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ATTORNEYS FOR: CLARK DEMETRO,
AMERICAN ROMANI CIVIL RIGHTS GROUP,
AND CLARK & SONS CONSTRUCTION, LLC,
PLAINTIFFS

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

CLARK DEMETRO,
UNION COUNTY, NEW JERSEY
and
CLARK & SONS CONSTRUCTION, LLC.
UNION COUNTY, NEW JERSEY

Plaintiff,
v.

CIVIL ACTION NO.
2:14-CV-06521-KM-SCM

CIVIL RIGHTS COMPLAINT
AND JURY DEMAND

NATIONAL ASSOCIATION OF BUNCO
INVESTIGATIONS,
BALTIMORE COUNTY, MARYLAND
and
ROBERT POCHER, individual capacity
MIDDLESEX COUNTY, NEW JERSEY
and
TOWNSHIP OF WOODBRIDGE, NEW JERSEY
and
JOHN DOE, JOHN DOE BEING A
FICTITIOUS NAME REPRESENTING
ONE OR MORE PERSONS
Defendants.

A. JURISDICTION, VENUE

1. This Court has subject matter jurisdiction under 28 U.S.C. §1331 for the claims that arose out of federal law and/or the federal constitution. This Court has subject matter jurisdiction under 28 U.S.C. §1367 for the state law claims, because they "arose from the same common nucleus of operative of facts" as the federal claims.

2. Venue is properly laid under 28 U.S.C. § 1391(b)(2) as a substantial amount of the complained of events occurred within this judicial district and/or caused harm within this judicial district.

B. PARTIES

FIRST PLAINTIFF

1. Plaintiff, Clark Demetro ("**Demetro**") is a citizen of the State of New Jersey, with an address in Union County, New Jersey.

SECOND PLAINTIFF

1. Plaintiff, Clark & Sons, Construction ("Clark & Sons"), is a limited liability company formed in the State of New Jersey with an address in the State of New Jersey and the County of Union County.

2. Clark & Sons is owned by Demetro.

3. Clark & Sons is registered with the Attorney General pursuant to New Jersey's Home Improvement Contractor's Registration Act, NJSA 56:8-136 and has a registration number of 13VH07810100.

FIRST DEFENDANT

1. The National Association of Bunco Investigation ("NABI") is a 501(c)(3) organization, with an address of P.O. Box 287, Maryland Line, Maryland 21105.

SECOND DEFENDANT

1. Robert Pochek ("Pochek") is a police officer and member of Defendant NABI. Pochek is a resident of the State of New Jersey.

THIRD DEFENDANT

1. Defendant Township of Woodbridge, hereinafter "Township of Woodbridge" is a New Jersey municipal corporation and is the legal entity responsible for itself and for the Woodbridge Police Department. This Defendant is also the employer of the individual Defendant, Robert Pochek, and maintains the database from which Defendants Pochek, NABI and John Does obtained confidential information regarding Demetro and other "Gypsies" profiled on NABI, is a proper entity to be sued under both N.J.S.A. 10:6-1(c) (NJCRJ) and N.J.S.A. 10:5-1 et seq. (NJLAD).

FOURTH DEFENDANT

1. John Doe is a fictitious name representing the individual members of NABI who committed the acts or omissions alleged in this Complaint, but whose names are not known to the Plaintiffs.

A. NATURE OF ACTION

1. This is an action for an award of damages, declaratory and injunctive relief, attorney's fees and other relief on behalf of Plaintiffs, Clark Demetro ("Plaintiff" or "Demetro") and Clark & Sons against certain police officers and the National Association of Bunco Investigations ("NABI").

2. This action is brought pursuant to the Federal Civil Rights Statute, 42 U.S.C. § 1983, 1985, the New Jersey Civil Rights Act, N.J.S.A. 10:5-1(c), the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, the Search and Seizure Clauses of the United States and New Jersey Constitutions, U.S. Const. amend. IV, applicable via U.S. Const. Amend. XIV; N.J. Const. art. I, § 7, the Equal Protection Clauses and Due Process Clauses of the United States and New Jersey Constitutions, U.S. Const. amend. XIV; N.J. Const. art. I, § 1, and the following state law causes of action: defamation and commercial disparagement.

3. This gravamen of this Complaint is the unconstitutional discrimination against persons of Romani ethnicity, specific to this Complaint Clark Demetro, based on the teachings of the

National Association of Bunco Investigation ("NABI"). NABI is an association of national law enforcement personnel who train and otherwise perpetuate the dogma of "selective profiling" of "Gypsies", because according to NABI,

(a) *"Romani citizens [or "Gypsies"] are a modern day take on notorious gypsies of old. They'll [steal your] checkbooks, jewelry...anything that they think they can convert to money."* A true and correct copy of , NABI's Article, entitled, "Self-Proclaimed 'Gypsies' Bilking Tucsonans", by Som Lisaius, is attached as Exhibit 1.

