arrested Prontnicki, **MURPHY, GROGAN** and the unknown officers laughed and said, "let's arrest the judge."

93. Within minutes of Prontnicki's arrest, Woodbridge Police, including **MURPHY, GROGAN** and **BARTKO**, barged into **JUDGE BRADY'S** home without a warrant; and illegally arrested her without a warrant.

94. **JUDGE BRADY** was in shock and could not believe what was happening. She started to shake and stumble due to her shock, disbelief, nervousness and fear. She told **MURPHY** she previously called the police twice. She told him she called Defendant **BARTKO** the day before, June 10th and again on June 11th, immediately before arrived and entered her garage.

95. At that point **MURPHY** told **JUDGE BRADY** it did not matter that she called the police when Prontnicki was not inside the house

because she was being arrested for not calling the police while he was inside the house.

96. This statement alone makes it abundantly clear how little Defendants cared about **JUDGE BRADY'S** safety. As experienced Detectives, Defendants knew that it would have been extremely dangerous for **JUDGE BRADY** to call them when Prontnicki, whom they told her was an armed and dangerous suspect, was in her home.

97. **MURPHY'S** statement also makes it abundantly clear that **JUDGE BRADY**, not Prontnicki, was their target all along.

98. No reasonable person in **JUDGE BRADY'S** situation would attempt to call the police to report an armed and dangerous suspect while the suspect was in their home and standing within close proximity.

99. Although Defendants were admittedly aware **JUDGE BRADY** followed the literal instructions she was given, had called twice to report Prontnicki's whereabouts, and had left two messages for **BARTKO** to call her back, she was illegally arrested without a warrant. At no point during the active arrest of **JUDGE BRADY** was she advised of her Miranda rights.

100. Defendants knew where **JUDGE BRADY** lived and worked. She was not going anywhere. Defendants could have easily allowed her to turn herself in just like they did when a Woodbridge Municipal Court judge was accused of committing a crime. In that instance,

Woodbridge Police Department called the judge and told him to turn himself in with his attorney.

101. Although **JUDGE BRADY** posed no threat to anyone, and certainly could not have hindered Prontnicki after he was in custody, she was handcuffed, arrested, transported to headquarters by **BARTKO**, and shackled to a wall at headquarters. Defendants then threw **JUDGE BRADY** into a holding cell with other prisoners.

102. In further disregard for her safety and, in violation of police protocols, no precautionary measures were taken to separate or protect **JUDGE BRADY** from other prisoners, despite her status as a sitting Superior Court judge.

103. During transport, **JUDGE BRADY** advised the transport officer, whom she only later discovered to be **BARTKO**, that she had called twice and left two messages for him to return her call and that she would not do anything to break the law.

104. While in the holding cell, **JUDGE BRADY** advised Defendant **BARTKO** that she called him twice and left voice messages the day before and that same day.

105. **JUDGE BRADY** told Defendant **BARTKO** she had called him at approximately 4:30 p.m. on June 10th and left a voicemail stating that Prontnicki had returned her car and then left to stay with his brother Christopher in Woodbridge. She told him she called him again that same day, June 11th just before Prontnicki arrived at

her home and left a message to update Prontnicki's whereabouts and asked for him to call her back.

106. When she asked if he checked his voicemails on June 10th and June 11th, **BARTKO** admitted he did not.

107. **BARTKO** stated he left the station at 5:30 p.m. on June 10th and arrived at work incredibly early the morning of June 11th. He admitted he did not check his voicemail before he left on June 10th, nor did he check his voicemails at any time on June 11th prior to **JUDGE BRADY'S** illegal arrest.

108. **JUDGE BRADY** asked Defendant **BARTKO** to check his voicemails immediately because the only reason she had been arrested was because the arresting officers erroneously believed she had not called the police.

109. **BARTKO** left the holding area, at approximately 5:30 p.m., and checked his voice messages shortly thereafter. He then notified his supervisors, including, but not limited to **BUKOWSKI** and **MURPHY**, of the calls **JUDGE BRADY** made.

110. **BARTKO** returned to the holding cell and told **JUDGE BRADY** he had retrieved her voice messages. He confirmed he heard **JUDGE BRADY** state in the June 10th voice message that Prontnicki had returned to the house to drop off the car and then left to stay with his brother Christopher in Woodbridge.

111. **BARTKO** also confirmed he heard **JUDGE BRADY** state in the

June 11th voice message that Prontnicki had returned to the house and that she wanted to update his whereabouts. He stated he gave the voice messages to his supervisors for a "decision."

112. Shortly thereafter, Defendant **MURPHY** entered the holding area and began to interrogate **JUDGE BRADY**, again. Once again, he failed to give her Miranda warnings.

113. **MURPHY** asked **JUDGE BRADY** how long had she known about Prontnicki's drug addiction. She advised him she was unaware Prontnicki had a drug addiction. This was confirmed by statements obtained from Prontnicki, as well as his brother, Christopher Prontnicki, and Christopher's wife, My Prontnicki, who themselves did not know about Prontnicki's drug abuse or criminal arrest warrants.

114. At the time they falsely arrested **JUDGE BRADY**, **MURPHY** and **GORDON** and no reasonable suspicion or probable cause she had committed a crime. In fact, instead of apprehending Prontnicki, the armed and dangerous fugitive, **MURPHY** and **GROGAN** sat in their vehicle researching the criminal code to see if they could charge **JUDGE BRADY** with a crime.

115. Thereafter, despite their uncertainty that **JUDGE BRADY** had committed a crime, **MURPHY** and **GROGAN** sought to justify their illegal and false arrest by fabricating the false hindering charges and seeking the issuance of Complaint-Warrants against **JUDGE**

BRADY.

116. Despite **JUDGE BRADY'S** statement that she had called twice and left messages to update the police on Pronnicki's whereabouts, which was corroborated by **BARTKO**, Defendants failed to conduct any investigation before obtaining criminal Complaint-Warrants against **JUDGE BRADY**, and failed to dismiss the fabricated charge once **BARTKO** told them of the calls and voicemail messages from **JUDGE BRADY**.

117. Following **JUDGE BRADY'S** June 11th arrest, **MURPHY** and **GROGAN**, along with Middlesex Assistant Prosecutor Cindy Glaser, went to the residence of Honorable Bradley Ferencz, P.J.Cr., at approximately 8:30 p.m., seeking the issuance of criminal Complaint-Warrants for violations of the hindering Statute, based on **JUDGE BRADY'S** alleged failure to make any calls to the police while someone with an arrest warrant for a violent crime was in her presence.

118. Upon information and belief, Judge Ferencz expressed skepticism that there was probable cause for the Complaint-Warrants. At that point Assistant Prosecutor Cindy Glaser called then Middlesex County Prosecutor, Andrew Carey on his cell phone.

119. Upon information and belief, Carey spoke to Judge Ferencz and knowingly misrepresented the law: that a failure to call the police while in the presence of someone with an arrest

warrant for a violent crime, is a violation of the Hindering statute.

120. As the Middlesex County Prosecutor, Carey was aware when he made that statement that there was no such crime in the State of New Jersey.

