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Attorney for Plaintiffs Thomas Calero

and Josephine Calero

**Thomas Calero &
Josephine Calero
Plaintiff(s)**

THE VINEYARD

**Police Officer Emil Jagiello
Township of Woodbridge Police
Department; Township of
Woodbridge; County of Middlesex;
State of New Jersey, John/Jane Doe
(1-100), names being fictitious.**

Defendant(s):

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY**

Docket No. MID-L-000495-14

Civil Action

COMPLAINT AND JURY DEMAND

DESIGNATION OF TRIAL COUNSEL

DEMAND FOR INTERROGATORIES

Plaintiffs, Thomas Calero and Josephine Calero, both residing at 220 New Dover Road,
Woodbridge, New Jersey by way of complaint against the above named defendants does hereby
say:

STATEMENT OF FACTS

1. On or about January 30, 2012, defendant Police Officer Emil Jagiello while on routine patrol stopped at Plaintiff's home located at 220 New Dover Road, New Jersey to issue a parking ticket to Plaintiff, Thomas Calero's vehicle that was allegedly improperly parked in the street with 2 wheels on the curb of Plaintiff's property. After addressing Plaintiff who was in the vicinity of the automobile and issuing a parking summons to Plaintiff, Thomas Calero, Officer Jagiello without due cause charged Plaintiff Thomas Calero, assaulted him, threw him on the

ground and thereafter further assaulted him by striking Plaintiff multiple times about the head and body. Defendant placed Plaintiff Thomas Calero under arrest after the assault.

2. Defendant used not only force but also used excessive force by punching Plaintiff, Thomas Calero about the head and body. The defendant's use of excessive force and/or the manner in which the conducted himself was in violation of the Defendant Woodbridge Police Department's (hereinafter referred to as "Department") policies, practices and/or customs with reference to the use of force.

3. Defendant arrested and filed a criminal complaint against the Plaintiff with the knowledge that the complaint and the charges contained therein were false and further withheld and or hid evidence that was relevant to the matter and should have been provided in the regular course of Police business.

4. At the time of the incident, Plaintiff Josephine Calero, the mother of Plaintiff Thomas Calero was present and witnessed defendant Officer Emil Jagiello assault her son.

5. As a result of the aforementioned physical assault, plaintiff Thomas Calero has suffered physical, neurological, psychological and emotional injuries and Plaintiff Josephine Calero has suffered psychological and emotional issues.

6. Subsequent to plaintiff's release from the custody of the defendants, he obtained medical treatment for his injuries.

7. At the time of the incident, Defendant Emil Jagiello was employed by the Woodbridge Police Department and was acting in the course of his employment and within the scope of his duties at all times referenced herein.

COUNT ONEVIOLATION OF PLAINTIFF'S CIVIL RIGHTS AS PROTECTED UNDER NEW
JERSEY LAW

1. Plaintiffs repeat and re-allege all paragraphs stated in the Statement of Facts and the Complaint herein.

2. Defendants, Officer Emil Jagiello; Township of Woodbridge; Township of Woodbridge Police Department; County of Middlesex; State of New Jersey and John/Jane Doe (1-100), through their actions and/or or omissions, violated the plaintiff's State civil rights, 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 bail; and
- (F) the right to any other natural and unalienable right retained by the people, a protected under the New Jersey Laws and Constitution.

3. As a direct and proximate result of defendants' violation of plaintiff's civil rights, plaintiff was seriously and permanently injured, suffered great humiliation, embarrassment and mental anguish, was prevented from attending to his ordinary routine affairs and has and will in the future be compelled to expend money for medical services in an effort to be treated for his injuries, and has otherwise been damaged.

WHEREFORE, plaintiffs, Thomas Calero and Josephine Calero, demand judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A) Compensatory;
- (B) Punitive;
- (C) Attorney's fees;
- (D) Interest and costs of suit; and
- (E) Any other relief the Court deems proper.

COUNT TWO

VIOLATION OF PLAINTIFF'S CIVIL RIGHTS AS PROTECTED UNDER THE U.S.
CONSTITUTION

1. Plaintiffs repeat and re-allege all paragraphs stated in the Statement of Facts and Count One of the Complaint herein.

