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1. This action arises under the Constitution of the United States, particularly the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under the laws of the United States, particularly the Civil Rights Act, 42 U.S.C.A. §§ 1983, 1985, 1986 and 1988.
2. The jurisdiction of this court is invoked under the provisions of 28 U.S.C.A. §§ 1331, 1337, 1367(a) 1343 and 18U.S.C. 1961 – 1968.
3. Jurisdiction of this court for the pendent claims is authorized by F.R.Civ. P 18(a), and arises under the doctrine of pendent jurisdiction as set forth in *United Marine Workers v. Gibbs*, U.S 715 (1966)
4. Venue is placed in this district because it is where all the parties reside and where the event complained of occurred.

PARTIES

5. Plaintiff, Anthony Decree is now and at all times mentioned was, a citizen of the United States of America, and resided at 160 Maplewood Avenue, Township of Maplewood County of Essex and State of New Jersey.
6. Defendant DSW Shoe Warehouse, Inc., hereafter [DSW Shoes] on information and belief is a corporation authorized to do business in the State of New Jersey, which at all times herein relevant owned, operated and was doing business as DSW Shoes at 25 Ronson Road, Iselin , Township of Woodbridge, County of Middlesex, State of New Jersey, United States of America.
7. Defendant, Township of Woodbridge, is a municipal corporation, organized and existing under and by virtue of the Constitution and laws of New Jersey, and is located in Middlesex County, New Jersey.

8. Defendants T. Ratajczak, Badge 593 and R. Aptaker, Badge 414 , are now and at all times mentioned were duly appointed, employed, and acting as police officers of Defendant Township of Woodbridge, County of Middlesex, State of New Jersey and on information and belief were residents of that township and county. Defendants are sued in their individual and official capacities.
9. Defendant Robert J. Huhner, is the duly appointed Director of Police of Defendant Township of Woodbridge, Middle Essex County, State of New Jersey, as Chief Director of the Woodbridge Township Police Department. Defendant is sued individually and in his official capacity.
10. At all times material to this Complaint, Defendants, Officer T. Ratajczak, Officer R. Aptaker, and the Township of Woodbridge acted toward plaintiff under color of the statutes, ordinances, customs, and usage of the State of New Jersey, Township of Woodbridge, New Jersey and the Woodbridge Police Department.
11. At all times herein relevant, the Defendant Edsell Brown was an agent servant or employee of Defendant DSW Warehouse; on information and belief, a corporation authorized to do business in the state of New Jersey.

FACTS

12. On or About May 1, 2014 Plaintiff Decree was lawfully within the DSW Shoes Retail Store at 25 Ronson Road, Iselin, and Woodbridge Township for the intended purpose of shopping for or purchasing one or more pairs of men's shoes for his personal use.
13. At the time plaintiff entered the store he carried in a red shopping bag or tote bag on which was "Century 21" was labeled, and which contained inside the bag two sport jackets and four pairs of driver shoes.

14. The two sport jackets are described as: one grey with white trim and one tan with white stripes
15. The four pairs of driver shoes were described as: one pair of red slip-ons, one pair of yellow shoes, one pair of green shoes, and one pair of orange shoes.
16. The red shoes were called Camp Shoes. The other three shoes were called Penny Drivers. All were previously purchased at the DSW Shoes location in Wayne, New Jersey.
17. The shoes were brought into the store by plaintiff for the purpose of matching outfits.
18. The two jackets were purchased at the K&G store in Wayne, New Jersey.
19. At the time and place aforesaid, there were no signs which indicated that customers were not permitted to enter the store with shopping or tote bags.
20. Plaintiff without request went to the Customer Service counter to inquire if he could check the bag which contained the aforesaid items and was told there was no objection to carrying the bag and contents in and around the store.
21. Plaintiff remained in the store for 35-45 minutes during which time he selected a pair of black and white shoes which he paid for with cash and proceeded to exit the store.
22. Nothing else was purchased by the plaintiff other than the one pair of shoes.
23. At no time did plaintiff place any merchandise within the bag or conceal any merchandise within the bag or leave the store without paying for what was purchased.
24. The only items plaintiff took out of the store were the items contained in the shopping bag which he brought in and nothing else other than the pair of black and white shoes he purchased.