121. No Affidavit of Probable Cause was submitted in support of the Complaint-Warrants. The only factual basis provided to Judge Ferencz in support of the Complaint-Warrants was the sworn testimony of **MURPHY**. Although it was **GROGAN**, who drafted the Complaint-Warrants, it was **MURPHY** who was sworn under oath.

122. Despite being told by **BARTKO** that **JUDGE BRADY** had called and left two voice messages, **MURPHY** and **GROGAN** failed to advise Judge Ferencz that **JUDGE BRADY** had, in fact, called and left messages on June 10th and June 11th. To the contrary, **MURPHY** falsely testified, under oath, that **JUDGE BRADY** made no attempt to contact the police.

123. When he provided false testimony under oath, **MURPHY** knew there was no probable cause for **JUDGE BRADY'S** arrest and that further investigation was warranted to investigate the phone calls **JUDGE BRADY** made on June 10th and June 11th.

124. When **MURPHY** testified, under oath, to Judge Ferencz that **JUDGE BRADY** had not made any calls, he knew his testimony was false.

125. **MURPHY** and **GROGAN** deliberately and maliciously withheld the crucial exculpatory phone calls from Judge Ferencz, as demonstrated by **MURPHY'S** testimony that he and **GROGAN** knew Judge Ferencz would not have signed the Complaint-Warrants if Judge Ferencz knew of the phone calls.

126. On June 10th and June 11th, no exigent circumstances existed which would have prevented further, reasonable investigation of **JUDGE BRADY'S** actions and whether those actions amounted to a crime.

127. Upon information and belief, Carey and Glaser knew **MURPHY** and **GROGAN** falsely testified that **JUDGE BRADY** made no attempt to contact the police, in their effort to secure the Complaint-Warrants; and they knew **MURPHY** and **GROGAN** illegally arrested **JUDGE BRADY** without probable cause.

128. Upon information and belief, despite knowing of the illegal arrest and false testimony presented to the judge, Carey and Glaser suborned **MURPHY'S** and **GROGAN'S** misconduct and/or perjured testimony.

129. Upon information and belief, despite knowing of the illegal arrest and the false testimony presented to Judge Ferencz, Carey and Glaser did not dismiss, withdraw or vacate the illegally issued Complaint-Warrants against **JUDGE BRADY**.

130. Defendants **BUKOWSKI, BARTKO** and **MULLARNEY** knew of **MURPHY** and **GROGAN'S** misconduct surrounding the illegal arrest of **JUDGE BRADY**. They knew and conspired with **MURPHY** and **GROGAN** to present false testimony to Judge Ferencz and fabricated evidence to secure the Complaint-Warrants, and they knew and conspired with **MURPHY** and **GROGAN** to maliciously prosecute **JUDGE BRADY**.

131. **BUKOWSKI, BARTKO** and **MULLARNEY** had a duty to report the illegal arrest, misconduct, and false testimony to any law enforcement and/or investigative agency, internal affairs, and/or any supervisor — but **BUKOWSKI, BARTKO** and **MULLARNEY** failed to do so; and failed to act to prevent the illegal arrest and subsequent malicious prosecution of **JUDGE BRADY**.

132. Defendant **HUBNER**, as director of the Woodbridge Police Department, was alerted to, made aware of, and/or participated in **DEFENDANT OFFICERS'** misconduct relating to **JUDGE BRADY'S** illegal arrest, and was aware **MURPHY** and **GROGAN** presented false testimony to Judge Ferencz to secure the Complaint-Warrants.

133. Defendant **HUBNER** had a duty to dismiss, withdraw, or vacate the Complaint-Warrants which he knew were illegally obtained based upon **DEFENDANT OFFICERS'** misconduct — but **HUBNER** failed to do so.

134. Defendant **HUBNER** had a duty to reprimand or discipline

DEFENDANT OFFICERS – but **HUBNER** failed to report their misconduct to any law enforcement, investigative agency and/or internal affairs.

135. Based on the fabricated evidence and false testimony presented by **DEFENDANT OFFICERS**, on June 11, 2013, Judge Ferencz issued two Complaint-Warrants that charged **JUDGE BRADY** with hindering the apprehension of Prontnicki by failing to telephone the police to advise them of Prontnicki's whereabouts.

136. **DEFENDANT OFFICERS** unlawfully racially profiled, stereotyped, targeted, arrested, charged, imprisoned, and maliciously prosecuted **JUDGE BRADY** because she was female and Asian.

137. Despite all the evidence **JUDGE BRADY** and her criminal Defense attorneys provided to **DEFENDANT OFFICERS** which confirmed she had in fact called **BARTKO** twice on June 10th and June 11th, and despite the fact the calls were corroborated by **BARTKO**, the **TOWNSHIP** and **DEFENDANT OFFICERS** ignored these sources of evidence and failed to conduct even a minimal investigation into the charges against **JUDGE BRADY**.

138. Despite unmistakable evidence and Defendants actual knowledge of **JUDGE BRADY'S** innocence, Defendant **TOWNSHIP** and **DEFENDANT OFFICERS** continued to actively participate in the malicious prosecution of **JUDGE BRADY** for more than five years.

156. Due to **JUDGE BRADY'S** status as a sitting judge in Middlesex County, on June 14, 2013, the criminal case was transferred from Middlesex County to the Somerset County Prosecutor's office.

158. Former Chief Assistant Prosecutor W. Brian Stack ("Stack") was assigned to handle the prosecution, along with Detectives John Fodor ("Fodor") and Justin Berger ("Berger").

159. Foder and Berger obtained videotaped statements from Prontnicki who was offered leniency in the armed robbery case against him in exchange for his testimony against **JUDGE BRADY**.

139. In his statements, Prontnicki repeatedly exonerated **JUDGE BRADY**. Instead of incriminating her, Prontnicki's statements clearly exonerated **JUDGE BRADY** of any wrongdoing. Prontnicki provided additional overwhelming evidence of **JUDGE BRADY'S** innocence. He told the investigators that once **JUDGE BRADY** was told about his arrest warrant, she told him he was not allowed inside her house, but that he entered the house anyway.

140. Prontnicki further stated **JUDGE BRADY'S** father opened the front door for him on June 10, 2013, and that he would not lie, he entered the house anyway despite her admonition. He stated his purpose in going to the house on June 10th was to return **JUDGE BRADY'S** missing car and to talk to her.

141. Prontnicki stated he called **JUDGE BRADY**, the next day, June 11, 2013, and spoke to her for two hours. He told her he had stayed with and would continue to stay with his brother Christopher, and that he needed to pick up his belongings from the house. He stated he told **JUDGE BRADY** he had already contacted a lawyer to turn himself in.

142. There is no evidence **JUDGE BRADY** knew the police had her house under surveillance on June 11, 2013. In fact, the prosecution stipulated during the relentless and malicious prosecution of **JUDGE BRADY** that no such evidence exist.

143. The witch hunt by Defendant Woodbridge Police Department yielded no evidence **JUDGE BRADY** took any affirmative physical act to harbor, conceal, or assist Prontnicki in escaping apprehension.