(b) [Officer Sgro, a member of NABI's Board and a Philadelphia police officer] "reported that [*"Gypsies"*] are not merely 'banjo playing buffoons' but are people raised from a young age believing that it is their God-given mission in life to cheat the rest of us...[T]hey are inbred, loaded with money, constantly move, frequently jump bail, attempt to bribe their way out of jail (sometimes with phony bonds) and are involved in far more crimes than the mafia." A true and correct copy of 10/9/2008 article, "Review of Officer Louis Sgro's speech on Fortune Telling and the Law", Eric Kreig, 1/13/2009 is attached as Exhibit 2.

(c) *"Ignorance is the Gypsies' weapon against the outside world."* A true and correct copy of the 1/13/2009 NABI article is attached as Exhibit 3.

FACTS COMMON TO ALL COUNTS

ROMANIS/GYPSIES

1. Romanis are recognized as a distinct ethnic population of Asian origin; throughout history and in numerous countries, including the US, they have suffered discrimination based on assumed connection between criminality and their race/national origin (hereinafter referred to as "race").¹

FN1: Unless otherwise stated, the term "Romani" and "Gypsy" are used interchangeably in this Complaint.

2. Historically, this racial targeting has been effected by state actors of the country inflicting the discrimination.²

FN2: Marinescu v. Attorney General of U.S., 2008 WL 2529713, *3 (C.A.3) ("The Judge found that 95% of Roma in Romania live in an "overt fear of violence," and that "substantial" discrimination exists in education, housing, medical care, employment and social services."); European Convention on Human Rights. D.H. and Others v. Czech Republic, 57325/00, Council of Europe: European Court of Human Rights, 7 February 2006, available at: <http://www.unhcr.org/refworld/docid/469e020e2.html> (recognizing Romani children as belonging to a specific race and permitting discrimination claim by Romani children who were not permitted to attend school); Sinti & Roma, United States Holocaust Memorial Museum, Victims of the Nazis (the Nazis performed cruel and unusual experiments on Romani and their children in an attempt to determine the link between heredity and criminality, based on the perception that all Gypsies were criminals).

3. Romani are referred to as "Gypsies" by the relevant law enforcement and National Association of Bunco Investigation ("NABI").

4. "Gypsy" is not a sub-class of Romani nor does it refer to an internal criminal organization with the Romani people (it is not the same as distinguishing between Mafia and a specific ethnic group-Irish, Russian, Italia).³

FN3: See e.g., Oxford English Dictionary (defining "Romany" as "gipsy" and "gipsy" as "member of a wandering race (by themselves called Romani) of Hindu origin"), pg. 794, 1750; Webster's New World Dictionary, (same), pgs. 648, 1750.

5. The terms "Romani" and "Gypsy" refer to the same class of people, but the former is the politically correct term and the latter is simply the derogatory epithet.

FN4: Same is confirmed by a leading expert, Professor Ian Hancock. Hancock is a distinguished expert on the Romani people. An excerpt of his world renowned experience is as follows: "The Honorable Ian F. Hancock is the Representative to the UN (ECC-SOC/NGO Category II) and to UNICEF for the Romani people, and was appointed by President Bill Clinton to represent Roma on the U.S. Holocaust Memorial Council in 1997. He also is a North American member of the Vienna-based

International Romani Parliament..."

NABI

6. NABI is an organization, comprised mainly of law enforcement members, who work in concert to operate as a "Gypsy Task Force".

7. NABI was created in 1984 and its purpose is

- (a) To educate law enforcement (regular members) as well as non-law enforcement (associate members) on Gypsies, who NABI alleges commit specific types of crimes; and,
- (b) To share and to enhance communication between law enforcement agencies by distributing [state] information on Gypsies.

True and correct copies of NABI's Articles of Association, NABI ABOUT US Page, NABI's Home Page, and NABI'S Membership Form are attached as Exhibits 4, 5 and 6.

MEMBERS AND SHARING OF STATE INFORMATION

8. NABI's membership is geared towards law enforcement personnel, including police officers and prosecutors. E.g., Ex. 6.

9. NABI has two classes of memberships: (1) Regular Members and (2) Associate Members.

10. Regular Membership is restricted to individuals who are employed in law enforcement. Only regular members have full access to the NABI website and database.

11. Associate Membership is open to all persons and membership does not require a position in law enforcement. Associate members access is restricted (relevant to regular members' access) and generally does not include access to the full database on individual "Gypsies". Ex. 2.

12. Over eight hundred (800) members of NABI are in law enforcement, Ex. 4, and include many law enforcement officers from New Jersey.

13. NABI specifically recruits law enforcement officers to join as members:

"If you would like to join and you are a sworn law enforcement officer, work for an agency which directly supports law enforcement, or are in a support capacity in a law enforcement agency or other entity, you may be eligible for membership." Ex. 6.

14. Since 1984, NABI has encouraged law enforcement officers to "share" information on "Gypsies". Exs. 4, 6.

15. NABI intentionally "shares" information, without any independent verification of the veracity of the information, on its target group, same being "Gypsies", to allegedly further its' purpose, to train, educate and better enable its law enforcement members to identify, target, capture and prosecute "Gypsies" but in reality to advance its agenda of illegally profiling and targeting persons of Romani descent.

16. NABI law enforcement members share their version of information on Gypsy "criminals" by submitting postings on Gypsies to the NABI website as well as other, more traditional communication means.