25. As plaintiff walked toward his car he was approached by the Woodbridge Uniformed Police Officer T. Ratajczak who stated "Can I see what's in your bag". Plaintiff responded, "Excuse me, look in the bag and see my receipt".
26. At the same time several steps behind plaintiff and the police officer, Loss Prevention Security officer Brown appeared and was asked by officer Ratajczak: "Was this him?" Brown responded this is him!
27. Two other police officers arrived on the scene and plaintiff was placed under arrest and a searched of his person was conducted and all of his property was seized.
28. Defendant Brown informed the Police that he would respond to the court to sign a formal Criminal Complaint for shoplifting which on information and belief was signed as complaint number W 2014-001083.
29. The search of the person of the plaintiff produced a wire cutting tool which the plaintiff used for cutting the packaging used for funeral floral arrangements which are placed on and about the caskets at the funeral services and/or burials conducted by the plaintiff.
30. As a result the common wire cutters were seized during the search of plaintiff. On May1, 2014 Police Officer T. Ratajczak swore out Criminal Complaint Number W2014 001084 at the Municipal Court of Woodbridge charging plaintiff with Possession of Burglary Tools pursuant to New Jersey Criminal Statute 2C:5-5a.
31. On the 29th of September 2014, Complaint Number W2014 001084 charging Possession of Burglary Tool was dismissed by the Municipal Court of Woodbridge, after a plea of Not Guilty.
32. On the 29th September 2014, Complaint Number W2014001083 charging Shoplifting was dismissed by the Municipal Court of Woodbridge after a plea of Not Guilty.

COUNT ONE

(False Arrest)

33. Plaintiff repeats and re-alleges and incorporates by reference the allegations in paragraphs 1 through 32 above with the same force and effect as if herein set forth at length.
34. At all times relevant herein, the conduct of and Defendants were subject to 42 U.S.C. secs. 1983, 1985, 1986, and 1988.
35. Acting under the color of law, Defendants worked a denial of Decree's rights, privileges or immunities secured by the United States Constitution or Federal law, 2 to wit, 2 Soto v. Flores, 103 F.3d 1056, 1061 (1st Cir. 1997); McNamara v. Honeyman, 400 Mass. 43, 52 (1989):
36. By depriving Decree of his liberty without due process of law, by taking him into custody and holding him there against his will;
37. By making an unreasonable search and seizure of his property without due process of law.
38. By conspiring for the purpose of impending and hindering the due course of justice, with intent to deny Decree equal protection of law.
39. Defendants Robert J. Huhner and John Doe 1-X by refusing or neglecting to prevent such deprivation and denials to plaintiff, thereby depriving plaintiff of his right, privileges, and immunities as guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States.
40. At no time, either on the street or at any later time and place, did Decree attempt to resist arrest or offer violence to the Police Officers.

41. Defendant Officer Ratajczak swore out and signed the Complaint against plaintiff, alleging that Decree maliciously possessed burglary tools wire cutters for an unlawful purpose.
42. On information and belief in the afternoon, Decree was taken in handcuffs and foot shackles to the Hospital and then to the Middlesex County Jail.
43. Around 3 o'clock Decree was charged as set out in paragraph 41 above, but was unable to post a \$20,000.00 cash bond which plaintiff did not have the financial ability to post.
44. On information and belief after midnight on May 1, 2014 plaintiff, handcuffed to other detainees, was transported from the Woodbridge Municipal Court to the Middlesex County Jail, put into a holding area with other detainees, searched, given prison garb and remained in jail until he was bailed out by a friend on or about May 17, 2014.
45. On information and belief Decree was required to appear in Woodbridge Municipal Court seven (7) more times.
46. There was no warrant for the arrest of plaintiff on 1 May 2014 by Officer Ratajczak and Officer Aptaker. The arrest was without reasonable grounds for said Defendants to believe Decree has committed an offense and Defendants knew they were without probable cause to arrest Decree.
47. No Complaint, information, or indictment was ever sworn against Decree alleging offenses occurring prior to the moment Defendant Ratajczak handcuffed Decree and told him he was under arrest.
48. As a result of their concerted unlawful and malicious arrest by Defendants Officer Ratajczak and Officer Aptaker, Defendant DSW Shoes and Edsell Brown, Decree was deprived of both his liberty without due process of law and his right to equal protection

of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. Sec. 1983.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT TWO