144. On the contrary, text messages retrieved from **JUDGE BRADY'S** cell phone revealed overwhelming evidence she did not, nor did she ever intend to harbor, conceal or assist Prontnicki in evading apprehension. The text messages revealed her intent was to cooperate with the police in arresting Prontnicki and at the same time encourage him to turn himself in.

145. Prontnicki confirmed **JUDGE BRADY** never tried to harbor or conceal him from the police. He stated he spotted the police outside **JUDGE BRADY'S** house when he arrived to pick up his things,

but never told her the police were outside.

146. In a further effort to justify the illegal arrest and malicious prosecution of **JUDGE BRADY**, Defendants Officers maliciously deleted the exculpatory portion of **JUDGE BRADY'S** statements advising **BARTKO** Prontnicki was staying with his brother in Woodbridge and that she was calling to update his whereabouts.

147. The "gaps" within the dialogue was confirmed by Defendants' own audio expert.

148. On the tampered version of the voicemail produced by Defendant **TOWNSHIP** and **DEFENDANT OFFICERS**, a voice, upon information and belief belonging to **BARTKO**, can be heard saying "but she did call." Another voice can be heard saying "we have to get rid of that."

149. In furtherance of their attempt to justify the false arrest and continued malicious prosecution of **JUDGE BRADY**, Defendant **TOWNSHIP** and **DEFENDANT OFFICERS** destroyed the original recordings and recorder **JUDGE BRADY'S** messages were left on, despite being placed on notice to preserve, in order to ensure she would not be able to assert a proper defense in her criminal trial.

150. On May 13, 2015, the initial charges were dismissed after Somerset Prosecutor Stack was forced to admit **JUDGE BRADY** had no duty to call or to report Mr. Prontnicki's whereabouts and that there was no legal basis for the charges against **JUDGE BRADY**.

151. Nonetheless, despite the complete lack of evidence and probable cause, **DEFENDANT OFFICERS** conspired with each other to fabricate and lodge new, false, and malicious charges, including Official Misconduct and Hindering against **JUDGE BRADY**.

152. On May 13, 2015, based on the fabricated evidence and perjured testimony of **DEFENDANT OFFICERS** and other members of the Woodbridge Police Department, a grand jury indicted **JUDGE BRADY** on one count of Official Misconduct and two counts of Hindering.

153. Upon information and belief, Defendants pressured Prosecutor Stack to continue the malicious prosecution, and thus Stack intentionally misrepresented the law by telling the grand jurors that although there was no duty or law that required **JUDGE BRADY** to call the police to report Mr. Pronnicki's whereabouts, the jurors could return an indictment if they felt such a duty exists.

154. Despite knowing **JUDGE BRADY** had committed no crime and knowing of the false and manufactured evidence against her, Defendants relentlessly and maliciously prosecuted **JUDGE BRADY** for nearly five years, without probable cause, despite overwhelming evidence of her innocence, all in violation of the United States and New Jersey State Constitutions, and the statutes and common law of this State.

155. Over the course of the next four and a half years, Defendants repeatedly pressured **JUDGE BRADY** to plead guilty, offered her Pretrial Intervention, and finally offered to dismiss all charges if **JUDGE BRADY** waived her right to bring a lawsuit against Defendants for violation of her civil rights.

156. Knowing she was innocent, **JUDGE BRADY** refused to plead guilty or accept any plea bargain, including PTI, for a crime she did not commit.

157. On March 1, 2016, The Honorable Julie M. Marino, J.S.C., dismissed Count One of the Indictment - Second Degree Official Misconduct charge - against **JUDGE BRADY**. The judge ruled judges have no duty under the law or their office to call the police and provide the whereabouts of a person with an arrest warrant.

158. On September 11, 2017, the Appellate Division affirmed the dismissal of the Official Misconduct charge and Judge Marino's rulings.

159. From January 2018 through February 2018, Defendant **TOWNSHIP** and **DEFENDANT OFFICERS** continued to actively participate in the malicious prosecution of **JUDGE BRADY**.

160. Defendants filed Certifications executed by officers of the Woodbridge Police Department on the eve of trial, which reflected that the original recordings and recorder of the

voicemails, left by **JUDGE BRADY** on June 10th and 11th, 2013 were deleted and/or destroyed, despite a preservation letter putting Defendant **TOWNSHIP** on notice to preserve the original recordings and equipment.

161. Due to Defendant **TOWNSHIP'S** and **DEFENDANT OFFICERS'** spoliation and/or destruction of the original voicemail messages and recorder, **JUDGE BRADY** was unduly prejudiced in her defense against the fabricated criminal charges filed against her. She could not obtain the exculpatory original voicemail recordings to present to the jury.

162. Defendants continued to drive the baseless and malicious prosecution of **JUDGE BRADY** through the first day of trial, while at the same time pressured **JUDGE BRADY** to accept PTI or a complete dismissal in exchange for an unethical and illegal waiver of a lawsuit.

163. On March 2, 2018, almost five years after she was falsely arrested and subjected malicious prosecution, the Honorable Robert P. Reed, P.J. Cr, dismissed all remaining charges against **JUDGE BRADY** after Stack was forced to finally admit the State had no evidence against **JUDGE BRADY** to present to a jury.

164. **JUDGE BRADY** lived with the horrific charges hanging over her head with no rational explanation or discovery of credible evidence that could explain the basis for her false arrest and

malicious prosecution.

165. **JUDGE BRADY** was publicly and privately shamed, humiliated, embarrassed, and depressed. She barely left her home and her friends and the legal community abandoned her.

166. **JUDGE BRADY'S** parents, family and best friends all knew about the arrest, which was a significant source of shame, embarrassment, depression and anxiety for her.

167. **JUDGE BRADY** had no criminal record and had never been suspected or accused of criminal activity which could justify **DEFENDANT OFFICERS** falsely arresting and maliciously prosecuting her.

168. **DEFENDANT OFFICERS** targeted, falsely arrested, fabricated evidence, fabricated their official reports, falsely charged, unlawfully imprisoned, and maliciously prosecuted **JUDGE BRADY** for offenses she did not commit, based on racial animus, racial profiling, and gender bias.

169. **JUDGE BRADY** had committed no crime.

170. **JUDGE BRADY** is a law-abiding citizen and an innocent person.

171. **JUDGE BRADY** did not engage in any action that justified the false arrest and malicious prosecution by Defendants.

172. **JUDGE BRADY** was deprived of her liberty without due process.

173. **JUDGE BRADY** was shocked, traumatized, terrified, and Placed in fear for her safety.

174. **JUDGE BRADY** suffered severe humiliation, embarrassment and private and public shame.

175. Defendants did not have probable cause, much less reasonable suspicion, that **JUDGE BRADY** had committed a crime when they sought the issue of Complaint-Warrants against her.

176. The false arrest and malicious prosecution of **JUDGE BRADY** was without provocation, legal authority or justification.