17. Much of the information law enforcement members share is state information, some of which is extremely confidential, such as individual's social security numbers and identifiers such as their F.B.I. identification numbers. True and correct copies of excerpts from April 2, 2002, the March 30, 2012, NABI bulletin and the 2014 NABI Logs ARE attached as Exhibit 7, 8 and 9.

18. This state information is shared through, *inter alia*,
(a) Training seminars for law enforcement and the general public;
(b) Publication of a bi-monthly bulletin;
(c) Distribution of a weekly intelligence log;
(d) Printing descriptions of current [Gypsy] crimes;
and,
(e) Maintaining a database of suspects, all or substantially all of whom are "Gypsies" or persons of Romani ethnicity.

19. NABI would not be able to "share" information to the degree it does if its members didn't utilize their access to State resources to obtain confidential and personal data on the

"Gypsies" listed in NABI's "Gypsy" Gallery, such as their social security numbers.

NABI'S OFFICERS AND BOARD OF DIRECTORS

20. Every NABI Officer and every member of NABI's Board of Directors, Directors Emeritus, Board of Advisors and NABI's Webmaster is a police officer or comparable law enforcement agent and none are non-law enforcement. A true and correct copy of NABI's "Board of Directors" page is attached as Exhibit 10.

21. Defendant Robert Pochek is a member of NABI's Board of Directors. Ex. 10.

22. Louis Sgro is a member of NABI's Directors Emeritus. Ex. 10.

NABI'S INFORMATION SHARING MEDIUMS

23. NABI trains and educates its law-enforcement members through training seminars and through print mediums, including its web-site's,

- (a) "Gypsy" Gallery;
- (b) "Gypsy" Bulletins;
- (c) "Gypsy" News;
- (d) "Gypsy" Logs (sent via weekly emails and available online);
- (e) "Gypsy" Crime and Scam Descriptions.

NABI TRAINING SEMINARS AND ARTICLES

24. NABI, holds annual, regional training seminars for law enforcement agencies and officers that focus on preventing and prosecuting "Gypsy" crime through ethnic profiling and targeting of Romani persons.

- (a) "No one here was kidding themselves, they were on a generic mission. Their main target was [Gypsies]..."

A true and correct copy of the article, Gypsies: the Usual Suspects, Hector Becerra (reposted from the LA Times recap of a NABI training seminar) is attached as Exhibit 11, pg. 1 "By definition Gypsy crime detectives engage in profiling..." Ex. 11, pg. 2.

25. Through its training seminars and programs, NABI advances its program of profiling and targeting Romani citizens. NABI's training seminars are:

"[t]ypically 1-2 day sessions, these regional seminars are requested by agencies that may sponsor and/or host the seminars. Sponsoring agencies have included attorneys general offices, state training academies, law enforcement agencies at all levels." Ex. 6.

"GYPSY" GALLERIES AND OTHER PRINT MEDIUMS

26. Each page of the "Gypsy" Gallery has approximately four (4) color photos of different individuals.

27. Below each photo is the individual's,

- (a) Name;
- (b) Social security number and FBI number;
- (c) Date of birth,
- (d) Last known address/proximate location and
- (e) Informative paragraph describing (through the 'colored' language of the submitter and NABI) the crimes the individual has [allegedly] committed. Exs. 7, 8 and 9.

28. In any given year, there are hundreds of individuals listed in the "Gypsy" Gallery. Each year, almost all of these individuals are Gypsies. Many of the postings include confidential information available to the contributing law enforcement officer only by virtue of his official capacity as a law enforcement officer.

29. The source of the identification data on the "Gallery Gypsies" is NABI's law enforcement members who, as stated above, are encouraged to share data obtained in the course of the performance of their official State sanctioned activities for the purposes stated in Paragraph 4. Ex. 8, (submitted by Officer Robert Pochek, Woodbridge, New Jersey), and see NABI, Regional Information Sharing System, pg 2.

30. "Gypsy" News contains articles and updates for law enforcement members with information and summaries from past seminars. It also contains "law enforcement only training". NABI, Regional Information Sharing System, at id. which is nothing more than thinly veiled information intended to promote ethnic profiling and targeting of Romani persons by law enforcement officers.

31. "Gypsy" Logs, sent via email, are sent to NABI's law enforcement members on a weekly basis. Exhibit 9 is an example of a Gypsy Log.

NABI SURVEILLANCE

32. NABI law-enforcement members regularly conduct "Gypsy" surveillance and research including,

- (a) Constructing detailed family histories and family trees on their local "Gypsies"; and,
- (b) Staking out "Gypsy" weddings.

33. NABI law-enforcement members stake out "Gypsy" weddings to gather data. They take countless photos and list the make, model and license plate of the vehicles driven by each "Gypsy" at the wedding. A true and correct copy of a NABI Logs dated July 24, 2014, "Intel (Gypsy King's Son to Marry)" and 2002 NABI "Gypsy" wedding report are attached as Exhibit 13A, 13B.

34. NABI intends the full, detailed information on each "Gypsy" identified on the cite as well as the information on how to identify potential "Gypsy" crimes, to be used to by law enforcement members, including police officers and prosecutors, in the investigation of crimes in their relative jurisdiction and to target or profile Romani persons.