2. Defendants, Officer Emil Jagiello; Township of Woodbridge; Township of Woodbridge Police Department; County of Middlesex; State of New Jersey and John/Jane Doe (1-100), through their actions or omissions violated the plaintiff's Civil Rights as protected under 42 U.S.C. 1983 et seq. by:

- (A) denying the plaintiff medical care;
- (B) physically attacking the plaintiff;
- (C) falsely imprisoning the plaintiff;
- (D) Using excessive force; and
- (E) treating the plaintiff in a discriminatory manner.

3. As a direct and proximate result of defendants' violation of plaintiff's civil rights, plaintiff was caused to suffer great pain and suffering, was seriously and permanently injured, suffered great humiliation, embarrassment and mental anguish, was prevented from attending to his ordinary routine affairs, and has and will in the future be compelled to expend money for medical services in an effort to be treated for his injuries, and has otherwise been damaged.

WHEREFORE, plaintiffs, Thomas Calero and Josephine Calero demand judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A) Compensatory;
- (B) Punitive;
- (C) Attorney's fees;
- (D) Interest and costs of suit, and
- (E) Any other relief the Court deems proper.

COUNT THREE

LIABILITY OF CITY AND POLICE FOR ACTIONS OF AND JOHN/JANE DOE (1-20)

1. Plaintiffs repeat and re-allege all paragraphs stated in the Statement of Facts and Counts One and Two of the Complaint herein.

2. On or about the date of the incident, defendants Township of Woodbridge, Township of Woodbridge Police Department were the employers of defendant Police Officer Emil Jagiello and John/Jane Doe (1-20).

3. Defendants, Police Officer Emil Jagiello and John/Jane Doe (1-20) were acting in the course of their employment in connection with the actions as previously alleged, taken against the plaintiff.

4. The Defendants were incompetent, unfit and/or dangerous in connection with the performance of their employment.

5. Defendants Township of Woodbridge and Township of Woodbridge Police Department knew or had reason to know of the incompetence, unfitness and dangerousness of defendants Police Officer Emil Jagiello and John/Jane Doe (1-20).

6. Defendants Township of Woodbridge and Township of Woodbridge Police Department could reasonably have foreseen that the incompetence, unfitness or dangerousness of defendants Police Officer Emil Jagiello and John/Jane Doe (1-20) created a risk of harm to other persons.

7. Defendants Township of Woodbridge and Township of Woodbridge Police Department were negligent in their hiring, retention or training of defendant Police Officer Emil Jagiello and John/Jane Doe (1-20).

8. As a direct and proximate result of defendants Township of Woodbridge and Township of Woodbridge Police Department negligent failure to protect the public, namely the plaintiff, from the foreseeable harm caused by defendants Police Officer Emil Jagiello and John/Jane Doe (1-20), plaintiffs were caused to suffer great pain and suffering, was seriously and permanently injured, suffered great humiliation, embarrassment and mental anguish, was prevented from attending to their ordinary routine affairs, and has and will in the future be compelled to expend money for medical services in an effort to be treated for their injuries, and has otherwise been damaged.

WHEREFORE, plaintiffs, Thomas Calero and Josephine Calero, demand judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A) Compensatory;
- (B) Punitive;
- (C) Attorney's fees;
- (D) Interest and costs of suit; and
- (E) Any other relief the Court deems proper.

COUNT FOUR

**DEFENDANTS CITY OF PERTH AMBOY AND CITY OF PERTH AMBOY
POLICE DEPARTMENT'S POLICIES, CUSTOMS AND/OR
PRACTICES DEMONSTRATED A DELIBERATE INDIFFERENCE WHICH
ULTIMATLEY CAUSED THE HARM SUFFERED BY THE PLAINTIFF**

1. Plaintiff repeats and re-alleges all paragraphs stated in the Statement of Facts and Counts One, Two and Three of the Complaint herein.
2. John/Jane Does (21-100) were policymakers employed by defendants City of Perth Amboy and/or City of Perth Amboy Department or were responsible for the policies adopted by these defendants.
3. Defendants Township of Woodbridge and Township of Woodbridge Police Department and Jane/John Does (21-100) were aware that harm similar to that suffered by the plaintiff had occurred on numerous previous occasions, but failed to respond appropriately.
4. Defendants Township of Woodbridge and Township of Woodbridge Police Department and/or Jane/John Does (21-100) were aware that the risk of harm such as that suffered by the plaintiff was great and obvious.
5. Defendants despite their knowledge of the danger to persons such as the plaintiff

failed to take any action to correct or avoid said danger, but instead demonstrated a deliberate indifference to the danger.