177. The false arrest and malicious prosecution of **JUDGE BRADY** was without probable cause.

178. As of March 6, 2018, **JUDGE BRADY** was reinstated to full duty and pay as a Judge of the Superior Court.

179. Nevertheless, despite the dismissal of the fabricated charges against **JUDGE BRADY**, Defendant **TOWNSHIP**, Defendant **HUBNER**, and **DEFENDANT OFFICERS** continue to participate in the prosecution of **JUDGE BRADY**.

180. On May 4, 2018, based upon the fabricated evidence and malicious charges filed by Defendant **TOWNSHIP** and **DEFENDANT OFFICERS**, the Advisory Committee on Judicial Conduct ("ACJC"), filed a public and Formal Complaint against **JUDGE BRADY**, seeking her removal from the bench.

181. Defendants' actions caused **JUDGE BRADY** great public humiliation; and caused her to incur additional significant legal fees and costs to defend against the ACJC Complaint.

182. The fabrication of false charges resulting in the false arrest and the malicious prosecution of **JUDGE BRADY**, and the resulting conspiracy to cover up the true nature of the incident by Defendants, caused her to suffer severe and permanent psychological and emotional distress, mental anguish, degradation and public humiliation, which required the care and treatment of physicians, has and will in the future require medical treatment, and has and will in the future cause her to refrain from her daily activities and normal pursuits.

183. The fabrication of false charges resulting in the false arrest and malicious prosecution of **JUDGE BRADY**, and the resulting conspiracy to cover up the true nature of the incident by Defendants, caused her to suffer economic damages including, but not limited to the loss of her employment and salary, having to hire lawyers and spend hundreds of thousands of dollars to defend herself against the malicious charges, the loss of her home, cars, and personal possessions, and to pay for medical care.

COUNT I
PATTERN AND PRACTICE ALLEGATIONS
(Municipal and Governmental Liability)

1. **JUDGE BRADY** incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. Police Officers employed by Defendant **TOWNSHIP**, including, but not limited to **DEFENDANT OFFICERS**, have a long, systematic and documented history of aggressive police practices, including falsifying reports, fabrication of evidence, cover-ups, sham Internal Affairs investigations, false arrests, malicious prosecution, conspiracy, retaliation, racial profiling, and use of excessive force against the public and minorities.

3. Defendant **TOWNSHIP**, through its Police Department, developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of falsely arresting, racially profiling, maliciously prosecuting and engaging in the use of illegal and excessive force on citizens and cover-up of these incidents. In the past ten (10) years, Defendant **TOWNSHIP** has received numerous documented incidents of misconduct by its officers, including, but not limited to, false arrest, false reporting, and fabrication of evidence, lying, malicious prosecution, and racial profiling.

4. The unlawful arrest, fabrication of false charges, malicious prosecution of **JUDGE BRADY**, and the subsequent cover up of the incident by Defendant **TOWNSHIP** and its Police Department, was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training, supervision and discipline of Defendant **TOWNSHIP'S** Police Officers, including Defendant **HUBNER** and **DEFENDANT OFFICERS**, that began long before the illegal arrest, fabrication of false charges and malicious prosecution of **JUDGE BRADY**; and continues to this day.

5. Specifically, Defendant **TOWNSHIP**, was on notice that there was a pervasive and systemic pattern, custom and practice of false arrest, unlawful imprisonment and malicious prosecution within its police department, including **DEFENDANT OFFICERS**, specifically, **MURPHY** and **BUKOWSKI** as set forth below.

6. Prior to and after the June 11, 2013, illegal arrest, fabricated charges, and malicious prosecution of **JUDGE BRADY**, Defendant **TOWNSHIP** was on notice that there was a pervasive and systemic pattern, custom and practice of constitutional violations including false arrest, unlawful imprisonment and malicious prosecution, and the use of excessive force within its Police Department.

7. There were numerous incidents, complaints, and lawsuits

alleging excessive force, illegal searches and seizures, false arrest, falsifying reports, filing of false charges, malicious prosecution, cover-ups, racial profiling, and differential bias treatment by Defendant **TOWNSHIP** Police Officers, including Defendants **MURPHY** and **BUKOWSKI**. In the cases cited below, the judges found there was no probable cause for the arrest and/or prosecution of the citizens involved, and that **DEFENDANT OFFICERS** either filed false reports or testified falsely.

8. Specifically, during 2011-2012, four suppression motions filed in Middlesex County involving officers of the Woodbridge Police Department were granted. All four cases involved either Defendant **MURPHY**, his partner Officer Villegas, or both. In all four cases involving **MURPHY** and his partner, the judge granted the suppression motion, finding the officers were not credible.

9. Three weeks before the illegal arrest and fabricated charges against **JUDGE BRADY**, the Honorable Dennis Nieves, J.S.C., granted the defendant's Motion to Suppress in State v. Kyle Murray, after finding the testimony of Defendants **MURPHY**, **BUKOWSKI** and Woodbridge Police Officer Chris Lyons were not credible.

10. Likewise, in State v. Delgado, Judge Nieves granted the defendant's Motion to Suppress after he found **MURPHY** and his partner Villegas had lied.

11. In yet another case involving **MURPHY**, the Honorable

Bradley Ferencz, J.S.C., found **MURPHY** was not credible and granted the defendant's Motion to Suppress.

12. In May 2013, the Honorable Douglas Wolfson, sitting in the criminal division, heard and granted yet another suppression motion. Judge Wolfson found the Woodbridge police officers, one of whom was Defendant **MURPHY**, were not credible.

13. On October 25, 2016, Defendant **TOWNSHIP** quietly paid \$125,000 to settle a false arrest and excessive force lawsuit filed by a local man who claimed that he lost several of his front teeth after police smashed him in the face with a flashlight.

14. According to his lawsuit, Jeffrey Gutierrez, of Woodbridge, alleged he was falsely accused of having a knife at the TGI Friday's restaurant on Gill Lane in December 2001 and attacked by Woodbridge Police Officers for no reason. Gutierrez alleged the officers pushed him to the ground and smashed him in the face with a flashlight at a restaurant causing him to lose half of several upper teeth. Gutierrez arrested and brought to the Woodbridge Police Headquarters, where he processed and released.

15. Likewise, Defendant **TOWNSHIP** recently settled a federal lawsuit in which three Elizabeth residents, Shaquita Ayler, Jasmine Gordon, and Manirah Harris, claimed their Constitutional rights were violated after they were stopped and threatened with a firearm by a Woodbridge Police Officer at the Woodbridge Center

Mall in May 2014.

16. The plaintiffs alleged that while attempting to exit the Woodbridge Center Mall, they were followed, stopped and detained by Woodbridge Police Officers D. Benigno, Lyszyk, and R. Aptaker.

17. The lawsuit alleged there was no probable cause for the stop and that the plaintiffs were subjected to violations of their civil rights to include racial and gender discrimination, false arrest, use of excessive force, and assault and battery. All three of the women are black.

18. According to the suit, Benigno jumped on the hood of Ayler's car, drew his firearm, and threatened to shoot her. The lawsuit alleges the three women were forcibly removed from the car by Benigno, Lyszyk, two mall security guards, and several unknown police officers and security guards.

