

ANTHONY M. DeBARI, ESQUIRE - 028291995
705 Amboy Avenue
Woodbridge, New Jersey 07095
(732) 602-1999
Attorney for Plaintiff, MELANIE NAVEO

MELANIE NAVEO,

Plaintiff

v.

WALMART, ADAM KANE,
STEVEN CARABALI-PEREA, JESSICA PRINCE,
WOODBIDGE POLICE DEPARTMENT,
MARIO AOCHOA, ANTHONY STERLACCI,
A.B.C. COMPANIES (1-100)
(fictitious entities),
and JOHN DOES (1-100)
(fictitious persons),

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-MIDDLESEX COUNTY

DOCKET NO. MID-L-006542-17

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, MELANIE NAVEO, by way of complaint against the Defendants, says:

FIRST COUNT

1. At all times relevant to the matters set forth herein, the Plaintiff, MELANIE NAVEO, resides at 275 Chelsea Street, Staten Island, New York.
2. At all times relevant to the matters set forth herein, the Defendant, WALMART, has its principal place of business at 702 S.W. Eighth Street, Bentonville, Arkansas, and owns a store at 360 U.S. Highway 9 Route N, Woodbridge, New Jersey (heretofore referred to as "Woodbridge Walmart"). At all times relevant herein, Defendants, ADAM KANE, STEVEN CARABALI-PEREA and JESSICA PRINCE were employees of the Woodbridge Walmart.
3. At all times relevant to the matters set forth herein, the Defendants, MARIO AOCHOA and ANTHONY STERLACCI were employees and members of the WOODBRIDGE POLICE DEPARTMENT, with its headquarters located at 1 Main Street, Woodbridge, New Jersey.

4. On November 6, 2015, defendants wrongfully, unlawfully, maliciously, and without any warrant or pretense of legal process, caused Plaintiff to be detained and confined for seven days.
5. By reason of defendants' actions, plaintiff was deprived of her liberty, and was made physically, mentally and emotionally ill, was subject to embarrassment, and was otherwise greatly injured.

WHEREFORE, Plaintiff demands judgment against the Defendants, individually, jointly and severally, for damages, interest, together with costs, attorney fees and such other further relief as the Court may deem just and appropriate.

SECOND COUNT

6. Plaintiff repeats the allegation contained in the First Count.
7. On or about November 6, 2015, Defendants improperly caused criminal complaints to be issued against Plaintiff, which complaints had no basis in fact or law and were issued maliciously and with the motivation to falsely arrest, detain and imprison Plaintiff and which complaints falsely accused Plaintiff of shoplifting, assault and resisting arrest.
8. On said date, Plaintiff was falsely arrested, detained and imprisoned by the Woodbridge Police Department based on the false charges by Defendants.
9. The conduct of Defendants acting individually and in conspiracy with others and each other, resulted in Plaintiff being falsely, maliciously and unlawfully arrested and detained and thereby deprived Plaintiff of her right to be free from unreasonable and unlawful seizure of her person, of her right to equal protection under the law and to her right to due process of law in violation of the laws of the State of New Jersey
10. All of the acts described above were undertaken in a willful and malicious manner, with an immoral purpose, to injure the reputation, standing and integrity of Plaintiff, to her detriment. Defendants are, therefore, liable to Plaintiff for punitive damages in addition to compensatory damages.
11. As a direct and proximate result of Defendants' actions as described above, and particularly of their willful, intentional, false, malicious, reckless, or grossly negligent

actions in arresting, detaining and imprisoning Plaintiff, Plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to her reputation and standing in the community, was forced to undergo the rigors and strain of false arrest, detention and imprisonment and has otherwise been damaged and injured in diverse other manners, to her great detriment.

WHEREFORE, Plaintiff demands judgment against the Defendants, individually, jointly and severally, for damages, both compensatory and punitive, together with interest, costs, attorney fees and such other further relief as the Court may deem just and appropriate.

THIRD COUNT

12. Plaintiff repeats the allegation contained in the First and Second Counts.
13. As a result of the false charges filed against Plaintiff by Defendants as described above, Plaintiff was compelled to retain the services of an attorney to represent and defend her on the charges.
14. Following Plaintiff's release on bail, all of the charges which had been brought by these Defendants were dismissed without a trial.
15. There was no reasonable or probable cause for the charges or prosecution of Plaintiff by Defendants and Defendants knew or should have known this to be the case both prior and subsequent to the false arrest, detention, imprisonment and prosecution of Plaintiff.
16. As a direct and proximate result of Defendants' actions as described above, and particularly of their willful, intentional, false, malicious, reckless, or grossly negligent actions, in arresting, detaining and imprisoning Plaintiff, Plaintiff has suffered severe physical and emotional stress and harm, was forced to undergo the rigors and strain of being incarcerated for seven days on false charges, with the resultant additional anxiety, loss of sleep and other damages, has been forced to incur extensive legal expenses in connection with the false charges, and has otherwise been damaged and injured in diverse other manners, to her great detriment.