35. NABI further intends for the areas accessible to associate members, such as those detailing crimes regularly committed by "Gypsies" to be used by citizens in reporting potential crimes.

36. Once information is posted on a "Gypsy" on NABI, it is always accessible on the restricted web-site and can be specifically searched by Regular Members (i.e. police officers).

37. Information is often updated when a prospective "Gypsy" is convicted or arrested but rarely if at all when a Gypsy is acquitted or otherwise has had the action terminate in their favor. As a result the information can be inaccurate or misrepresentative of the person's actual background resulting in additional profiling and discrimination.

CONSTRUCTION-WORKER-GYPSIES PRESUMED TO BE BURGLARS ON NABI

38. NABI, by and through its members, teaches that there is a reasonable belief that criminal "Gypsy" activity is a-foot when,

(a) a Gypsy is present, and, (b) said Gypsy is engaging in certain kinds of legal business related activities.

39. NABI's publication entitled, "Self-Proclaimed "Gypsies" Bilking Tucsonans, explained that a "Gypsy" who is dressed in maintenance or construction worker's clothes or who inquires if a neighbor is selling a car is actually using the business conduct as a front to "case" residential homes. Ex. 1, pg. 1.

40. The above article continued to explain that police believe that all "Romani" or "Gypsies" are criminals; "[t]hey'll [steal your] checkbook, jewelry...anything...". Id.

41. An Orange County Sherriff's Office Intelligence Bulletin published a similar statement.

42. The Intelligence Bulletin offered tips on identifying early stages (planning/casing) of "Gypsy" burglaries by the presence of a Gypsy and one of the following vehicles:

- (a) American-made construction vehicle (i.e. Ford, Chevy, Dodge Ram, International and Sterling); or
- (b) Mobile homes (usually manufactured by Franklin, Executive Deram, Lancaster or Heritage), especially if it has a "For-Sale" sign or lacks tags; or,
- (c) New (1-2 years old) or good-condition pick-up trucks (spotlessly clean/armored tires); or,
- (d) Vehicles with magnetic signs depicting the business name and phone number;

A true and correct copy of the "Intelligence Bulletin", Orange County Sherriff's Office, is attached as Exhibit 11, pg. 1, 2.

43. Officer Louis Sgro, a member of the NABI's Emiratus Board, was the author of the 2002 post submitted to NABI for re-publication alleging Demetro had a record for assaulting police officers and domestic violence (see Defamation Claim, Count 4) and assisted Officer Morganhan from the Cherry Hill Police Department in investigations targeting Demetro in the early 2000's, made the following

statements regarding "Gypsies",

(a) "Mr. Kreig, I appreciate that you would like to remain open minded on the issue of Gypsies. As a former police detective in [Philadelphia] and an Insurance Fraud investigator for the past several years, I passed that stage years ago. The Gypsy people believe it is the[ir] divine right to commit...property crimes against the 'Gadjo'. (Any non-Gypsie)." Ex. 2.

(b) "Let me put it this way: I see a fancy egg on the front lawn. I'm not going to discount the Tooth Fairy or Santa Clause, [b]ut chances are, it's the Easter Bunny." Ex. 11, pg. 5.

CLARK DEMETRO

44. Demetro owns a registered home improvement company, Clark & Sons Construction, and has been in the industries of automobile repair and home improvement since the 1990's.

45. Demetro is an ethnic Romani. Romani are identified as a distinct ethnic group and having a national origin of India.

46. Demetro, by virtue of his physical appearance and surname, is readily identified as Romani by other Romani, the police and NABI. Ex. 11, pg. 2.

47. Further, since on or before 2002, the NABI and law enforcement were aware that Demetro was of Romani decent:

(a) On or before September 28, 2002, Demetro had informed officer William Monaghan, who worked with Defendant Sgro during that time period, that he was of Romani decent.

(b) On or before March of 2001 NABI had profiled Demetro in a bulletin.

48. Since at least 2002, and continuing through until 2014, NABI, by and through its law enforcement members, has,

(a) Accessed state information, including confidential information, such as Demetro's social security number and FBI Identification Number, and listed same on the NABI website below Demetro's photograph. Exs. 7, 8 and 9, (see infra, Count 1-5).

(b) Falsely labeled Demetro as a "Gypsy" criminal, who uses his construction business to commit fraud and who has a propensity to assault police officers and women. (see *infra*, Count 1-2)

DEMETRO'S DETENTIONS, ARRESTS AND PROSECUTIONS

49. Police officers, primarily in the State of New Jersey, have targeted Demetro based on the false perception, taught by NABI, that "Gypsies" are inherently criminal.

50. In 1994, Demetro was detained and questioned by the Cherry Hill Police after he inquired about a vehicle outside his neighbor's home (he had asked whether it was for sale or whether they needed a mechanic as it had been parked and inoperable for weeks).

51. The Incident Report cited him for Harassment based on the above; he was never indicted or prosecuted as his conduct was not illegal.

52. In 1994, Demetro was detained and questioned after he had a verbal argument with a superintendent who was attempting to self-evict Demetro in lieu of the legal notice requirement and the hearing process required by state statute.