19. The women allege they were thrown to the ground and frisked by male police officers of the Woodbridge Police Department "on all parts of their body including their breast, between their legs, and on their buttock." They were then handcuffed and arrested by the officers.

20. The three women were charged with obstruction of justice and resisting arrest. Ayler, the driver, was charged with assaulting Benigno with her vehicle, aggravated assault, possession of a weapon for an unlawful purpose, obstructing the

administration of law, and resisting arrest. She was incarcerated for three days on \$100,000 bail, which resulted in the loss of her job with the State of New Jersey.

21. All charges against the women were dismissed in April 2015 after the officers repeatedly failed to appear in court and failed to provide court ordered documentation during the discovery period of the trial.

22. Although the plaintiff Ayler promptly filed a complaint with the police department's internal affairs division, she was informed her complaint would not be investigated until the conclusion of her criminal trial. As of May 2015, when she filed her lawsuit, one year after the incident and dismissal of the charges, the Woodbridge Internal Affairs Division had failed to investigate or make any findings related to her Internal Affairs complaint.

23. In May 2016, a grand jury indicted three Woodbridge Police Officers, David Hughes, Amanda Felicies, and Brian Joseph, for lying to protect Brian Joseph, an off-duty Woodbridge Police Officer involved in a May 23, 2015, car crash.

24. The six-count Indictment charged Hughes, Felicies, and Joseph with two counts of official misconduct and a related count of conspiracy for failing to file a report and changing computer records that had documented Joseph's off-duty crash. Hughes was

also charged with falsifying public records and tampering with public records to conceal the crash. Hughes partner, Felicies, was charged with false swearing by lying under oath to police during an investigation into the cover-up. All three lost their jobs and were admitted into the Pre-Trial Intervention Program for first-time offenders.

25. Defendant **TOWNSHIP**, through its Internal Affairs Department, has engaged in a past practice and policy of exhibiting deliberate indifference to complaints of constitutional violations against its police officers from citizens like **JUDGE BRADY**, against police officers who are employed by or act as agents of Defendant **TOWNSHIP** for which Defendant **TOWNSHIP** has been placed on notice.

26. Defendant **TOWNSHIP'S** Internal Affairs department is a complete sham, and its long standing systematic, pervasive actual and/or de facto policies and practices of failing to investigate and impose discipline on its officers, created an environment wherein officers are comfortable in knowing they can act unlawfully without any repercussions or discipline. Such past policy and practice are linked directly to the violation of the constitutional rights of **JUDGE BRADY**, because such past policy and practice encourage violations by police officers, such as the individually named Defendants.

27. Upon information and belief, in the last ten years, less

than one percent of citizen complaints filed against Woodbridge Police Officers were sustained.

28. In addition, upon information and belief, supervisors who holds or held offices in the police union are assigned to Internal Affairs, a practice that is prohibited because of the inherent conflict of interest. Allowing nonqualified personnel to handle confidential internal investigative matters risks compromising the Internal Affairs process and case disposition.

29. Defendants, collectively and individually, while acting under the color of law, engaged in conduct that constituted a custom, policy, usage, practice, procedure or rule of Defendant **TOWNSHIP**, which is forbidden by the New Jersey State Constitution.

30. The afore-mentioned customs, policies, usages, practices, procedures and rules of Defendant **TOWNSHIP**, and the lack of training and discipline for the unconstitutional actions of its police officers, led to the illegal arrest, fabrication of evidence, filing of false charges, abuse of process, and malicious prosecution of **JUDGE BRADY** and other innocent citizens; conspiracy to deprive **JUDGE BRADY** of her civil rights; creation of false reports, perjury, withholding of evidence and cover up.

31. Defendant **TOWNSHIP** provided grossly deficient training and supervision to its Police Officers, including the individual named Defendants Officers, concerning for example, investigations,

determination of probable cause for a warrant, search, seizures, arrests, and prosecution; report writing, imposing discipline, and Internal Affairs Investigations, despite actual and/or constructive notice that its officers were improperly trained, lacked discipline, and were violating minimally accepted police practices.

32. Defendant **TOWNSHIP** engaged in a policy or custom of failing to investigate misconduct on the part of its police officers, failing to properly investigate Internal Affairs complaints against its officers, including the named **DEFENDANT OFFICERS**, failing to report instances of illegal and criminal behavior and instances of official misconduct to the County Prosecutor, and failing to discipline its officers prior to and including in this case.

33. Defendant **TOWNSHIP** was negligent and/or reckless in the hiring and retention of Police Officers, including the individually named Defendants and failed to provide its officers, including the named Defendants, with the guidance, oversight and resources they need to police safely, constitutionally and effectively.

34. Despite knowing of the false and illegal charges brought against **JUDGE BRADY** and the false reporting, fabrication of charges, and perjured testimony provided by **MURPHY, GROGAN,**

BUKOWSKI, BARTKO, and MULLARNEY, and, which clearly revealed official misconduct by these Defendants, as well as the subsequent cover up of their conduct, Defendant **TOWNSHIP** failed to ensure the dismissal of the fabricated charges against **JUDGE BRADY**; failed to conduct an Internal Affairs investigation into **DEFENDANT OFFICERS'** conduct; failed to take any disciplinary actions against them; and failed to report their illegal and criminal actions to the New Jersey Attorney General or County Prosecutor.

35. Likewise, Defendant **TOWNSHIP** failed to investigate the malicious prosecution which resulted in **JUDGE'S BRADY** more than five-year ordeal, despite knowing the charges were fabricated and despite its knowledge of their illegal conduct and of numerous prior allegations of similar misconduct, including fabrication of charges, lying under oath, malicious prosecution, and the use of excessive force against these Defendants and other officers employed by Defendant **TOWNSHIP**.

36. As a result of Defendant **TOWNSHIP'S** failure to properly screen, hire, retain, train, supervise, investigate and discipline its employees, Defendant **TOWNSHIP** explicitly and implicitly authorized, ratified and condoned **DEFENDANT OFFICERS'** illegal conduct, and has been deliberately indifferent to the acts and conduct complained of herein.

37. All the acts and omissions committed by **DEFENDANT**

OFFICERS described herein for which liability is claimed were conducted under the color law and were done unlawfully, maliciously, recklessly, negligently and/or with bad faith, and said acts meet all the standards for imposition of punitive damages.

38. Defendant **HUBNER**, is the chief executive officer of Defendant **TOWNSHIP'S** Police Department and, therefore, is charged with establishing all policies for the department, either express or de facto.

39. Defendant **HUBNER** knew of the false and malicious charges lodged against **JUDGE BRADY** but failed to take action to investigate the circumstances surrounding her illegal arrest and the fabricated charges filed against her. Instead, upon information and belief, **HUBNER** knowingly and willingly approved the malicious prosecution of **JUDGE BRADY** and participated in the resulting coverup and acquiesced in the more than five-year malicious prosecution of **JUDGE BRADY**.

40. Defendant **TOWNSHIP'S** policy, custom and practice of inadequate screening, hiring, retaining, investigating, disciplining, training and supervising its employees, was the moving force behind the violation of **JUDGE BRADY'S** constitutional rights described herein.