6. As a direct and proximate result of defendants Township of Woodbridge; Township of Woodbridge Police Department and John/Jane Does (21-100) deliberate indifference, from the foreseeable harm caused by defendants Police Officer Emil Jagiello and John/Jane Doe (1-20), plaintiffs were caused to suffer great pain and suffering, was seriously and permanently injured, suffered great humiliation, embarrassment and mental anguish, was prevented from attending to their ordinary routine affairs, and has and will in the future be compelled to expend money for medical services in an effort to be treated for their injuries, and has otherwise been damaged.

WHEREFORE, plaintiffs, Thomas Calero and Josephine Calero demand judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A) Compensatory;
- (B) Punitive;
- (C) Attorney's fees;
- (D) Interest and costs of suit; and
- (E) Any other relief the Court deems proper.

COUNT FIVE

1. Plaintiffs repeat and re-allege all paragraphs stated in the Statement of Facts and Counts One, Two, Three and Four of the Complaint herein.

2. Defendants Township of Woodbridge and Township of Woodbridge Police Department failed to properly screen, train and/or discipline defendants Police Officer Emil Jagiello; and John/Jane Does (1-20).

3. As a direct and proximate result of defendants Township of Woodbridge and Township of Woodbridge Police Department's failure to screen, train and/or discipline defendants Police Officer Emil Jagiello and John/Jane Does (1-20), plaintiffs were caused to suffer great pain and suffering, was seriously and permanently injured, suffered great humiliation, embarrassment and mental anguish, was prevented from attending to their ordinary routine affairs, and has and will in the future be compelled to expend money for medical services in an effort to be treated for their injuries, and has otherwise been damaged.

WHEREFORE, plaintiffs, Thomas Calero and Josephine Calero, demands judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A)Compensatory;
- (B)Punitive;
- (C)Attorney's fees;
- (D)Interest and costs of suit; and
- (E)Any other relief the Court deems proper.

COUNT SIX

1. Plaintiffs repeat and re-allege all paragraphs stated in the Statement of Facts and Counts One, Two, Three, Four and Five of the Complaint herein.
2. Defendants Police Officer Emil Jagiello and John/Jane Does (1-20) negligently used excessive force upon Plaintiff.
3. Defendants Township of Woodbridge and Township of Woodbridge Police Department and John/Jane Does (21-100) are responsible for the actions of the individual defendants named herein as they were acting as their agents, servants and/or employees.

4. As a direct and proximate result of the negligence of the defendants, the plaintiffs were caused to sustain severe and permanent injuries to their body and has and will continue in the future to experience great pain and suffering, as well as having to incur, now and in the future, medical expenses and lost wages. The injuries suffered satisfy the requirement of N.J.S.A. 59:8-1, et seq.

WHEREFORE, plaintiffs, Thomas Calero and Josephine Calero, demand judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A) Compensatory;
- (B) Punitive;
- (C) Attorney's fees;
- (D) Interest and costs of suit; and
- (E) Any other relief the Court deems proper.

COUNT SEVEN

1. Plaintiffs repeat and re-allege all paragraphs stated in the Statement of Facts and Counts One, Two, Three, Four, Five and Six of the Complaint herein.
2. Defendants Police Officer Emil Jagiello did falsely accuse the plaintiff of criminal Charges and Township of Woodbridge and Township of Woodbridge Police Department and Officers John Does (1-100) failed to conduct a proper internal affairs investigation to prevent the charges from going forward.
3. Defendants did this knowing that it would cause the plaintiff to suffer damage both financially as well as to his reputation and character in the community.
4. Plaintiff has suffered said damages.