(Conscious Indifference)

49. Plaintiff repeats and re-alleges and incorporates by reference the allegations in paragraphs 1 through 48 above with the same force and effect as if herein set forth at length.
50. At all times relevant herein, (a) the Defendants acted with the intention of confining Plaintiff within fixed boundaries, (b) the act directly or indirectly resulted in confinement, and (c) Decree was conscious of the confinement.
51. Defendants Officer Ratajczak and Officer R. Aptaker imposed by force or threats an unlawful restraint upon his freedom of movement, to wit by arresting and handcuffing his hands behind his back, transporting him to the police station where he was detained in a locked cell.
52. As a direct and proximate result of the conduct of the Defendants, Decree suffered harm and damages including but not limited to the aforesaid damages.
53. Defendants, Township of Woodbridge, Director Huhner, officer Ratajczak, officer Aptaker and Edsell Brown are liable under the doctrine of respondent superior.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT THREE

(Conspiracy)

54. Plaintiff repeats and re-alleges and incorporates by reference the allegations in paragraphs 1 through 53 above with the same force and effect as if herein set forth at length.
55. As a result of their concerted unlawful and malicious conspiracy of Defendants DSW Shoes, Edsell Brown, the Township of Woodbridge, Officer Ratajczak, Officer Aptaker, Director Huhner, Plaintiff was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. sec. 1983 and 1985.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT FOUR

(Intentional Infliction of Emotional Distress)

56. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 55 as if same were fully set forth herein at length.
57. Defendants herein intentionally assaulted, battered, handcuffed and verbally abused plaintiff without just cause. Said acts and others described in this Complaint, were extreme outrageous and shocking to the conscience.
58. As a direct and proximate result of the acts alleged herein, plaintiff was caused and will continue in the future to experience pain and suffering and permanent physical, mental and emotional injury. Furthermore, as a result of said acts by defendants, plaintiff has incurred and will continue to incur significant medical expenses.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT FIVE

(Negligent Training and Supervision)

59. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 58 as if same were fully set forth at length herein.
60. Defendants, Township of Woodbridge and Woodbridge Police Department, directly and through its various departments, employees and agents were responsible for the hiring, training, supervision, retention and conduct of all defendants herein.
61. Defendants, Township of Woodbridge and Woodbridge Police Department failed to exercise due care in the hiring and retention of police officers or other employees,

representatives or agents named or described herein, and failed to properly and adequately train, supervise, or retrain said defendants.

62. As a direct and proximate result of the aforementioned negligent, gross negligent and/or reckless hiring training, supervision and retention, the plaintiff was maliciously assaulted and battered about the face and body; permanently and severely injured; incurred/incurs pain and suffering; prevented from attending to necessary business affairs.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT SIX

(Failure to Intervene)

63. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraph 1 through 62 with the same force and effect as if fully forth herein.
64. Defendants had an affirmative duty to intervene on behalf of plaintiff whose constitutional rights were being violated in the presence of other officers.
65. The defendants failed to intervene to prevent the unlawful conduct described herein.
66. As a result of the foregoing, plaintiff's liberty was restricted for an extended period of time, he was put in fear of this safety, and was humiliated and subjected to violations of his state and federal rights.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of

\$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT SEVEN

(Municipal Liability)

67. Plaintiff incorporates by reference the allegations contained in paragraph 1 through 66 if same were fully set forth herein.
68. Defendants, collectively and individually, while acting under color of state law, engaged in conduct that contained a custom, usage, practice, procedure or rule of the respective municipality/authority which is forbidden by the Constitution of the United States.
69. The aforementioned customs, policies usages, practices, procedures and rules of the Township and Police Department included, but were not limited to, assaulting and battering individuals suspected of crimes, without due process. In addition, the Township and Police Department engaged in a policy, custom or practice of inadequate screening, hiring, retaining, training, retraining and supervising its employees, which was the moving force behind the violation of plaintiff rights as described herein. As a result of the failure of the Township and Police Department to properly recruit, screen, train, discipline, and supervise its officers, including the individual defendants, defendants have tacitly authorized, ratified, and has been deliberately indifferent to, the acts and conduct complained of herein.
70. The foregoing customs, policies, usages, practices, procedures and rules of the defendants constituted deliberate indifference to the safety, well-being and constitutional rights of

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plaintiff and were the direct and proximate cause and the moving force of the constitutional violation suffered by plaintiff as alleged herein.