41. The foregoing customs, policies, usages, practices,

procedures and rules constitute deliberate indifference to the safety, well-being and State constitutional rights of **JUDGE BRADY**, and was the direct and proximate cause and the moving force of the constitutional violations suffered by **JUDGE BRADY**.

42. As a direct and proximate result of **DEFENDANT OFFICERS'** conduct and abuse of authority detailed above, **JUDGE BRADY** was deprived of her liberty and suffered economic loss in the form of loss of her ability to meet her financial obligations, including but not limited to her immediate suspension from the bench, the loss of her salary, home, cars, personal possessions, damage to her career and reputation; invasion of her right to privacy, invasion of her right of association, severe mental anguish and emotional distress, as well as other non-economic damages for which Defendants are liable.

COUNT II

42 U.S.C. § 1983 Malicious Prosecution

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. **DEFENDANT OFFICERS** and **JOHN DOES 1-10**, acting in their individual capacity as employees of Defendant **TOWNSHIP**, and within the scope of their employment, fabricated charges, provided and maliciously pursued the prosecution of **JUDGE BRADY**, who was innocent of any wrongdoing, without probable cause.

3. **DEFENDANT OFFICERS** engaged in an abuse of process when

they falsely arrest, fabricated evidence, falsely charged and maliciously prosecuted **JUDGE BRADY**, without reasonable suspicion or probable cause.

4. Upon information and belief, Defendant **HUBNER** acquiesced, condoned and approved the fabricated charges against **JUDGE BRADY**.

5. The malicious prosecution of and damages to **JUDGE BRADY**, resulting from the **DEFENDANT OFFICERS'** conduct as described herein, began the moment Defendants realized she was a sitting judge. From that point, although **DEFENDANT OFFICERS** had no reasonable articulable suspicion **JUDGE BRADY** had committed or was about to commit a crime, **DEFENDANT OFFICERS** targeted and actively conspired to fabricate a crime with which to charge **JUDGE BRADY**.

6. Following **JUDGE BRADY'S** illegal and warrantless arrest, which was without probable cause, Defendants **MURPHY** and **GROGAN** appeared at Judge Ferencz's house with a Complaint signed by **GROGAN**, which charged **JUDGE BRADY** with violating 2C:29-3, "hindering the apprehension of another specifically by knowingly harboring Jason Prontnicki, a known fugitive (armed robbery), in her residence...in Woodbridge for approximately 1 hour and never making any attempt to contact law enforcement ... "

7. Although the Complaint was signed by **GROGAN**, Defendant **MURPHY** lied under oath and he and **GROGAN** presented false testimony

to Judge Ferencz that **JUDGE BRADY** had not called headquarters to report Prontnicki's whereabouts. A fact **MURPHY** and **GROGAN** knew to be false.

8. **DEFENDANT OFFICERS'** actions in the presentation of the false and fabricated charges, for which **JUDGE BRADY** was arrested, charged and prosecuted for a crime she did not commit, were without probable cause and were reckless and malicious. Had **MURPHY** and **GROGAN** provided Judge Ferencz with the telephone messages **JUDGE BRADY** left for **BARTKO** on June 10th and June 11th, Judge Ferencz would not have issued the Complaint-Warrants.

9. Despite knowing of the existence of exculpatory evidence that vindicated **JUDGE BRADY**, and despite knowing that the evidence against her was fabricated and/or did not exist, **DEFENDANT OFFICERS** relentlessly continued to maliciously prosecute **JUDGE BRADY**.

10. Following the arrest and initiation of the fabricated charges against **JUDGE BRADY**, **DEFENDANT OFFICERS** and **JOHN DOES 1-10**, caused, contributed to, failed to further investigate, acquiesced to, approved, or permitted the malicious prosecution of **JUDGE BRADY**, without probable cause.

11. **DEFENDANT OFFICERS** are equally responsible for the false and fabricated charges and evidence upon which the malicious prosecution was based.

12. In their refusal to dismiss the fabricated charges,

Defendants candidly admitted they were afraid **JUDGE BRADY** would file a lawsuit against them if they dismissed the charges against her. In fact, Defendants attempted to bargain **JUDGE BRADY'S** freedom by offering to dismiss the fabricated charges if she agreed to sign a waiver that she would not file a lawsuit against them.

13. Defendants relentlessly pursued and maliciously prosecuted **JUDGE BRADY** without probable cause even after Defendants obtained indisputable evidence **JUDGE BRADY** had committed no crime and even after the Appellate Division affirmed the trial judge's dismissal of the Official Misconduct charge, finding there was no probable cause to charge and prosecute **JUDGE BRADY** since she had no duty to call to report Pronnicki's whereabouts.

14. The malicious prosecution of, and damages to **JUDGE BRADY** resulting from **DEFENDANT OFFICERS'** misconduct as described herein, ended only when the trial judge, more than five years after the fabricated charges and initial malicious prosecution was initiated, dismissed all remaining charges against **JUDGE BRADY** after the prosecutor Stack finally admitted the State had no evidence to proceed with a criminal trial against **JUDGE BRADY**, thus ending the malicious prosecution of **JUDGE BRADY**.

15. Defendants **HUBNER, BARTKO, BUKOWSKI, and JOHN DOES (1-10)** had a duty to prevent the fabrication of false charges and the

initiation of the malicious prosecution of **JUDGE BRADY** but failed to do so. Instead, Defendants conspired to fabricate new charges of Official Misconduct and Hindering against **JUDGE BRADY** and continued to maliciously prosecute her for more than five years.

16. Defendants, **HUBNER, BARTKO, BUKOWSKI, and JOHN DOES (1-10)**, are liable for their failure to take any reasonable steps to protect **JUDGE BRADY** from the illegal arrest, fabricated charges and malicious prosecution, despite having ample evidence, time and opportunity to do so.

17. In all the foregoing, the **DEFENDANT OFFICERS** acted with reckless, callous and deliberate indifference to **JUDGE BRADY'S** constitutionally protected rights.

18. The false arrest and false imprisonment were the acts of **DEFENDANT OFFICERS** jointly, and the **DEFENDANT OFFICERS** are jointly and severally liable for damages to Plaintiffs.

19. By their unlawful conduct and abuse of authority, Defendants, under color of law, deprived **JUDGE BRADY** of her right to be free from false arrest, unreasonable search and seizure and malicious prosecution under the Fourth and Fourteenth Amendment to the United States Constitution and under the New Jersey State Constitution, thereby depriving her of her liberty without due process of law.

20. As a direct and proximate result of Defendants' conduct

and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT III
(42 U.S.C. § 1985 Conspiracy)

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. **JUDGE BRADY** incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

3. Defendants **HUBNER, MURPHY, GROGAN, BUKOWSKI, BARTKO, MULLARNEY,** and **JOHN DOES 1-10**, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten, and intimidate **JUDGE BRADY** in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to her by the United States Constitution, including the right to be free from unlawful search, seizure, detention and arrest; the right to be free from unlawful imprisonment; the right to be free from malicious prosecution, and the right not to be deprived of her liberty without due process of law.