WHEREFORE, plaintiff, Thomas Calero, demands judgment against all the defendants, individually, jointly, severally and/or in the alternative, for damages, including but not limited to:

- (A) Compensatory;
- (B) Punitive;
- (C) Attorney's fees;
- (D) Interest and costs of suit; and
- (E) Any other relief the Court deems proper.

JURY DEMAND

Plaintiffs, Thomas Calero and Josephine Calero, hereby demand a trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

John Jay Perrone, Esq. is hereby-designated trial counsel for Plaintiffs in connection the within matter

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to R. 4:17-1(b)(i) and (ii), the Plaintiff, hereby demands that the Defendants, provide the attorneys with Certified Answers to Uniform Interrogatories Form C, plus Form C(1) Interrogatories in an Automobile Accident case (or C(2) in a fall down case or Form C(3) in a Medical Malpractice case or C(4) in a Products Liability Case) to be answered within 60 days pursuant to Rule 4:17-1 et seq.

DEMAND FOR PRODUCTION OF DOCUMENTS PURSUANT TO R. 4:18-1(b)

The undersigned, attorney for the Plaintiffs, hereby demand that the Defendants, within thirty-five (35) days after service of this written demand, serve, upon the undersigned the following documents:

1. Any and all video tapes/photographs/digital reproductions of the accident or accident scene or any other matter relevant to this lawsuit.
2. Any and all statements made by any party to this lawsuit, whether written or oral, including their agents, representatives or employees.
3. Any and all statements made by any witnesses to the events described in all of the paragraphs of Plaintiffs Complaint.
4. Any and all statements made by any person including defendant(s) or any eyewitnesses, which relate or refer in any way to the incident described in Plaintiff's Complaint.

5. Any and all written reports rendered by defendant(s) proposed expert witnesses including but not limited to any medical expert witnesses intended or not intended to be called at the time of Trial.

6. Any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations or other published documents referred to any utilized by or relied upon by any expert witness whom defendant(s) intend(s) to call at Trial.

7. Any and all blueprints, charts, diagrams, drawings, graphs, maps, plates, plans, photographs, models or other visual reproductions of any objects, place or thing prepared or utilized by, referred to or relied upon by any expert witnesses whom defendant(s), intend to call at time of Trial.

8. A photo static copy of any photographs or surveys of the scene of the accident or of any objects or persons involved therein whether in the possession of the defendant(s), the defendant(s)' attorneys or the possession of any representatives of the defendant(s)' insurance carriers.

9. A copy of any and all written reports or summaries of oral report, as well as a copy of the curriculum vitae, of any and all experts that have supplied reports to defendant(s)' attorney, whose testimony will be offered at time of Trial.

10. A copy of any and all hospital and medical record regarding any medical treatment received by Plaintiff(s) which is alleged to relate to any injuries sustained as a result of the allegations contained in the Complaint.

DEMAND FOR INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), the undersigned, attorney for the Plaintiffs, hereby demand that the Defendants, within thirty-five (35) days after service of this written demand, serve, upon the undersigned the following documents:

(1) A true and complete copy of all the defendant's liability insurance policy for the premises and/or motor vehicle and/or products involved effective on the date of accident.

DEMAND FOR CLIENT'S STATEMENTS

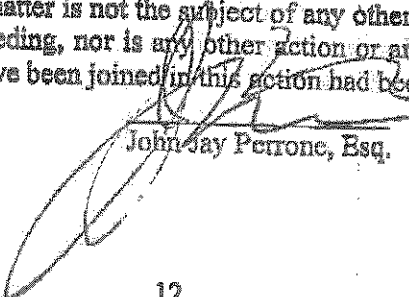
PURSUANT to R. 4:10-2(c) demand is hereby made that you provide me with copies of any statements made by my client(s) in the above-entitled matter.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4, please be advised that John Jay Perrone, Esq., is hereby designated as Trial Counsel on behalf of plaintiffs.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any court or a pending arbitration or proceeding, nor is any other action or arbitration contemplated. All parties known to Plaintiff who have been joined in this action had been joined


John Jay Perrone, Esq.

1/20/2014