53. The Cherry Hill Police Department cited him for Harassment based on the above; he was never indicted or prosecuted as his conduct was not illegal.

54. In or around 1996, Demetro was arrested for Stalking and Harassment by the Evesham Township police.

55. Demetro was found not-guilty and acquitted of both charges on or about September 12, 1996.

56. Demetro was arrested and prosecuted for Theft of Services on or about September 19, 1996.

57. The charge of Theft of Services was dismissed on or about February 10, 1997.

58. Demetro was gambling in Atlantic City in or around December 13, 1998; he unknowingly gave a counterfeit \$100.00 bill at a casino and was arrested based simply on the act of having said bill in his possession for (a) Theft by Deception and (b) Forged Writing.

59. The charge of Forged Writing was dismissed on or about February 28, 2000.

60. In or around 1998 or 1999, a surveillance camera caught the following incident on camera: Several, plain-clothed (no uniform/badge), off-duty police officers in Hillsborough County, Florida, were assaulting a third-party. Demetro came to the rescue of the third-party, who it seemed was being attacked by multiple men. The police never identified themselves to Demetro, but arrested him and caused him to be prosecuted for, (a) Opposing an Officer with Violence, (b) Battery on Law Enforcement Officer (2 counts).

61. The jury found Demetro not guilty of all charges after watching the above referenced video.

62. In or about 2002, Demetro was residing in a house in Cherry Hill; the mortgage was under an alias' name of his brother, Tony Gold.

63. In or around 2002, Demetro was using a Mercedes; the loan was under an alias' name of his brother, Tony Gold.

64. Demetro paid the mortgage and the loan, but the titles were under Tony Gold's name as he had better credit.

65. Cherry Hill Police Department arrested Demetro for (a) Forgery, (b) Falsifying Records (2 counts), (c) Theft by Deception, (d) Wrongful Impersonation, (e) Falsifying Financial Statements and (f) False Swearing.

66. On July 2, 2004, the above action terminated in his favor for all of the above except for Forgery and Falsifying Records.

67. Demetro was induced into accepting a guilty plea for the two counts when law enforcement threatened to charge his long-term girlfriend, Ms. Cooper, with perjury.

68. Ms. Cooper was a paralegal and had testified before the grand-jury that the individual on the mortgage and Demetro were in fact two real, but different people.

69. The issue stemmed from the fact that the two individuals, Demetro and the person on the mortgage and car loan, looked very similar and had been identified as the same person by local records people. A true and correct copy of a photo of Demtro and

Tony Gold is attached as Exhibit 14.

70. On June 15, 2005, Demetro was charged by the Cherry Hill Police Department, (Officer Morganhan) with the following crimes, (1) Forgery (2 Counts), (2) Tampering with Public Records (2) Counts, (3) Official Misconduct, (4) Liability for Another, Bribery, (5) Conspiracy, Bribery.

71. All charges terminated in Demetro's favor on or before October 30, 2007.

72. The charges stemmed out of incidents where Demetro had accompanied several individuals to the DMV in order to assist them in filling out paperwork.

73. These individuals weren't well known to Demetro, but they were of Romani decent and he therefore offered to assist them as they couldn't read.

74. On June 2, 2011, Demetro's neighbor called 911.

75. Demetro was charged and prosecuted (despite the fact that his neighbor and not himself had called 911) for (a) Falsely Calling 911, (b) Simple Assault and (c) Harassment.

76. On September 19, 2011, the action terminated in Demetro's favor as all counts were dismissed for lack of probable cause.

77. Demetro has recently been arrested for failing to place his registration number on a home improvement contract and for including a liquidated damages clause.

78. It is anticipated that these actions will terminate in his favor in the near or immediate future.

79. Based upon the false perception and that Demetro has been charged with in or around twenty-six (26) crimes since 1998. In all but three (3), the case has terminated in Demetro's favor. The facts of the incidents are set forth above:

COUNT ONE, DEFAMATION

(DEMETRO V. NABI, POCHKEK AND JOHN DOE)

1. Plaintiff incorporates the above paragraphs as if stated forth in full.

2. The following statement was made by Defendant Pochek on or about May 22, 2014,

"[Clark Demetro] uses his home improvement company, Clark & Son Construction, to scam victims into paying for work that is never performed." Ex. 9.

3. Below this statement was a photograph of Demetro and Clark & Sons' business card and Demetro's social security number.

4. Pochek submitted this statement to NABI.

5. On or about the same date, NABI printed the above statements on their Logs section, which is available on NABI'S website and emailed to law enforcement members on a weekly basis.

6. The statement that Demetro, uses his home improvement company, Clark & Son Construction, to scam victims into paying for work that is never performed, is false as neither Demetro nor the company has "scammed" victims into paying for work and thereafter never performing.

7. A statement asserting that a business is routinely used to perpetrate "scams" and that the contracted home repairs are "never performed" calls into question the quality of services performed by Clark & Sons and same is done to inflict pecuniary harm and stop or detract from business.