4. Defendants took numerous overt steps in furtherance of such conspiracy, including conspiring to fabricate and falsify documents and evidence that led to **JUDGE BRADY'S** malicious prosecution and conspired to present perjured testimony designed

to secure her conviction.

5. Defendants took numerous overt steps in furtherance of such conspiracy, including conspiring to withhold the calls and messages **JUDGE BRADY** left for **BARTKO** on June 10th and 11th, from Judge Ferencz, in order to secure the Complaint-Warrants, and conspired with each other to falsely charge **JUDGE BRADY** with Official Misconduct and Hindering even though there was no probable cause to do so.

6. In an effort to ensure **JUDGE BRADY'S** conviction on the fabricated charges, Defendants conspired to tamper with evidence, specifically, by deleting portions of the voicemail messages **JUDGE BRADY** left for **BARKO** on June 10th and JUNE 11th and conspired to delete and destroy the original recordings and recorder of those messages, despite being expressly requested to preserve those recordings and equipment.

7. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT IV

(42 U.S.C. § 1983 Supervisor Liability - Negligent Training)

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. Defendants **HUBNER, BUKOWSKI, and JANE DOE**

SUPERVISORS/CHIEFS 1-10, were, at all relevant times, supervisory personnel in Defendant **TOWNSHIP**, with oversight responsibility for Defendants **MURPHY, GROGAN, BARTKO, MULLARNEY, JOHN DOE OFFICERS 1-10**, and others. They were responsible for the training, instruction, supervision, and discipline of the **DEFENDANT OFFICERS** who violated **JUDGE BRADY'S** constitutional rights in the manner described above.

3. Upon information and belief, Defendants failed to adequately train **DEFENDANT OFFICERS** to ensure they would not violate citizens, including, **JUDGE BRADY**, civil rights.

4. The failure of Defendants **TOWNSHIP, HUBNER, BUKOWSKI**, and **JANE DOE SUPERVISORS/CHIEFS 1-10** to train, supervise and discipline **MURPHY, GROGAN, BARTKO, MULLARNEY**, and **JOHN DOE OFFICERS 1-10**, amounted to gross negligence, deliberate indifference, reckless or intentional misconduct which directly caused the deprivations suffered by **JUDGE BRADY**.

5. Defendant **TOWNSHIP**, as employer of **DEFENDANT OFFICERS** and **JOHN DOE OFFICERS 1-10**, is liable for the constitutional violations and violations of sustained by **JUDGE BRADY**, when, at all times relevant, Defendants Officers' conduct was the result of Defendant **TOWNSHIP'S** deficient policy, custom and practice of inadequate screening, hiring, retaining, investigating, disciplining, training and supervising its employees, including

the individually named Officers.

6. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT V
(42 U.S.C. § 1983 Negligent Hiring/Retention

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. Defendant **TOWNSHIP** is responsible for the recruiting, hiring, training, retention and ongoing supervision of **DEFENDANT OFFICERS**.

3. As the chief executive officer, Defendant **HUBNER** was responsible for the hiring and firing, supervision, corrective or disciplinary actions, and training of all officers on all aspects of law enforcement, including proper investigative techniques and evaluation of what constitutes a proper determination of probable cause.

4. Defendants had a duty to properly ascertain their police officers and employees' fitness to become police before they were hired and to adequately train the officers and/or investigators in their employ to ensure they did not violate the constitutional rights of citizens.

5. Upon information and belief, Defendants **TOWNSHIP, HUBNER, and JANE DOE SUPERVISORS 1-10**, failed to properly determine

the fitness of **DEFENDANT OFFICERS** to be hired as police officers, directors, chiefs and superintendents to ensure they would not violate citizens, including, **JUDGE BRADY**, civil rights.

6. Upon information and belief, Defendants knew or should have known that **DEFENDANT OFFICERS** were not qualified to act as police officers, investigators, directors, chiefs, or supervisors for their respective law enforcement agencies.

7. Upon information and belief, Defendants were aware of other incidents involving **DEFENDANT OFFICERS** that should have alerted them to their potentially unlawful conduct, but failed to take reasonable steps to ensure **DEFENDANT OFFICERS** would act lawfully and appropriately and would not violate the constitutional rights of individuals such as **JUDGE BRADY**.

8. Defendant **TOWNSHIP** is a person within the meaning of 42 USC § 1983 and may be held liable for its policies (or lack thereof) established through its chief executive officers which caused the constitutional violations suffered by **JUDGE BRADY**.

9. Plaintiff avers and believes that, upon obtaining discovery, these Defendants will be identified and shown to have failed and acted with deliberate disregard for their responsibilities to supervise and/or train detectives/officers in the investigation of an alleged criminal activity and in the proper procedure to identify suspects, as well as the evaluation and

reliability of evidence used in the determination of probable cause.

10. **JUDGE BRADY** avers that discovery will show Defendant **TOWNSHIP**, through its law enforcement agency, had an actual or de facto policy or custom of allowing or acquiescing in its officers fabrication and falsifying evidence to maliciously prosecute citizens like **JUDGE BRADY**; of allowing its officers to rely upon flawed evidence to prosecute citizens without adequate training in the investigation of crimes or the determination of probable cause; had a *de facto* policy which encouraged its officers to conduct minimal investigation and to accept without further investigation and without question, false, fabricated, and illegally obtained evidence, regardless of the unreliability of such evidence.

11. **JUDGE BRADY** also avers discovery will also show Defendants had an actual or de facto policy or custom of failing to investigate citizen complaints/conducting sham Internal Affairs Investigation, and failing to discipline its officers, and that as a direct result of said de facto policies or customs, **JUDGE BRADY** was deprived of her constitutional right to due process, her right to her freedom and liberty, her right to enjoy pursue and obtain safety and happiness, her right to equal protection under the law, her right to be free from false arrest and malicious prosecution, her right to privacy; and her right to freedom of association.

12. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT VI
(42 U.S.C. § 1983 Race/Gender Discrimination)

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. By reason of the foregoing, Defendants **HUBNER, MURPHY, GROGAN, BARTKO, BUKOWSKI, MULLARNEY, and JOHN DOE OFFICERS 1-10, and JOHN DOE SUPERVISORS 1-10,** violated 42 U.S.C. § 1983 and the Fourteenth Amendment of the United States Constitution by depriving **JUDGE BRADY** of her constitutional rights with racial animus.

3. Because of her race, nationality and gender, **DEFENDANT OFFICERS,** under color of state law, racially profiled, targeted, falsely arrested, fabricated and filed false charges against her, and maliciously prosecuted **JUDGE BRADY,** violating her constitutional rights in the manner previously alleged.

4. Defendants displayed a clear racial bias and employed intimidating tactics against **JUDGE BRADY** based solely upon her race, nationality, and gender, which is evident in the manner she was racially profiled, targeted, and relentlessly maliciously prosecuted without probable cause on false and fabricated charges,

for five years.