71. Defendants, collectively and individually were directly and actively involved in violating plaintiff's constitutional rights.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT EIGHT

(Respondent Superior)

72. Plaintiff repeats and re-alleges and incorporates by reference the allegations in paragraphs 1 through 71 above with the same force and effect as if herein set forth.
73. At all times relevant to this Complaint, Defendants Officer T. Ratajczak and Officer R. Aptaker as police officers of the Township of Woodbridge were acting under the direction and control of Defendant Police Director Huhner, John Does, and Defendant Township of Woodbridge.
74. Acting under color of law and pursuant to official policy or custom, Defendant Police Director Huhner, John Does, and the Township of Woodbridge knowingly, recklessly, or with gross negligence failed to instruct, supervise, control, and discipline on a continuing basis Defendant police officers in their duties to refrain from:
- (a) Unlawfully and maliciously harassing a citizen who was acting in accordance with his constitutional and statutory rights, privileges, and immunities,

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- (b) Unlawfully and maliciously arresting, imprisoning and prosecuting a citizen who was acting in accordance with his constitutional and statutory rights, privileges, and immunities,
- (c) conspiring to violate the rights, privileges, and immunities guaranteed to Plaintiff by the Constitution and laws of the United States and the laws of the State of New Jersey; and
- (d) Otherwise depriving Plaintiff of his constitutional and statutory rights, privileges, and immunities.

75. Defendants Director Huhner, John Does and the Township of Woodbridge had knowledge or, had they diligently exercised their duties to instruct, supervise, control, and discipline on a continuing basis, should have had knowledge that the wrongs conspired to be done, as heretofore alleged, were about to be committed. Defendants, Director Huhner and John Does and the Township of Woodbridge had the power to prevent or aid in preventing the commission of said wrongs; could have done so by reasonable diligence, and knowingly, recklessly, or with gross negligence failed or refused to do so.
76. Defendants, Director Huhner, John Does, and the Township of Woodbridge directly or indirectly, under color of law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendant police officers heretofore described.
77. As a direct and proximate cause of the negligent and intentional acts of Defendants, Director Huhner, John Does and the Township of Woodbridge as set forth in paragraphs 1 through 76 above, Plaintiff suffered physical injury, loss of income, and severe mental anguish in connection with the deprivation of his constitutional and statutory rights guaranteed by the Fifth and Fourteenth Amendments of the Constitution of the United States and protected by 42 U.S.C. § 1983.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

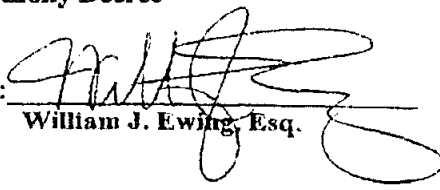
COUNT NINE

(Attorney's Fees)

78. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 81 as if same were fully set forth herein.
79. Plaintiff alleges that the facts set forth herein above support a cause of action to enforce 42 U.S.C. § 1983, et seq., and as such plaintiff is entitled to attorney fees from defendants pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally for actual, general, special, compensatory damages in the amount of \$750,000.00 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in the amount of \$250,000.00, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

**WILLIAM J. EWING, PC.
Attorneys for Plaintiff
Anthony Decree**

By: 

William J. Ewing, Esq.

Dated: March 28, 2016

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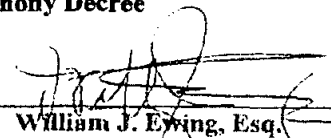
JURY DEMAND

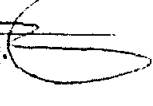
Plaintiff, hereby demands a trial by jury on all issues so triable.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned attorney for the plaintiff hereby certifies that the matter in controversy is not the subject of any other action pending in any other court nor is the matter pending arbitration or administrative proceeding.

**WILLIAM J. EWING, PC.
Attorneys for Plaintiff
Anthony Decree**

By: 

William J. Ewing, Esq. 

Dated: March 28, 2016