8. Defendants communicated the above statement intentionally, negligently or recklessly as:

(a) Neither had factual support for the accusation that Demetro uses his business to perpetrate crimes, such as fraud;

(b) Demetro does not have any convictions, guilty pleas or nolo contendere pleas for any home improvement fraud or any fraud related to his business ;

(c) The term "uses" clearly communicates that Demetro perpetrates home improvement frauds through his business on an ongoing basis, per above. same is not accurate;

(d) Both had access to state information and used same when obtaining information on Demetro, such as his social

security number, but failed to check or accurately report the lack of a criminal record, for the type of crimes they alleged Demetro commits;

- (e) The Defendants selectively target "Gypsies" via this organization and its website, which is itself in violation of the Equal Protection Clauses of the NJ and US Constitutions, but the constitutional violations are certainly exacerbated when the submitting officer and reporting NABI do not even ensure that truthful information is being provided for their Gypsy task force mission.

9. The above statement clearly harmful to plaintiff, because it alleges that he has committed criminal activity and further that he does so through the use of his business.

WHEREFORE, Plaintiff, Demetro, request relief against Defendants as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro.
- D. Attorneys' Fees; and,
- E. Any and all other relief the Court deems necessary or proper.

COUNT TWO, COMMERCIAL DISPARAGEMENT

(CLARK AND SONS V. NABI, POCHEK AND JOHN DOE)

1. Plaintiff incorporates the above paragraphs as if stated forth in full.
2. The following statement was made by Defendant Pochek on or about May 22, 2014,

"[Clark Demetro] uses his home improvement company, Clark & Son Construction, to scam victims into paying for work that is never performed." Ex. 9.
3. Below this statement was a photograph of Demetro and Clark & Sons' business card and Demetro's social security number.
4. Pochek submitted this statement to NABI.
5. NABI printed the above statements on their Logs section on or about the same date, which was then emailed to Regular NABI Members and posted on the NABI website.

6. The above statement negatively depicts the services sold by the business, Clark & Sons Construction.

7. The statement that Demetro, uses his home improvement company, Clark & Son Construction, to scam victims into paying for work that is never performed, is false as neither Demetro nor the company has "scammed" victims into paying for work and thereafter never performing.

6. A statement asserting that a business is routinely used to perpetrate "scams" and that the contracted home repairs are "never performed" calls into question the quality of services performed by Clark & Sons and same is done to inflict pecuniary harm and stop or detract from business.

9. The above statement is of such a nature that a reasonable person would believe that it would cause financial harm to Clark & Sons.

10. Defendants communicated the above statement intentionally, negligently or recklessly as:

- (a) Neither had factual support for the accusation that Demetro uses his business to perpetrate crimes, such as fraud;
- (b) Demetro does not have any convictions, guilty pleas or nole contender pleas for any home improvement fraud (or any fraud related to his business);
- (c) The term "uses" clearly communicates that Demetro perpetrates home improvement frauds through his business on an ongoing basis. per above. same is not accurate;
- (d) Both had access to state information and used same when obtaining information on Demetro, such as his social security number, but failed to check or accurately report the lack of a criminal record, for the type of crimes they alleged Demetro commits;
- (e) The Defendants selectively target "Gypsies" via this organization and its website, which is itself in violation of the Equal Protection Clauses of the NG and US Constitutions, but the constitutional violations are certainly exacerbated when the submitting officer and reporting NABI do not even ensure that truthful information is being provided for their Gypsy task force mission.

11. The above statement clearly harmful to plaintiff, because it alleges that he has committed criminal activity and further that he does so through the use of his business.

WHEREFORE, Plaintiff, Clark & Sons, request relief against Defendants, NABI, Pochek and JOHN DOE as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro.
- D. Attorneys' Fees; and,
- E. Any and all other relief the Court deems necessary or proper.

COUNT THREE,
DEFAMATION AND FALSE LIGHT
(DEMETRO V. NABI, JOHN DOE)

1. Plaintiff incorporates the above paragraphs as if stated forth in full.

2. The following statement was made by Defendant Sarnicki on March 30, 2012,

"[Clark] Demetro is involved in several scams involving Auto body work and Psychic readings." Ex. 8.

3. Above this statement was the heading a photograph of Demetro his social security number.

4. Upon information and belief, Sarnicki submitted this statement to NABI on or before March 30, 2012.

5. NABI printed the above statements on their website section on or about the same date, communicating them to NABI members.

6. The statements are still available on the NABI website, constitute multiple publications as they are continually available and accessed on the restricted portion of the website on or after one year from the filing date of this Complaint.

7. The above statement is false, because Demetro has never even been indicted nor convicted for crimes involving any auto body "scams" or related to psychic readings.

8. Defendants communicated the above statement intentionally, negligently or recklessly as:

- (a) Neither had factual support for the accusation that Demetro uses his business to perpetrate crimes, such as fraud;
- (b) Demetro does not have any convictions, guilty pleas or nole contender pleas for any home improvement fraud (or any fraud related to his business);
- (c) The term "uses" clearly communicates that Demetro perpetrates home improvement frauds through his business on an ongoing basis, per above, same is not accurate;
- (d) Both had access to state information and used same when obtaining information on Demetro, such as his social security number, but failed to check or accurately report the lack of a criminal record, for the type of crimes they alleged Demetro commits;
- (e) The Defendants selectively target "Gypsies" via this organization and its website, which is itself in violation of the Equal Protection Clauses of the NJ and US Constitutions, but the constitutional violations are certainly exacerbated when the submitting officer and reporting NABI do not even ensure that truthful information is being provided for their Gypsy task force mission.