5. Defendants clear racial bias is also evident in the way they conspired to fabricate evidence, filed false charges, lied under oath, and withheld exculpatory evidence in order to secure the Warrant-Complaints to maliciously prosecute **JUDGE BRADY** for a crime she did not and could not commit, based on nothing but Defendants' false, stereotypical and racist assumption that an Asian-American woman of Filipino descent, who voluntarily came to the Police Department seeking assistance, was involved in and had knowledge of Prontnicki's alleged criminal activities.

6. **JUDGE BRADY'S** gender also played a role in the disparate treatment she received. Once **DEFENDANT OFFICERS** learned **JUDGE BRADY** was in a relationship with Prontnicki, Defendant were no longer interested in apprehending Prontnicki, the armed dangerous fugitive. Instead, Defendants set out to "get" or punish **JUDGE BRADY** for unknowingly picking the wrong partner.

7. It is clear Defendants targeted and treated **JUDGE BRADY** differently than other similarly situated individuals. For instance, when Woodbridge Municipal Court Judge Spenser Robins was charged with a crime for using his office address as his residence to establish Woodbridge residency, he was called and told to surrender himself with an attorney, as is customary in such cases.

8. The unlawful arrest, fabrication of false charges and

malicious prosecution of **JUDGE BRADY** was the result of a vast conspiracy to frame and maliciously prosecute **JUDGE BRADY** simply because of her race, nationality and gender, which **DEFENDANT OFFICERS** unreasonably and stereotypically associated with criminal activities.

9. Defendants' conduct was knowingly undertaken with the intent to deny **JUDGE BRADY** her right to full and equal protection of the law.

10. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT VII
(42 U.S.C. § 1985(3) Conspiracy with Racial Animus)

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. **DEFENDANT OFFICERS, JOHN DOES 1-10, and JOHN DOE SUPERVISORS 1-10**, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten and intimidate Plaintiff in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to her by the United States Constitution.

3. Defendants took numerous overt steps in furtherance of

such conspiracy, as set forth above.

4. The conduct of Defendants was motivated by racial animus and by their desire to injure, oppress, threaten, and intimidate **JUDGE BRADY** because of her race, gender, and nationality.

5. As a direct and proximate result of **DEFENDANT OFFICERS'** misconduct and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT VIII
(Negligent and Intentional Infliction of
Emotional Distress)

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. When **DEFENDANT OFFICERS** unlawfully detained, seized, arrested, lied about the true events that occurred, fabricated evidence, filed false charges, initiated the malicious prosecution, and publicly humiliated and embarrassed **JUDGE BRADY**, **DEFENDANT OFFICERS** acted intentionally or recklessly with deliberate disregard of a high degree of probability that emotional distress will follow.

3. Defendants' conduct was so extreme, atrocious, and outrageous in character and degree, as to go beyond all possible bounds of decency and is utterly intolerable in a civilized community.

4. As a direct and proximate result of Defendants' actions,

JUDGE BRADY has suffered and continues to suffer such severe and substantial emotional distress and mental harm which no reasonable person could be expected to endure.

COUNT IX

(Violation of the NJ Civil Rights Act - N.J.S.A. 10:6-1 to 2)

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. **DEFENDANT OFFICERS**, under color of statute, ordinance, reputation, custom and usage have deprived and caused **JUDGE BRADY** to be subjected to the deprivations of rights, privileges and immunities secured by the New Jersey Constitution and law of the State of New Jersey, including her right to liberty, her right to be secure as a person against unreasonable searches and seizures, her right to be free from malicious prosecution, her right to be free from unlawful detention, her right to be free from false arrest, her right to privacy, and her right to freedom of association secured to her by the New Jersey State Constitution.

3. At no time did **DEFENDANT OFFICERS** have reasonable suspicion, much less probable cause to believe **JUDGE BRADY** had committed a crime.

4. **DEFENDANT OFFICERS**, acting under color of law, intentionally deprived **JUDGE BRADY** of her civil rights by, inter alia, illegally seizing and arresting her, fabricating evidence and filing false charges against her, failing to intervene to

prevent the unlawful acts against her, maliciously prosecuting her and by failing to adequately hire, train, retain and supervise **DEFENDANT OFFICERS**.

5. Defendant **TOWNSHIP** is liable for the Constitutional violations and violations of New Jersey State law by its servants, agents and employees when, at all times relevant, **DEFENDANT OFFICERS** were acting within the scope of their employment in furtherance of performance of their duties under the color of state, county and municipal law.

6. Defendants' acts were done in knowing violation of **JUDGE BRADY'S** legal and constitutional rights and have caused **JUDGE BRADY** damages, including economic injury, humiliation, mental pain and suffering and emotional distress.

7. Defendants' deprivation of **JUDGE BRADY'S** civil rights violates the New Jersey Constitution and gives rise to **JUDGE BRADY'S** claims for redress under N.J.S.A. 10:6-1 et seq.

8. Based on the aforesaid conduct, Defendants, acting under color of law, deprived and interfered with the exercise or enjoyment by **JUDGE BRADY** of the rights guaranteed to her by the New Jersey Constitution including, but not limited to:

- a) The right to enjoy and defend life and liberty;
- b) The right to pursue and obtain safety and happiness;
- c) The right to due process of law;

- d) The right to equal protection of the laws;
- e) The right to be secure from unreasonable searches and seizures;
- f) The right to any other natural and unalienable right retained by the people;
- g) The right to privacy; and
- h) The right to be free of cruel and unjust punishment.

9. As a direct and proximate result of **DEFENDANT OFFICERS'** misconduct and abuse of authority detailed above, **JUDGE BRADY** sustained the damages hereinbefore alleged.

COUNT X
Punitive Damages

1. **JUDGE BRADY** hereby incorporates the allegations set forth in the above paragraphs as if fully set forth herein.

2. The acts of the **DEFENDANT OFFICERS** as set forth herein, were willful, wanton, malicious and oppressive, to entitle the Plaintiff to an award of punitive damages against Defendants Officers.

WHEREFORE, JUDGE BRADY respectfully prays that this Court:

- a) Assume jurisdiction over this action;
- b) Award Plaintiff actual damages, expenses and other economic losses;
- c) Award compensation damages for injury, mental anguish, and emotional distress, in an amount to be determined by the enlightened conscience of an impartial jury;

- d) Award punitive (exemplary) damages against the individual **DEFENDANT OFFICERS**, to the extent permitted by law, and award fees and expenses;
- e) Declare that Defendants violated Plaintiff's rights under the United States Constitution;
- f) Award attorney's fees, pursuant to 42 U.S.C. §1988 and any other applicable provision(s) of state and federal law, and costs; and,
- g) Award such other and further relief as the Court deems just and proper.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that attorneys **TRACEY C. HINSON** is hereby designated as trial counsel in the above-captioned litigation for the firm of Hinson Snipes, LLP.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff demands a trial by jury as to all issues so triable.

NOTICE OF UTILIZATION OF TIME-UNIT BASIS

PLEASE TAKE NOTICE Plaintiff intends to utilize the time-unit basis for calculating unliquidated damages in Plaintiff's closing statement to the jury and the Court.

HINSON SNIPES, LLP

By: /s/ Tracey Hinson