WHEREFORE, Plaintiff demands judgment against the Defendants, individually, jointly and severally, for damages, both compensatory and punitive, together with interest, costs, attorney fees and such other further relief as the Court may deem just and appropriate.

FOURTH COUNT

17. Plaintiff repeats the allegation contained in the First, Second and Third Counts.
18. At all relevant times, Defendants, WALMART, WOODBRIDGE POLICE DEPARTMENT and A.B.C. COMPANIES were the employers of the individual defendants and the individual defendants were acting as their agents, servants and employees.
19. The entities failed to use reasonable care in the selection of their employees, agents and servants, failed to properly train and supervise the individual defendants and failed to provide appropriate safeguards to prevent the false arrest, detention, imprisonment and malicious prosecution of Plaintiff.
20. The entities acted under color of law pursuant to the official policy or custom and practice of the entity and intentionally, knowingly, recklessly or with deliberate indifference, failed to properly and adequately control and discipline on a continuing basis the individual defendants in the performance of their duties and otherwise failed to refrain the individual defendants from unlawfully and maliciously conspiring to cause the false arrest and malicious prosecution of Plaintiff in violation of the rights, privileges and immunities guaranteed to Plaintiff by the Constitution and laws of the State of New Jersey.
21. The defendant entities had knowledge of, or had they diligently exercised their duties to instruct, supervise, control and discipline the individual defendants on a continuing basis, should have had knowledge of, the wrongs that were done as alleged above and intentionally, knowingly or with deliberate indifference to Plaintiff's rights, failed or refused to prevent their commission.
22. Defendants, directly or indirectly and under color of law, thereby approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of the individual defendants. As a direct and proximate result of Defendants' actions or inactions as

described above, Plaintiff has suffered severe physical and emotional stress and harm, was forced to undergo the rigors and strain of being incarcerated for seven days on false charges, with the resultant additional anxiety, loss of sleep and other damages, has been forced to incur extensive legal expenses in connection with the false charges, and has otherwise been damaged and injured in diverse other manners, to her great detriment.

WHEREFORE, Plaintiff demands judgment against the Defendants, WALMART, WOODBRIDGE POLICE DEPARTMENT, and A.B.C. COMPANIES, for damages, both compensatory and punitive, together with interest, costs, attorney fees and such other further relief as the Court may deem just and appropriate.

FIFTH COUNT

23. Plaintiff repeats the allegation contained in the First, Second, Third and Fourth Counts.
24. As a result of the false and defamatory statements made by Defendants, Plaintiff has been incarcerated, injured in her good name, reputation, and credit, and has been brought into public disgrace and infamy amongst her neighbors, her community, and her professional colleagues and peers.
25. The damages to Plaintiff's reputation and good name have caused her to suffer loss of income, substantial pain and suffering and emotional distress.

SIXTH COUNT

26. Plaintiff repeats the allegation contained in the First, Second, Third, Fourth and Fifth Counts.
27. Defendants, WOODBRIDGE POLICE DEPARTMENT, MARIO AOCHOA, ANTHONY STERLACCI, and JOHN DOES, committed the intentional tort of assault and battery, resulting in serious physical, mental and emotional injury to Plaintiff.

WHEREFORE, Plaintiff demands judgment against these Defendants, jointly and severally, for damages, both compensatory and punitive, together with interest, costs, attorney fees and such other further relief as the Court may deem just and appropriate.

SEVENTH COUNT

28. Plaintiff repeats the allegation contained in the First, Second, Third, Fourth, Fifth and Sixth Counts.

29. Defendants' conduct toward Plaintiff constitutes the tort of outrage and/or infliction of emotional harm, resulting in serious injury to Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for damages, both compensatory and punitive, together with interest, costs, attorney fees and such other further relief as the Court may deem just and appropriate

LAW OFFICES OF ANTHONY M. DeBARI
Attorney for Plaintiff

By: s/Anthony M. DeBari
ANTHONY M. DeBARI

Dated: November 3, 2015

JURY DEMAND

The Plaintiff hereby demands a trial by jury on all of the triable issues of this Complaint, pursuant to Rule 1:8-2(b) and Rule 4:35-1(a).

LAW OFFICES OF ANTHONY M. DeBARI
Attorney for Plaintiff

By: s/Anthony M. DeBari
ANTHONY M. DeBARI

Dated: November 3, 2015

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Anthony M. DeBari, is hereby designated as trial counsel for Plaintiff in the above-captioned matter.

LAW OFFICES OF ANTHONY M. DeBARI
Attorney for Plaintiff

By: s/Anthony M. DeBari
ANTHONY M. DeBARI

Dated: November 3, 2015

CERTIFICATION OF NON-PENDENCY

Pursuant to Rule 4:5-1, I hereby certify that to the best of my knowledge, the above captioned matter is not the subject of any other pending action in any Court or of a pending arbitration proceeding. I hereby certify that no other action or arbitration is being contemplated by Plaintiff. Other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action.

LAW OFFICES OF ANTHONY M. DeBARI
Attorney for Plaintiff

By: s/Anthony M. DeBari
ANTHONY M. DeBARI

Dated: November 3, 2015