9. The above statement clearly harmful to plaintiff, because it alleges that Demetro has committed crimes.

WHEREFORE, Plaintiff, Demetro, request relief against Defendants, NABI and JOHN DOE as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro.
- D. Attorneys' Fees; and,
- E. Any and all other relief the Court deems necessary or proper.

COUNT FOUR,
DEFAMATION AND FALSE LIGHT
(DEMETRO V. NABI)

1. Plaintiff incorporates the above paragraphs as if stated forth in full.

2. The following statement was made by Defendant Sgro on April 12, 2002,

"[Clark] Demetro has an extensive record for assaulting police and resisting arrest when police are called to domestic situations involving him." Ex. 7.

3. Below this statement was a photograph of Demetro and Clark & Sons' business card and Demetro's social security number.

4. Upon information and belief, Officer Sgro submitted this statement to NABI.

5. NABI printed the above statements on their website section on or about the same date, communicating them to NABI members.

6. The statements are still available on the NABI website, constitute multiple publications as they are continually available and accessed on the restricted portion of the website on or after one year from the filing date of this Complaint.

7. The above statement is false, because Demetro does not have a record for assaulting police and does not have any criminal conviction, guilty plea or plea of nolo contendere for assaulting the police (or any similar crime).

8. Defendants communicated the above statement intentionally, negligently or recklessly as:

(a) Neither had factual support for the accusation that Demetro uses his business to perpetrate crimes, such as fraud;

(b) Demetro does not have any convictions, guilty pleas or nolo contender pleas for any home improvement fraud (or any fraud related to his business);

(c) The term "uses" clearly communicates that Demetro perpetrates home improvement frauds through his business on an ongoing basis, per above, same is not accurate;

(d) Both had access to state information and used same when obtaining information on Demetro, such as his social security number, but failed to check or accurately report the lack of a criminal record, for the type of crimes they alleged Demetro commits;

(e) The Defendants selectively target "Gypsies" via this organization and its website, which is itself in violation of the Equal Protection Clauses of the NJ and US Constitutions, but the constitutional violations are certainly exacerbated when the submitting officer and reporting NABI do not even ensure that truthful information is being provided for their Gypsy task force mission.

9. The statement relating to "domestic violence" paints Demetro in a false light as he was predominantly the victim of the domestic violence incidences that the police were called to investigate in the 1990s and said statement, especially in the context of allegations of police assault and overall criminal activity, indicates he was the abuser.

10. Demetro has never been indicted, nevertheless convicted, of any domestic violent incident

11. The above statement clearly harmful to plaintiff, because it alleges that Demetro has committed crimes of violence and that he is violent in relation to police.

WHEREFORE, Plaintiff, Demetro, request relief against Defendant, NABI, as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro.
- D. Attorneys' Fees; and
- E. Any and all other relief the Court deems necessary or proper.

COUNT FIVE

42 U.S.C. 1983, N.J.S.A., N.J.S.A. 10:6-1, et seq.

DEFAMATION AND FALSE LIGHT

(DEMETRO V. NABI AND POCHER)

1. Plaintiff incorporates the above paragraphs as if stated forth in full.

2. At all relevant times, the Defendants were acting under color of state law and was utilizing state resources and was acting for the purpose of a task primarily performed by the State (task force/prosecution etc.) and through a misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law.

3. The above statements caused a stigma to Demetro and his reputation to a degree that triggers the liberty interests afforded by the NJ and US Constitutions, because the statements, which are communicated to law enforcement members, accuse Demetro of having a record of committing not only violent crimes, but violent crimes against police officers.

4. Communications of the above statements deprived Demetro of his liberty interest in his reputation, without due process of law.

5. At the time the communications were made, a reasonable officer would have known that communicating false statements that a person has a criminal record for assaulting police officers and/or distributing confidential information about an arrestee, especially when said statements are made to police officers, without affording Demetro any due process, would violate the due process clauses of the NJ and US Constitutions.

6. Plaintiff, Demetro was treated differently than other similarly situated persons, of non-Gypsy origin, based on his classification as a member of the Gypsy race; and NABI and its law enforcement members' belief that classification as a Gypsy relates to the individual's propensity to commit crimes.

7. If Demetro was not Gypsy, he would not be continuously included on NABI and targeted by the law enforcement members of NABI, who have charged him approximately 26 times for crimes over the past 15 years; he would not be falsely accused of having a criminal record of violence.

8. Selectively targeting persons because of their race violates the NJ and US Constitution's Equal Protection Clauses.

9. Defendant was damaged by the false statements and continual profiling of him on NABI based on his race.

WHEREFORE, Plaintiff, Demetro, request relief against Defendant, NABI, jointly and severally, as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro;
- D. Attorneys' Fees; and,
- E. Any and all other relief the Court deems necessary or proper.

COUNT SIX

Violations the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. and of the provisions of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

(CLARK DEMETRO v. ROBERT POCHKEK, TOWNSHIP OF WOODBRIDGE AND NABI)

1. The above paragraphs are incorporated herein by reference as if stated in full.
2. Defendant Robert Pochek is a police officer and is therefore a place of accommodation as defined by New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq.
3. Defendant Township of Woodbridge (i.e. Woodbridge police station) is therefore a place of accommodation as defined by New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq.
4. At all relevant times, Defendants NABI, Robert Pochek and the Township of Woodbridge, were acting under color of state law, utilizing state resources and acting for the purposes historically and primarily performed by the State. Defendant NABI is therefore therefore a place of accommodation as defined by New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq. to the same extent as Defendants Pochek and Township of Woodbridge.
5. Defendants Robert Pochek and NABI discriminated against, harassed and selectively targeted "Gypsies", including Plaintiff, Clark Demetro, because of their Romani ethnicity/national origin/race.
6. If Plaintiff, Clark Demetro, was not a "Gypsy" he would not be repeatedly targeted, included on the NABI web-site and falsely accused of criminal conduct and behavior.

7. Defendants Robert Pochek and NABI accessed state information in order to perpetrate this discrimination and harassment, including, without limitation, Plaintiff's photograph, date of birth, proximate address, social security number, SSI number, FBI number and similar information.

8. Defendant Township of Woodbridge the municipality didn't deter and/or prevent these acts or otherwise failed to reasonably address such conduct of discrimination by Pochek.

9. Defendant Township of Woodbridge failed to adequately train, supervise and discipline Defendant Pochek and other police officers who engaged in the acts of selective enforcement and discrimination and harassment towards members of the public based upon their national origin/ethnicity/race of "Gypsie", including, Demetro and others profiled on NABI. Additionally, the Defendant Township of Woodbridge failed to implement practices, procedures and policies that would deter its police employees from discriminating based upon national origin/race/ethnicity as a "Gypsie".

10. The municipality's failure to adequately train, supervise and discipline Pochek and other police officers who engaged in the acts of discrimination towards members of the public based upon their ethnicity as a Romani is a proximate cause of the Plaintiff's injuries.

9. The acts of Discrimination and Harrassment detailed in this Complaint violated the NJLAD's right to public accommodation.

10. At all relevant times, the Defendants were acting under color of state law and was utilizing state resources and was acting for the purpose of a task primarily performed by the State (task force/prosecution etc) and through a misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law,

11. At all relevant times a reasonable officer would have known that engaging in discrimination because of Demetro's national origin/race/ethnicity would violate the NJLAD.

12. As a direct and proximate cause of the Defendant Pochek's discrimination and misconduct, Plaintiff has sustained injuries.

14. As a direct and proximate cause of the Defendant NABI's discrimination and misconduct, Plaintiff has sustained injuries.

15. As a direct and proximate cause of the failure of the Defendant Township of Woodbridge's failure to take appropriate and necessary actions to prevent Pochek's acts of discrimination and misconduct, Plaintiff has sustained injuries.

WHEREFORE, Plaintiff, Demetro, request relief against Defendants, NABI, Township of Woodbridge and Pochek and JOHN DOE as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro and accessing state information regarding Demetro for use outside that permitted by law.
- D. Attorneys' Fees; and,
- E. Any and all other relief the Court deems necessary or proper.

COUNT SEVEN,
42 U.S.C. 1985, N.J.S.A., N.J.S.A. 10:6-1, *et seq.*
CONSPIRACY
(DEMETRO AND CLARK & SONS CONSTRUCTION, INC.,
VS. NABI, JOHN DOE AND POCHKEK)

1. Plaintiff incorporates the above paragraphs as if stated forth in full.
2. The named Defendants conspired amongst themselves for the purpose of depriving Demetro of his constitutional rights to equal protection and equal privilege of the laws of the United States and the State of New Jersey and to violate the NJLAD and to injure Plaintiffs on account of Demetro's race as a Roman.

WHEREFORE, Plaintiffs, Demetro and Clark & Sons, request relief against Defendants, NABI, Pochek and JOHN DOE as follows:

- F. Compensatory Damages;
- G. Punitive Damages;
- H. Injunctive relief, including without limitation enjoining Defendants from posting or retaining any past posts relating to Demetro.
- I. Attorneys' Fees; and,
- J. Any and all other relief the Court deems necessary or proper.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, ALFONSE A. DE MEO, ESQ., is hereby designated as trial counsel for Plaintiffs in the above matter.

ALFONSE A. DE MEO ESQ., P.C.
ATTORNEYS FOR THE PLAINTIFFS

Dated: 11/19/15


ALFONSE A. DE MEO, ESQ.

CERTIFICATION OF NO OTHER ACTION

Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other Court or of a pending Arbitration Proceeding to the best of my knowledge or belief. Also, to the best of my belief, no other action or Arbitration Proceedings is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action.

In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended Certification if there is a change in the facts stated in this original Certification.

ALFONSE A. DE MEO ESQ., P.C.
ATTORNEYS FOR THE PLAINTIFFS

Dated: 11/19/15


ALFONSE A. DE MEO, ESQ.